

Hiring Temporary Foreign Workers - New Employer Compliance Requirements!

Canada's Temporary Foreign Worker Program (TFWP) has recently found itself at the centre of much controversy due to the alleged abuse of the program by employers. As you may be aware, Canadians and permanent residents have first access to available jobs in Canada. The purpose of the TFWP, on the other hand, is to fill acute labour shortages.

In December 2013, important changes were made to the TFWP which will have an impact on organizations operating in Canada who employ / intend to employ temporary foreign workers. In an effort to ensure that the TFWP is not abused by employers, Employment and Social Development Canada (ESDC) requires that employers meet specific conditions to hire temporary foreign workers. These requirements are largely focused on the employer human resources commitments.

1. Examples of these conditions are:
 - The employer is in compliance with the laws that regulate employment and recruitment in the jurisdiction in which the foreign worker is employed. In other words, employers must demonstrate compliance with employment legislation such as employment standards and occupational health and safety.
 - The employer has made reasonable efforts to provide a workplace that is free of abuse (physical, sexual, psychological and financial) including demonstrating the employer has established the applicable policies such as respect in the workplace policies including a complaint mechanism.
 - The employer has met any specific agreed-to commitments made at the time the Labour Market Opinion was issued based, in part, on commitments set out in the foreign worker's employment agreement.

2. ESDC will conduct inspections to assess whether employers have upheld the conditions. Examples of ESDC's authority to ensure compliance are:
 - Require employers to provide documentation demonstrating compliance.
 - Conduct on-site visits without a warrant.

- Interview foreign workers.

In addition to the foregoing, various other changes have been made to the TFWP relating to employer human resources compliance. Please contact a Service Provider at e2r Solutions® to ensure that your organization is complying with these requirements correctly.

e2rsolutions.com

70 The Esplanade, Suite 401, Toronto, Ontario M5E 1R2

📞 416-867-3093 📠 416-867-1434 📞 1-866-327-7657

