

TEMPORARY FOREIGN WORKERS: YOUR RIGHTS ARE PROTECTED

WELCOME TO CANADA

In Canada, the rights of all workers are protected by law. It is important that you understand your rights while you are in Canada as a temporary foreign worker.

Here are a few things you need to know:

Your employer must:

- pay you for your work;
- ensure that your workplace is safe;
- give you break time and days off; and
- respect the terms of your
- written contract.

Your employer cannot:

- force you to perform duties that you
- were not hired or trained to do; • force you to work if you
- are sick or injured;
- take your passport or work permit
- away from you;
- have you deported from Canada or
- change your immigration status; or • make you pay them back for fees
- they paid to hire you.

Other laws that protect workers can be different depending on where you work in Canada. If you have questions about the laws that apply to you, please contact the employment standards office in the province or territory where you are working.

It is your right to contact these offices and visit these websites. You do not need anyone's permission and an employer cannot penalize you or have you deported for contacting them.

EMPLOYMENT CONTRACTS

For your protection, you must sign an employment contract with your employer.

A contract is a legal document that contains the details of the working conditions that both you and your employer have agreed to. Both of you must respect the conditions in this agreement.

The only exception is if you were hired as a high-wage temporary foreign worker. In this case, you are not required to have a contract, though it is still recommended to have one. If you do not know which category of worker you are, you can find this information in the Labour Market Impact Assessment letter and annex given to you by your employer to apply for your work permit.

WHAT SHOULD MY EMPLOYMENT CONTRACT COVER?

1. **Details about the job duties**

2. **Deductions from pay:** By law, employers must take certain deductions from your pay. This includes deductions for the Canada Pension Plan, Employment Insurance and income tax. Depending on your worker category, there may be other allowable deductions (for example, under the Seasonal Agricultural Workers Program, workers are charged a set amount per working day to cover utility costs).

3. **Conditions of employment:** Your contract should include the maximum number of hours you will work each day and each week for regular pay, break times, and days off. It should also state how much you will be paid per hour if you work more than the regular number of hours (overtime).

If you are hired as a temporary foreign worker in a low-wage position or under the Agricultural Stream, your employer must:

- pay for all your transportation costs to and from Canada;
- provide you with private health insurance until you are eligible for the provincial or territorial health insurance plan, so that you will not have to pay to see a doctor or to go to the hospital if you are sick or injured; and
- ensure you have a place to live.



AM I ALLOWED TO CHANGE EMPLOYERS?

Yes, you are allowed to change employers. Your employer cannot penalize or deport you for looking for another job. However, your work permit may only allow you to work for your current employer. Before accepting new employment, remember that your new employer will have to get permission from the Government of Canada to hire you as a temporary foreign worker. You will also need to apply for a new work permit before changing jobs. Workers under the Seasonal Agricultural Workers Program do not need to get a new work permit if they change employers.

WHAT HAPPENS IF I LOSE MY JOB?

Your employer has to give you advance notice before firing you or laying you off from your job. This is to give you time to look for a new job before being out of work. If they do not give you advance notice, they have to pay you for the notice you should have been given (called termination pay). The number of days of advance notice or the amount of termination pay you should get depends on the province or territory where you are working and how long you have worked for that employer.

However, if your employer can prove that they have a good reason to fire you, they may not have to give you notice or termination pay. For example, you could be fired without notice if you commit a crime such as theft or fraud, or if you lied about your qualifications when you were hired.

If you have concerns about your safety, or if you want to change employers because your employer is breaking the terms of your contract or not following the law, call the Service Canada Confidential Tip Line at 1-866-602-9448. You can leave an anonymous message to report your concerns. All calls are taken seriously and investigated to help protect you and your rights.

HEALTH AND SAFETY AT WORK

All workers in Canada have the right to a safe workplace. Canada has laws to protect workers from unsafe working conditions. While some jobs may have more risk than others, no one should feel that the work they are doing is unsafe.

If you believe your employer is not following the law, you have the right to complain to your provincial or territorial labour standards office. If you are a member of a union, you may also want to get advice from your union representative.



IS MY WORK SAFE?

Questions to ask yourself:

- Do I have the training I need to do my job and to operate the equipment or machinery that I am using?
- Do I have the right safety equipment to do the job?
- Has my employer made my workplace as safe as possible?

WHAT IF I AM ASKED TO DO DANGEROUS WORK?

You have the right to refuse to do work that you believe is a serious risk to your health or your safety. Your employer cannot force you to do work that you believe is dangerous. They cannot fire you or refuse to pay you. Your employer must investigate any danger that is reported in the workplace. You have the right to refuse to do the work until you and your employer agree that:

- the danger is removed;
- you have received the proper training; or
- the problem no longer exists.

WHAT IF MY EMPLOYER DOES NOT AGREE THAT THE WORK IS DANGEROUS?

If you and your employer do not agree, report the situation to the workplace health and safety office in your province or territory. You can refuse to do work that you feel is dangerous until a provincial or territorial official from the workplace health and safety office tells you that it is safe.

WHAT IF I AM INJURED AT WORK?

If you have an accident at work, tell your supervisor or employer as soon as possible. See a doctor immediately if you believe you may need medical help.

Provinces and territories may offer workers' compensation (medical or wage benefits) if you are hurt on the job or if your job causes you to get sick. If you do not yet qualify for the provincial or territorial health care plan, your employer should provide you with private health insurance until you are covered. Your employer is not allowed to deduct any money from your pay for private health insurance except if you are hired under the Seasonal Agricultural Worker Program.



ACCOMMODATION

If you are hired as a temporary foreign worker in a low-wage position, your employer must:

- ensure that suitable and affordable accommodation is available; or
- provide you with suitable accommodation at a price that you can afford; or
- offer you accommodation in their primary residence.

If you are a caregiver and live in your employer's primary residence, they cannot charge you for your rent or meals. Your employer must provide you with a private, furnished bedroom that:

- has a lock and a safety bolt on the inside, and a window; and
- meets safety standards of the municipality and the province or territory.

If you are a temporary farm worker hired under the Seasonal Agricultural Worker Program or the Agricultural Stream, accommodation details can be found in your employment contract signed by you and your employer.

HUMAN TRAFFICKING ARE YOU A VICTIM?

Unfortunately sometimes people who come to Canada from other countries as temporary workers are illegally exploited by their employers through forced labour or sexual exploitation. In Canada, this is called "trafficking in persons" or human trafficking. Victims of human trafficking are controlled by their employers and made to provide their labour or sexual services through intimidation, force, sexual assault and threats

of violence to themselves, their families or friends. It is a crime to exploit workers and the Government of Canada can help protect you if you think you might be a victim.

You might be a victim of human trafficking if you answer "yes" to any of these questions:

- Are you prevented from leaving your work location or your accommodation on your own?
- Has someone taken your passport or work permit away from you?
- Have you been physically, sexually or psychologically abused by your employer or someone connected to your employer?
- Has your employer or someone representing your employer threatened you or your family?
- Do you fear something bad will happen to you or to a family member if you leave your job?
- Did you pay high recruitment fees to come to work in Canada?
- Are you living in a group at your workplace, with poor living conditions (for example, you have no private space, you sleep in shared space or in inappropriate conditions)?
- Do you feel that you owe money to your employer for bringing you to Canada?
- Has your employer or someone representing your employer asked for a portion of your paycheque back in cash?



Some of the ways that human traffickers control their victims:

- Making promises about employment, travel, living conditions or treatment;
- Promising to provide immigration and travel documents;
- Making offers that sound too good to be true;
- Threatening to harm the worker or the worker's family;
- Involving workers in criminal activities;
- Moving workers from workplace to workplace against their will or forcing them into prostitution;
- Coaching workers on how to mislead authorities.

PROTECTION AND HELP FOR VICTIMS OF HUMAN TRAFFICKING

If you think that you are a victim of human trafficking, or you suspect or know of human trafficking activity, call 9-1-1 or your local police. To anonymously report a case of trafficking, call Crime Stoppers National Tipline at **1-800-222-TIPS(8477)**.

The Government of Canada can help you if you are a victim of human trafficking by giving you a special temporary resident permit. This will allow you to receive health care and to apply for an open work permit. You will not need to testify against your trafficker or pay a fee to receive this help. You can contact the closest Immigration, Refugees and Citizenship Canada (IRCC) office or the Royal Canadian Mounted Police (RCMP). To find the closest IRCC office, call IRCC toll-free at **1-888-242-2100** (from within Canada only). If you visit an office in person, IRCC can assess your application faster. To find the closest RCMP detachment for human trafficking, call the Royal Canadian Mounted Police Human Trafficking National Coordination Centre toll-free at **1-855-850-4640**.

WORKPLACE HEALTH AND SAFETY OFFICES

(call if you have been asked to do dangerous work or if conditions at your workplace are unsafe)

- Alberta: 1-866-415-8690
- British Columbia: 1-888-621-7233
- Manitoba: 1-855-957-7233
- New Brunswick: 1-800-222-9775
- Newfoundland and Labrador: 1-800-563-5471
- Northwest Territories: 1-800-661-0792
- Nova Scotia: 1-800-952-2687
- Nunavut: 1-877-404-4407
- Ontario: 1-877-202-0008
- Prince Edward Island: 1-800-237-5049
- Quebec: 1-844-838-0808 ;Saskatchewan: 1-800-567-7233
- Yukon: 1-800-661-0443

EMPLOYMENT STANDARDS OFFICES

(call if you have a problem with your pay, your hours of work, or if you are being treated unfairly at work)

- Alberta: 1-877-427-3731
- British Columbia: 1-800-663-3316
- Manitoba: 1-800-821-4307
- New Brunswick: 1-888-452-2687
- Newfoundland and Labrador: 1-877-563-1063
- Northwest Territories: 1-888-700-5707
- Nova Scotia: 1-888-315-0110
- Nunavut: 1-877-806-8402
- Ontario: 1-800-531-5551
- Prince Edward Island: 1-800-333-4362
- Quebec: 1-800-265-1414
- Saskatchewan: 1-800-667-1783
- Yukon: 1-800-661-0408, extension 5944

OTHER RESOURCES

- If you are in need of urgent help, call **9-1-1** for emergency services.
- To anonymously report abuse of the Temporary Foreign Worker Program:
- Service Canada Confidential Tip Line: **1-866-602-9448** or use the **Online Fraud Reporting Tool**.
- For information on **working in Canada**:
- Immigration, Refugee, and Citizenship Canada: **1-888-242-2100**
- For information on the enforcement of Canadian immigration laws:
- **Canada Border Services Agency: 1-800-461-9999**
- **Service Canada:** (visit to apply for a social insurance number and receive a variety of services)
- For general information on Government of Canada services: **1-800-O-Canada (1-800-622-6232)**.
- To make an anonymous report about a crime or potential crime, call **Crime Stoppers at 1-800-222-8477**.

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