

## Temporary Foreign Worker Program

# Temporary foreign workers Your rights are protected

In Canada, the rights of all workers, including **temporary foreign workers**, are protected by law. If you are a temporary foreign worker, you have the same rights and protections as Canadians and permanent residents.

### Your rights

#### Your employer must:

- ▶ give you information about your rights
- ▶ give you a signed copy of your employment agreement on or before the first day of work
- ▶ pay you for your work as stated in your employment agreement. This includes overtime work if it is included as part of your agreement
- ▶ make reasonable efforts to provide you with a workplace free of abuse, including reprisals
- ▶ follow the employment and recruitment standards of the province or territory where you work
- ▶ get and pay for private health insurance that covers your emergency medical care until you are eligible for provincial or territorial health insurance coverage (see the Health care insurance section for exceptions)
- ▶ make reasonable efforts to give you access to health care services if you are injured or become ill at the workplace

#### Your employer cannot:

- ▶ force you to perform unsafe work or work that your employment agreement does not authorize you to do
- ▶ force you to work if you are sick or injured
- ▶ pressure or force you to work overtime not included in your employment agreement
- ▶ punish you for reporting mistreatment, unsafe work, inadequate housing or for cooperating with an inspection by a government employee
- ▶ take your passport or work permit away from you
- ▶ deport you from Canada or change your immigration status
- ▶ make you reimburse recruitment-related fees they may have paid to hire you



Employment and  
Social Development Canada

Emploi et  
Développement social Canada

Canada

## ► Your employment agreement

On or before your first day of work, your employer must give you a copy of your employment agreement. It must be in English or French (your chosen official language while in Canada). Both you and your employer must sign this agreement. The employment agreement must refer to the same occupation, wages and working conditions as those outlined in your offer of employment.

## ► Access to health care services

You do not need your employer's permission to seek health care. In most cases you do not have to pay to see a doctor or for hospital care in Canada.

### Provincial or Territorial health care insurance

You will have access to free health care under the health insurance system of the province or territory where you are working. However, when you first arrive in Canada, it may take some time before you are covered by the provincial or territorial health insurance system. Your employer shall help you set up health insurance coverage as required by your province or territory.

### Private health insurance

If there is a period where you are not covered by the provincial or territorial health insurance where you are working, your employer must obtain and pay for your private health insurance that covers emergency medical care. Your employer cannot deduct any money from your pay for this private health insurance.

If you are a seasonal agricultural worker from Mexico or the Caribbean, this does not apply to you, since agreements between these countries and Canada include provision of health insurance.

## ► If you are injured or become ill at your workplace

Tell your supervisor or employer as soon as possible and get medical attention as quickly as possible. Your employer must make reasonable efforts to provide access to a health care provider (like a doctor, nurse or pharmacist) by, for example:

- giving you time off to seek medical attention
- ensuring there is a phone available to call emergency services
- giving you information on what to do and where to go to get health care
- helping you get transportation to the health care provider

Your employer is not required to pay for your transportation to get to a hospital, clinic, doctor or other health care service. (See **Health care insurance** section for exceptions for seasonal agricultural workers.)

You have the right to speak privately with a health care provider, without your employer.



## ► Health and safety at work

Your employer cannot force you to do work that you think is dangerous. They cannot fire you or refuse to pay you. Your employer must look into 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 equipment and training; and
- the problem no longer exists.

### **Your employer must:**

- follow the employment laws;
- train you to do your job safely, including how to safely operate any equipment or machinery; and
- give you protective equipment and appropriate training if your job requires you to use pesticides/ chemical products. Your employer must not deduct any money from your pay for this equipment or training. You must learn to properly use this equipment.

Most provinces and territories offer workers' compensation benefits (payments to make up for lost wages) when workers are injured or sick because of their work.

- It is against the law for your employer to stop you from making a workers' compensation claim.
- In some provinces and territories, employers must get and pay for workplace safety insurance. Your employer must not deduct any money from your pay for this.
- If you and your employer disagree about a health and safety issue, report the situation to the workplace health and safety office in your province or territory (see contacts below).

## ► Workplace free of abuse

Employers must make reasonable efforts to provide a workplace that is free of abuse. Your employer or anyone acting on behalf of your employer can not abuse you, physically, sexually, psychologically or financially.

Abuse includes reprisals such as actions or threats of demotion, disciplinary measures or dismissal due to reporting your employer for non-compliance. Any behaviour that scares, controls or isolates you could be abuse.

### **Some examples of abuse:**

- physical harm;
- threats, insults;
- forcing you to work in a way that's unsafe or risky to your health;
- unwanted sexual touching;
- controlling where you can go or who you can see;
- stealing from you;
- taking any or all of the money you are owed;
- taking and refusing to return your passport, work permit, or other identification;
- forcing you to commit fraud; and
- firing, threatening or disciplining you for complaining about your working conditions or abuse, or for participating in an inspection by a government employee.

To report an abusive situation, contact the Service Canada confidential tip line at 1-866-602-9448. **If you need help right away, call 9-1-1 or your local police.**

### ► If you lose your job

Your employer should provide reasonable notice before laying you off. If they do not, they must pay you termination pay. The amount is based on how long you have been working and in which province or territory you are working.

If you lose your job through no fault of your own, or if you leave your job because you are being abused, you may qualify to receive Employment Insurance benefits.

For information about Employment Insurance visit the [EI regular benefits](#) page.

### ► Changing employers

You are allowed to change employers. However, your work permit may only allow you to work for your current employer, so you may need to apply for a [new work permit](#) before you can start working for a different employer. Also, your new employer must get permission from the Government of Canada to hire you as a temporary foreign worker. They may have to re-apply for a [Labour Market Impact Assessment](#).

If you are a seasonal agricultural worker, you may be able to change employers without getting a new work permit.

You can use the Government of Canada [Job Bank](#) to search for jobs with Canadian employers who want to hire temporary foreign workers. The job posting will say if the employer has already applied for or received a positive Labour Market Impact Assessment. The employer needs this to hire a temporary foreign worker.

## Housing rights

### ► Workers in the Low-Wage and Primary Agriculture streams

If you are a low-wage or primary agriculture worker, your employer must ensure that adequate, suitable and affordable housing is available to you. Your employer can deduct money from your pay for housing and costs such as water and electricity. However, there are some limitations based on your program stream.

### ► Workers in the Seasonal Agricultural Worker Program

If you are employed through the Seasonal Agricultural Worker Program, your employer must provide adequate housing at no cost to you (except in British Columbia where employers can deduct from your pay for accommodations). All pay deductions should be listed in your employment agreement. Deductions which are allowed vary by province. If you are from [Mexico](#) or the [Caribbean](#), the cost of housing and utilities must be in your signed employment agreement.



## ► Adequate housing

The place where you live should meet provincial/territorial and municipal legislations including:

- be safe (free of hazards);
- not be overcrowded;
- be in good condition and protect you from the weather;
- have a working fire extinguisher and smoke detectors;

- have proper ventilation;
- have functioning toilets, hand-washing sinks and showers that work properly and offer privacy; and
- have a constant supply of hot and cold drinking water.

If there is a problem with your housing, report it by calling the Service Canada confidential tip line at 1-866-602-9448.

## How to get help

If your employer is breaking the rules of the Temporary Foreign Worker Program, or is abusing you or someone you know, **you should report it.**

## ► Call Service Canada's tip line: 1-866-602-9448

- This service is confidential. Service Canada will not tell your employer you called.
- You can talk to a Service Canada agent in one of more than 200 languages.
- You can leave an anonymous message to report your concerns. All calls are taken seriously and may be investigated.

You can also report **abuse** to Service Canada using this [online form](#).

## ► Changing jobs due to abuse or risk of abuse

If you think you are being abused or at risk of being abused, you may be eligible to **apply for an open work permit for vulnerable workers**. An open work permit lets you change jobs by giving you permission to work for almost any employer in Canada. More information is available on the page for [vulnerable foreign workers who are victims of abuse](#).

## ► Getting assistance from a support organization for migrant workers

### ► British Columbia:

- The [Community Airport Newcomers Network](#) will welcome you at Vancouver International Airport and offer you an orientation session: (604) 270-0077
- [MOSAIC](#) offers a variety of services and can connect you with support organizations near you: (604) 254-9626
- [DIVERSEcity Community Resources Society](#) does not provide direct services to migrant workers but works through networks and partnerships: (604) 547-1240

► **Alberta, Saskatchewan and Manitoba:**

- The [Calgary Catholic Immigration Society \(CCIS\)](#) offers a variety of services to migrant workers at the Calgary International Airport (YYC) and can connect you with support organizations near you: 1-888-331-1110

► **Ontario:**

- [Polycultural Immigrant and Community Services](#) will welcome you at Toronto Pearson International Airport (YYZ): 1-844-493-5839 ext. 2266
- [TNO-The Neighbourhood Organization](#) offers you a variety of services and can connect you with support organizations near you: (647) 296-0161
- [Workforce WindsorEssex](#) supports you through a community co-ordinated strategy: (226) 774-5829

► **Quebec:**

- [Immigrant Québec](#) has a website for temporary foreign workers. A list of support organizations is included under the tab "Who can help?"

► **New Brunswick, Nova Scotia and Prince Edward Island:**

- [The Atlantic Region Association of Immigrant Serving Agencies \(ARAISA\)](#) can connect you with support organizations near you: 1-902-431-3203

► **Newfoundland and Labrador:**

- [The Association for New Canadians \(ANC\)](#) is supporting migrant workers and can offer support near you: 1-833-316-5839 or 1-833-31NLTFW

► **Reporting a workplace health or safety problem**

Contact your provincial or territorial workplace health and safety office if:

- you have been asked to perform dangerous work
- conditions at work are unsafe
- you have been injured or sick because of your work

**Provincial and territorial workplace health and safety offices:**

- [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

► **Reporting other employment problems**

If you think that you are not being properly paid, treated unfairly, or if your employer is not respecting your employment agreement, contact your provincial or territorial employment standards office:

- [Alberta](#): 1-877-427-3731
- [British Columbia](#): 1-833-236-3700
- [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



## ► Employees working in the federally regulated sector

Most industries in Canada are regulated by provincial or territorial governments, but some are regulated by the federal

government. If your workplace is federally regulated, you can make a complaint [online](#) or by calling 1-800-641-4049. You can refer to the [list of federally regulated industries and workplaces](#).

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## Protection and help for victims of human trafficking

If you think you are a victim of human trafficking, or you suspect or know of human trafficking activity, call:

- the [Canadian Human Trafficking Hotline](#) at 1-833-900-1010 to be connected with support services or law enforcement in your community; or
- Service Canada's confidential tip line at 1-866-602-9448