

## Temporary foreign workers **Your rights are protected**

In Canada, the rights of all workers, including temporary foreign workers (TFWs) are protected by law. If you're a TFW, 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's 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're eligible for provincial or territorial health insurance coverage (consult the Access to health care services section for exceptions)
- ▶ make reasonable efforts to give you access to health care services if you're injured or become ill at the workplace

#### **Your employer can't:**

- ▶ force you to perform unsafe work or work that your employment agreement doesn't authorize you to do
- ▶ force you to work if you're 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



## ▶ 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 don't need your employer's permission to seek health care. In most cases you don't have to pay to see a doctor or for hospital care in Canada.

### **Provincial or territorial health care insurance**

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

### **Private health insurance**

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

If you're a seasonal agricultural worker from [Mexico](#) or the [Caribbean](#), this doesn't apply to you, since agreements between these countries and Canada include provision of health insurance.

## ▶ If you're 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 isn't required to pay for your transportation to get to a hospital, clinic, doctor or other health care service. Consult the Private health 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 can't force you to do work that you think is dangerous. They can't fire you or refuse to pay you. Your employer must look into any danger that's 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
- ▶ 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
- ▶ 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's 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 (consult the Reporting a workplace health or safety problem section)

## ▶ Workplace free of abuse

Employers must make reasonable efforts to provide a workplace that's free of abuse. Your employer or anyone acting on behalf of your employer (for example, your supervisor) can't 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
- ▶ demanding sexual favours so you can keep your job or return the following year
- ▶ controlling where you can go or who you can see
- ▶ stealing from you
- ▶ taking any or all of the money you're owed
- ▶ taking and refusing to return your passport, work permit or other identification
- ▶ forcing you to commit fraud
- ▶ firing, threatening or disciplining you for complaining about your working conditions or abuse or for participating in an inspection by a government employee
- ▶ firing you, making you or threatening to make you leave Canada or pressuring you to have an abortion if you're pregnant

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 don't, they must pay you termination pay. The amount is based on how long you have been working and in which province or territory you're working.

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

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

## ► Changing employers

You're 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 TFW. They'll need to have a valid [Labour Market Impact Assessment \(LMIA\)](#).

If you're an agricultural worker under the Seasonal Agricultural Worker Program (SAWP), you may be able to change employers without getting a new work permit. To find out if you're a SAWP worker, look at your work permit: the words "Approved MEX/CCSAWP employer only" will be written in the bottom remarks. Consult your signed employment contract on how your transfer across SAWP employers can be completed.

If you change jobs without following the steps above, you may be working without authorization. This can have serious repercussions and can result in a removal order, which means you must leave the country.

You can use the Government of Canada Job Bank to [search for jobs with Canadian employers who want to hire TFWs](#). The job posting will say if the employer has already applied for or received a positive LMIA. The employer needs this to hire a TFW.

# Housing rights

## ► Workers in the low-wage and primary agriculture streams

If you're 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're employed through the SAWP, 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. Allowed deductions vary by province. If you're 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
- ▶ have a constant supply of hot and cold drinking water

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

## How to get help

### ▶ Reporting abuse

If your employer is breaking the rules of the TFWP, or is abusing you or someone you know, **you should report it.**

Call Service Canada's tip line at 1-866-602-9448.

- ▶ This service is confidential. Service Canada won't 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 lead to an investigation

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

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

If you think you're 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.

### ▶ 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](#) doesn't 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 coordinated strategy: 226-774-5829
- ▶ **Quebec**
  - [Immigrant Québec](#) has a website for TFWs. A list of support organizations is included under the “Who can help?” tab
- ▶ **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: 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’ve been asked to perform dangerous work
- ▶ conditions at work are unsafe
- ▶ you’ve been injured or sick because of your work
- ▶ you’re pregnant and the nature of your work may jeopardize your pregnancy

## 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’re not being properly paid, treated unfairly or if your employer isn’t 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 ext. 5944

## ► **Employees working in a 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're 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