

Human Resources Legislative Update

Federal Government Amends Temporary Foreign Worker Regulations

Date: January 6, 2014

Further to the federal government's [Budget 2013 commitment](#), regulatory amendments under the *Immigration and Refugee Protection Act* were published on January 1, 2014. The [Regulations Amending the Immigration and Refugee Protection Regulations](#) ("Regulations") implement a new compliance verification and enforcement regime, including enhanced Citizenship and Immigration Canada ("CIC") and Employment and Social Development Canada ("ESDC," formerly Human Resources and Skills Development Canada) powers to verify employer compliance with Temporary Foreign Worker Program ("TFWP") requirements.

Among other things, the amendments:

- extend the existing two-year compliance verification period in respect of the wages, working conditions and occupation provided to previously employed Temporary Foreign Workers ("TFWs") at the time of a new labour market opinion ("LMO") or work permit application to six years;
- authorize the government to conduct inspections for a period of six years in order to verify compliance with the TFWP, and verify the accuracy of information provided by the employer;
- require employers to retain compliance documentation for a six-year period, commencing on the first day of the period of employment for which a work permit is issued;
- deny access to the TFWP to non-compliant employers who fail to provide adequate justification during the specified period, and add those employers to an ineligibility "black list" posted publicly on CIC's website;
- enhance the criteria for assessing LMO and work permit applications;
- provide the government with the authority to revoke or suspend LMOs, or refuse to process LMO applications, and to revoke and refuse to process work permits in certain situations; and
- provide increased protection of vulnerable TFWs from exploitation and abuse.

In addition to the Regulations, [new Ministerial Instructions](#) regarding LMOs issued by the federal government are now also in force [effective December 31, 2013](#).

The government's News Release and background information is available [here](#).