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Canada – Regs Aim to Foster Employer Compliance with Foreign Worker Programs

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New Canadian regulations¹ coming into force on December 1, 2015, will further the government's efforts (1) to encourage employers' compliance with the conditions of the Temporary Foreign Worker Program / International Mobility Program and (2) to deter non-compliance.

Why This Matters

The previous rules simply did not address all possible non-compliance situations. For example, there was only one available action against employers that are found non-compliant following an inspection by the immigration authorities – a two-year ban from the above-noted programs. There was a need to introduce a range of sanctions of varying degrees that could be applied in accordance with the severity of the contraventions.

Given these new regulations, it is important for employers to create and effectively implement a Compliance Action Plan when availing of the Temporary Foreign Worker Program / International Mobility Program.

Highlights of New Regulations

- A system of Administrative Monetary Penalties (AMPs) which penalizes employers for specific conducts that result in non-compliance.
- Consequences for violations range from warnings to periods of ineligibility to employ foreign workers – “bans” of 1, 2, 5, and 10 years (and a permanent ban may be imposed for the most serious violations).
- Provisions for employers to voluntarily disclose non-compliance such that accepted voluntary disclosure may reduce the penalties levied.

For more details, see [“Enhanced Employer Accountability: A New Era of Foreign Worker Compliance,”](#) in *e-Alert* (2015/10), a publication of the KPMG Law LLP, a KPMG International member firm in Canada

KPMG Note

Citizenship and Immigration Canada has been careful to note that the new regulations are not intended to be punitive; rather, they are intended to protect foreign workers who require a work permit to work in Canada and to protect the Canadian economy and labor market.

Footnote:

1 *Regulations Amending the Immigration and Refugee Protection Regulations:* <http://gazette.gc.ca/rp-pr/p2/2015/2015-07-01/html/sor-dors144-eng.php>.

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