



Immigration, Refugees
and Citizenship Canada

Immigration, Réfugiés
et Citoyenneté Canada



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Employer Compliance Regime
International Mobility Program
Presentation to Canadian
Employee Relocation Council
(CERC)

Toronto, ON
May 12, 2016



Canada 



Purpose

- Quick overview of IMP employer inspection process
- Review launch of IMP inspection operations and upcoming milestones
- Heart of IMP Inspections: The W.O.W. Factor
- Non-Compliance: How to Prevent, Mitigate...or even Justify



Overview of Employer Inspection Process



An inspection may entail:

- Submission of any document that relates to compliance with conditions
- An inspection of any premise or place in which a foreign national performs work; and
- Interviews with foreign nationals, other employees employed at the location and the employer

R209.2 identifies the conditions imposed on all employers:

- Actively engaged
- Compliance with F/P/T employment and recruitment legislation
- Occupation, wages and working conditions
- Abuse free workplace
- Accuracy of information
- Document retention by employers



Launch of IMP Inspection Operations

- IRCC started desk inspections of employers under IMP September 2015
- On December 1, 2015 new AMPs and bans regulations came into force
- Annual inspection targets ramp up in year 2 and beyond
- IRCC to begin referring IMP inspections to Service Canada later this year





The W.O.W. Conditions

Under R209.2(1)(a)(iii) employers must:

- provide the TFW with same occupation as set out in the offer of employment
- provide wages and working conditions substantially the same, but not less favourable than, those set out in the offer of employment

* * Although the W.O.W. conditions are listed in the same condition under IRPR, they will each be treated as a separate violation if non-compliance is found.






Info Not Always Requested for Each Condition

Employer may not be asked to submit information for some or all of these conditions at initiation:

- R209.2(1)(a)(i) – actively engaged in the business in respect of which the offer of employment was made
- R209.2(1)(a)(ii) – compliance with federal/provincial/territorial laws
- R209.2(1)(a)(iv) – reasonable efforts to provide a work place that is free of abuse

If adverse information is identified through an open source search or receipt of a tip the analyst may/will:

- request information from the employer
 - Initiate an inspection under reason to suspect
- 





General Inspection Challenges Encountered

- No response or difficulty getting a response to calls or emails when requesting information
- Primary contact has departed
- Phone, e-mail address no longer in service
- No submissions or incomplete submissions
- Employers do not appear to understand what we are assessing and do not know what docs to provide even after initial call (e.g., we receive wage information from outside inspection period)





Non-Compliance: How to Prevent, Mitigate...or even Justify

- **Prevention** (before hiring foreign worker)
 - CAREFULLY submit the Offer of Employment
 - Plan to STICK to the Offer of Employment
- **Mitigation** (before an inspection)
 - Voluntary Disclosure (prior to inspection)
- **Justification** (during an inspection)
 - Compensation



Non-Compliance May be Justified

- Onus is on the employer
- An officer must consider a justification at any time during the inspection up until the Notice of Preliminary Finding (i.e., PFL)
- Not all justifications apply to all program conditions





Contact Points

IMP compliance generic email address:

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Questions

Online Help Centre

www.cic.gc.ca/English/helpcentre/index-featured-int.asp

Call Centre

1-888-242-2100

