



## Foreign Workers

Foreign workers have the same rights and obligations under the *Employment Standards Act* as all employees in New Brunswick.

### **Employers of foreign workers are required to:**

- register foreign workers with the Registry of Employers of Foreign Workers; and
- renew and update their registration annually.

There is no fee to register and employers can access the Registry online through Service New Brunswick at:

[www.pxw1.snb.ca/snb9000/product.aspx?productid=A001P621001&l=e](http://www.pxw1.snb.ca/snb9000/product.aspx?productid=A001P621001&l=e)

Failure to register in the Registry of Employers of Foreign Workers can be subject to Administrative Penalty (see *Administrative Penalties fact sheet*). It is important to note that penalties are not intended to be punitive but rather meant to enhance compliance and as a deterrent to non-compliance in prescribed provisions of the *Act* and its regulations.

### **Employers are prohibited from:**

- requiring foreign workers to use and pay an immigration consultant;
- recovering ineligible recruitment and transportation costs from the foreign worker;
- misrepresenting employment opportunities;
- supplying false information about employer and employee rights and responsibilities;
- preventing workers to vacate employer-provided accommodations for private accommodations;
- reducing wages or changing any other terms or conditions of employment undertaken in the recruitment of a foreign worker;
- threatening deportation; and
- taking possession of a foreign worker's identity documents (e.g., passport) and work permit.

**TOLL FREE INFORMATION**  
**1 888 452-2687**

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**[www.gnb.ca/labour](http://www.gnb.ca/labour)**



## Employment Standards Your Rights and Responsibilities

### Would you like to know more about:

- Rules of Payment and Payroll records
- Minimum Wage/Overtime and Minimum Reporting Wage
- Notice of Dismissal, Layoff or Termination
- Paid Public Holidays and Vacation/Vacation Pay
- Maternity Leave and Child Care Leave
- Other Employment Standard Leaves which include; Critical Illness Leave and Death or Disappearance Leave Domestic, Intimate Partner and Sexual Violence Leave (new Sept 1, 2018)
- Employment of Children, Unfair Employer Action and Equal Pay for Equal Work
- Foreign Workers
- Administrative Penalties

### General Information

Please note that throughout the various information sheets, where applicable, any references to the masculine shall include the feminine and any references to the singular shall include the plural.

For all questions regarding the *Employment Standards Act* or its regulations, please contact us in one of the following ways:

- By phone, on our toll free line at **1-888-452-2687**;
- By accessing our website at the following address: [www.gnb.ca/labour](http://www.gnb.ca/labour), or;
- In person at our nearest Employment Standards office (addresses can be found on our web site).

### 1. Who is covered by the New Brunswick *Employment Standards Act*?

Most employers and employees are covered by the *Employment Standards Act*. The Act does not distinguish among part-time, full-time and casual employees. All employees, which include seasonal and construction workers, are entitled to the minimum employment rights outlined in the *Employment Standards Act*.

### 2. How do collective agreements affect the employment standards rights of unionized employees?

Unionized employees are typically subject to a collective agreement. Every collective agreement must provide for at least the minimum employment standards set out in the *Employment Standards Act*. Unionized employees are encouraged to familiarize themselves with the grievance process under their collective agreement.

### 3. Does the *Employment Standards Act* protect those employees that fall under federal jurisdiction?

No, employees who work in areas that fall under federal jurisdiction are covered by the *Canada Labour Code*. Those areas include but are not limited to the following; railways, pipelines, ferries, radio and television, banks, cable systems, extra-provincial trucking and shipping, Federal Crown Corporations and many First Nation activities.

For more information regarding federally regulated work practices, please contact Human Resources and Development Canada.

### 4. Are there any workers who are not subject to the provisions set out in the *Employment Standards Act*?

Yes. By virtue of the occupation or industry in which they work, some people are not subject to the provisions of the *Employment Standards Act*. These include people who work in a private home for the homeowner (babysitters, home care workers, and construction workers who are employed directly by the homeowner) and independent contractors. In certain situations, people who provide agricultural services to small family farms also are not subject to provisions of the *Employment Standards Act*.

**5. Is an employee entitled to a rest period each week?**

Yes, all employees are entitled to a weekly rest period of at least 24 consecutive hours, if possible on a Sunday. The only exceptions to this are where:

- the employee is required to cope with an emergency; or
- the employee is not usually employed for more than three hours in any one day.

**6. Does an employee have to work on a Sunday?**

An employee who works in certain retail businesses may be able to refuse to work on Sunday. If this employee qualifies and wishes to refuse to work on a Sunday, he must give the employer verbal or written notice of the refusal at least 14 days before any Sunday for which the employee refuses to work.

For more information on which employees qualify, please contact the Employment Standards Branch.

An employer cannot dismiss, suspend, lay off, penalize, discipline or discriminate against an employee for refusing to work on a Sunday.

**7. Do employees have to be paid for training hours?**

Depending on the circumstances, training hours may be considered regular hours of work and may be required to be paid, unless the training is a pre-requisite for employment.

**8. Where an employee makes a claim against his employer, will the employee's name be revealed to the employer?**

An employee's name and other pertinent information are only revealed to the employer with the employee's permission. However, in some circumstances, an investigation cannot proceed without revealing the employee's name. In such cases it will be up to the employee to decide if he wants to pursue his claim or not.

**9. Are employees entitled to food and rest breaks?**

Yes. All employees are entitled to food and rest breaks as required under the *Occupational Health and Safety Act*.

For more information regarding breaks, please contact Work Safe NB.

**10. Can an Employment Standards Officer retrieve an employee's Record of Employment (ROE)?**

No. Employment Insurance Benefits and the Record of Employment are the responsibility of Employment and Social Development Canada, a federal government agency. You may contact them directly for more information.