

Your Rights Under the Employment Protection for Foreign Nationals Act, 2009

Disclaimer: This resource has been prepared to help employees and employers understand some of the minimum rights and obligations established under the Employment Protection for Foreign Nationals Act, 2009 (EPFNA) and regulations. It is not legal advice. It is not intended to replace the EPFNA or regulations and reference should always be made to the official version of the legislation. Although we endeavor to ensure that the information in this resource is as current and accurate as possible, errors do occasionally occur. The EPFNA provides minimum standards only. Some employees may have greater rights under an employment contract, collective agreement, the common law or other legislation. Employers and employees may wish to obtain legal advice.

The [Employment Protection for Foreign Nationals Act, 2009](#) (EPFNA) applies to foreign nationals who work or are seeking work in Ontario pursuant to an immigration or foreign temporary employee program. For example, if you are working or looking for work in Ontario through the federal Temporary Foreign Worker Program, the EPFNA would likely apply to you.

This information sheet provides a summary of your rights under the EPFNA. As a foreign national employed in Ontario, you generally also have rights under the [Employment Standards Act, 2000](#) (ESA). The ESA covers standards such as the minimum wage and limits on hours of work. Employees covered under the EPFNA have the right to receive an information sheet about rights under the ESA along with this document.

Other languages

If your first language is not English, your employer or recruiter must find out if the information sheet is available from the Ministry of Labour in your first language and, if it is, provide you with the translated version as well. For more information, please visit Ontario.ca/EPFNA.

A recruiter cannot charge you any fee

A recruiter is anyone who finds or tries to find you employment, helps another person in finding you employment, or refers you to someone to help you find employment in Ontario. The recruiter cannot charge you any fees for any service, good or benefit provided to you. For example, he or she cannot charge you a fee for getting a job, for your Labour Market Impact Assessment (LMIA) or anything else required for you to begin work in Ontario. You cannot be charged a fee for extra

services such as orientation, resume writing, interview preparation, or First Aid training sessions even if they are optional. In addition, no person working on behalf of a recruiter can collect any of these fees from you.

Your employer cannot charge you for hiring costs (with limited exceptions)

Generally, if your employer paid fees or had any other costs for hiring you, he or she cannot charge these costs to you and cannot deduct them from your wages. This includes costs for all the same work-related charges and fees that your recruiter is prohibited from charging you, such as for your LMIA. However, if you are employed under the federal government's "Seasonal Agricultural Worker Program" (SAWP), your employer can deduct the costs of air travel and the costs of work permits if these deductions are allowed under the SAWP employment contract.

Your recruiter or employer cannot take your property

Your recruiter, your employer, or a person acting on behalf of either, cannot take or hold onto your property for any reason. This includes documents such as your passport or work permit.

You cannot agree to give up your rights

You cannot agree or sign a contract to give up any of your rights under the EPFNA with your recruiter, your employer, or someone acting for your recruiter or employer. Any such agreement is invalid. For example, if you sign a contract allowing a recruiter to charge you a recruitment fee, this agreement would be invalid.

You cannot be punished for asking about or exercising your rights

If you ask about your rights under the ESA or EPFNA or ask that you be given your rights, your recruiter, employer or any person acting on behalf of either, cannot punish you in any way, including by ending your employment.

Employers / recruiters are prohibited from penalizing ("reprising against") employees / foreign nationals *in any way* for:

- asking any person to comply with the *Employment Protection for Foreign Nationals Act, 2009*,
- asking questions about rights under the *Employment Protection for Foreign Nationals Act, 2009*,
- filing a complaint under the *Employment Protection for Foreign Nationals Act, 2009*,
- exercising or trying to exercise a right under the *Employment Protection for Foreign Nationals Act, 2009*, or
- giving information to an employment standards officer
- participating in a proceeding under the *Employment Protection for Foreign Nationals Act, 2009*

If a foreign national covered by the *Employment Protection for Foreign Nationals Act, 2009* does any of the things described above, an employer or recruiter **cannot for that reason:**

- fire the employee,
- reduce the employee's pay,
- suspend the employee,
- punish the employee / foreign national,
- intimidate the employee / foreign national,
- penalize the employee / foreign national in any other way,
- refuse to attempt to find employment for the foreign national, or
- threaten any of these actions.

Employment Standards Officer's powers

If an employer is found to have penalized a foreign national for any of the above reasons, an employment standards officer has the power to order the employer to reinstate an employee to his or her job and/or compensate an employee for any loss suffered because of the punishment.

If a recruiter is found to have penalized a foreign national for any of the above reasons, an employment standards officer has the power to order the recruiter to compensate a foreign national for any loss suffered because of the contravention.

If you have a question or want to file a claim

If you have questions about the EPFNA, please visit [Ontario.ca/EPFNA](https://www.ontario.ca/EPFNA) or contact the Employment Standards Information Centre at (416) 326-7160 (toll-free at 1-800-531-5551), or TTY for the hearing impaired at 1-866-567-8893. Information is available in multiple languages.

If you believe you have not received your rights under the EPFNA and want to file a claim with the Ministry of Labour, you may do so at [Ontario.ca/EPFNA](https://www.ontario.ca/EPFNA).

You have three and a half years to file a claim for your rights under the EPFNA. There is no limit on how much money can be recovered if an order is issued under the EPFNA.

Please note that different time limits apply to claims filed under the ESA and the EPFNA. **Separate forms are used to file claims under the ESA and the EPFNA.**

For information about rights under the ESA and about filing a claim under the ESA, please visit *Your Guide to the Employment Standards Act, 2000* available at [Ontario.ca/ESAguide](https://www.ontario.ca/ESAguide).