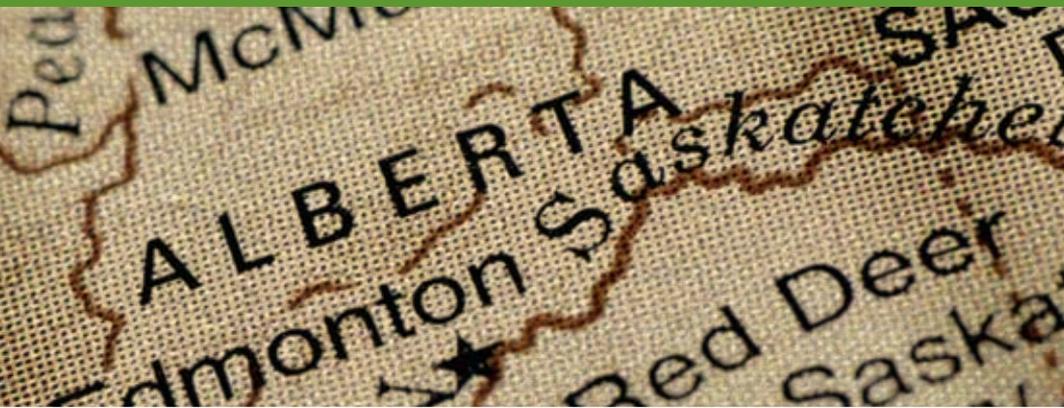


EMPLOYEE



Temporary Foreign Worker

Guide for Employees



Alberta

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Introduction

As a temporary foreign worker in Alberta, you have the same rights as any other employee in the workplace. You are protected under Alberta's employment standards, workplace health and safety, and workers' compensation legislation.

This information will help you understand what to expect and where to find additional resources.

Temporary Foreign Worker Program

The federal government's Temporary Foreign Worker Program allows eligible foreign workers in Canada for an authorized period of time.

Three departments - Citizenship and Immigration Canada (CIC), Service Canada, and Canada Border Services Agency (CBSA) work together to manage and deliver the Temporary Foreign Worker Program.

Service Canada

Service Canada processes applications from employers for Labour Market Opinions (LMOs) and ensures that all necessary requirements are met. An LMO is an opinion provided by Service Canada to employers which assesses the likely impact that hiring the requested foreign worker(s) may have on the Canadian labour market. There are Service Canada Centres which process foreign worker requests (e.g. LMO applications) in each province.



Temporary Foreign Worker Units

The Temporary Foreign Worker Units in Montreal, Calgary and Vancouver, guide employers seeking to employ foreign workers through the immigration process and provide an opinion on whether the position is LMO exempt.

Citizenship and Immigration Canada

CIC and its visa offices at Canadian embassies, high commissions and consulates outside Canada process applications for work permits to determine who may be eligible to work in Canada. In most cases, CIC is the first point of contact for many foreign workers who want to work in Canada, although under certain circumstances, they may apply for a work permit at a port of entry.

Canada Border Services Agency

Border Services officers screen foreign workers at Canadian border crossings and airports before issuing work permits and allowing entry into Canada. A Border Services officer has the final say on who may enter Canada. Officers can deny entry to a foreign worker if they believe the foreign worker does not meet the requirements of the *Immigration and Refugee Protection Act*.

General Information

Termination

If you do not meet the employer's expectations as outlined in the job contract, your employer has the right to terminate your employment, giving you the required notice or pay in lieu of notice.

Finding new employment

You may choose at any time to find another employer. Your new employer is required to obtain a LMO and you must apply for a new work permit that reflects your changes in employer, location and/or job description.

Changing the conditions on a work permit

As a temporary foreign worker, you may apply to extend your stay, change the conditions of your stay, the type of temporary status, or correct

problems with your status. It is important to apply for your renewal before your current documentation expires. Applications can be obtained at www.cic.gc.ca, or by calling **1-888-242-2100**.

Sending a temporary foreign worker home

You are entitled to remain in Canada for the full term of your work permit. An employer or employment agency cannot force you to return home if your work contract is terminated before the end of the work permit, or if you decide to find a job with another employer.

Reporting violations

It is illegal to threaten to send or coerce a temporary foreign worker to go home to prevent them from reporting a violation. An employer or employment agency that engages in such behaviour may be subject to prosecution under the Criminal Code.

Use of a representative

Should you choose to use a representative to help you with your application for a work permit, you are still responsible for the accuracy of the information provided. Further information regarding the use of representatives may be obtained at www.cic.gc.ca or by calling **1-888-242-2100**.

Terms and conditions of a work permit

You must comply with all terms and conditions imposed on your work permit.

Citizenship and Immigration Canada

www.cic.gc.ca | 1-888-242-2100

Service Canada

www.hrsdc.gc.ca/en/workplaceskills/foreign_workers/index.shtml



In Alberta, the employment standards are contained in the Employment Standards Code and the Employment Standards Regulation. Nearly all employers and employees have to follow these rules.

What Employees in Alberta Need to Know

Employment Standards

Employment standards are minimum standards of employment for employers and employees in the workplace.

Your employer has made an agreement with you and the government to provide a job for you. The agreement gives you a lot of information including what you will earn. The employer is required to meet all the conditions of the agreement.

If the agreement requires your employer to pay the costs of airfare, health care and accommodation, the employer cannot charge them back to you in the form of deductions. Your employer cannot charge you for the costs or fees associated with the employer's use of an employment agency. Your employer cannot deduct these from your pay, even if they get written permission from you.

For more information about Alberta Employment Standards, or to file a complaint, visit employment.alberta.ca/es or call 780-427-3731 (Edmonton local calling area), toll-free in Canada by dialing 1-877-427-3731. Complaints must be made within six months of non-payment or the end of employment, and the law limits recovery of wages and overtime to the last six months of employment, and vacation pay and general holiday pay to the last two years of employment.

When and how do I get paid?

Employers must have regular pay periods such as every week, two weeks or a month. You must be paid within 10 days after the end of each pay period. You may be paid in cash, by cheque or money order, or by direct deposit into your bank account.

Deductions from your earnings

The *Employment Standards Code* allows certain deductions to be taken from your earnings. These are deductions for income tax, Canada Pension Plan, and Employment Insurance. If an employer wants to make other deductions, you must give written permission first.

There are some deductions that are never allowed, even with written permission from you. Employers cannot take deductions for mistakes. Also, they cannot deduct for cash shortages or loss of property if more than one person has access to the cash or property.

Hours of work

- Your workday cannot be longer than 12 hours.
- You must be given at least 30 minutes of rest during each shift that is longer than five hours.
- You must be given at least one rest day for each week you work.

Overtime and overtime pay

In most industries, overtime is all hours worked over eight hours a day or 44 hours a week. If you are paid a weekly, monthly, or annual salary, you will still earn overtime benefits for overtime hours worked.

Overtime is either paid at the rate of at least 1.5 times your regular wage or you and your employer can agree to replace overtime pay with paid time off (e.g. day off work).

General holidays

The *Employment Standards Code* names nine days as general holidays in Alberta. For a complete listing of the dates and eligibility requirements, visit employment.alberta.ca/es.

Vacations and vacation pay

Vacations and vacation pay are intended to ensure that each year employees have a rest from work without loss of income. After one year of employment, you are entitled to at least two weeks' vacation with pay.

Maternity and parental leave

Employees, who qualify, are entitled to a period of maternity and/or parental leave without pay. You must have 52 consecutive weeks of employment with your employer to be eligible for maternity and/or parental leave. At the end of the leave you must be reinstated to your old, or an equivalent, job.

Termination of employment

You have the right to terminate your employment with an employer and they have the right to terminate your employment. These rights, however, come with responsibilities. The main responsibility is to provide proper notice. The length of notice you are required to give depends on how long you have worked and must be in writing.

Neither you nor your employer has to give notice of termination during the first three months of employment. For employment of more than three months, but less than two years, proper notice is one week.

Your employer must pay all your earnings within three or 10 days following termination of employment. The due date for getting your final pay will depend on whether notice was required.

Employment Standards conducts payroll inspections at workplaces that employ temporary foreign workers to ensure that all employees are fully paid.



Workplace Health and Safety

The *Occupational Health and Safety Act (OHS Act)* contains laws to protect and promote the health and safety of workers throughout Alberta. It outlines the responsibilities of employers as well as workers.

Employees' rights and responsibilities

You have the right to a safe and healthy workplace. As a worker, the *OHS Act* requires you to work in a healthy and safe manner and co-operate with your employer by following the health and safety rules on the work site.

There are specific health and safety requirements you must follow. For example, you may be required to use a safety harness or similar equipment when doing certain kinds of work. You may need to use personal protective equipment such as safety boots, safety glasses, ear plugs and a hard hat, when necessary. It is your responsibility to follow the rules. If you do not understand them, ask questions.

Ten questions to ask your employer about health and safety in your workplace

1. What are the dangers of my job?
2. Are there any other hazards or dangers that I should know about?
3. Will I receive job training?
4. Do you have health and safety meetings?
5. Is there protective equipment I'll be expected to wear and will I receive training in how to use it?
6. Will I be trained in emergency procedures (e.g. fire, chemical spills)?
7. Where are the fire extinguishers, first aid kits and other emergency equipment located?
8. What do I do if I get hurt? Who is the first aid person?
9. What are my health and safety responsibilities?
10. Who do I ask if I have a health or safety question?

It is against the law for anyone to force you to do work that you think is unsafe. If there is **imminent danger**, you must refuse to do the work. Imminent danger means any danger that is not normal for your job.

If you think that your work may put you or a co-worker in imminent danger, you must refuse to do it. Your employer cannot lay you off or fire you because you refuse to do dangerous work.

If you have a concern about your workplace, or need help, call the Workplace Health and Safety Contact Centre at 1-866-415-8690.

Employers' responsibilities

Your employer has a duty to watch out for your health and safety. They must complete a **hazard assessment** clearly identifying the hazards or dangers in the work site. Once identified, the hazards must be removed or controlled. This may involve some changes in equipment or might require rules and procedures that workers are to follow to do their job as safely as possible. This information must be shared with all workers.

Your employer must:

- Make sure you have the necessary training, qualifications and experience for the job.
- Let you know about all health and safety hazards on the job.
- Make sure you have all the tools and equipment, including personal protective equipment to do your job.
- Make sure that you know how to use the equipment.
- Train you to safely handle dangerous products.
- Investigate any incidents that cause injuries, as well as incidents that could have caused injuries.

You are encouraged to find out more about your rights and responsibilities by visiting employment.alberta.ca/whs

Service Alberta

Service Alberta assists consumers by providing information or referrals to appropriate agencies or organizations; investigates complaints where a consumer law may have been broken; and licenses and registers certain businesses.

Using an employment agency to find a job in Alberta

As a temporary foreign worker planning to, or currently working in Alberta, you may be thinking about using the services of an employment agency.

Employment agencies charge the employer a fee for recruiting each worker. This fee is negotiated between the employer and employment agency. The employer will not be able to recover the cost of this service from the employee. Any agency that indicates this is possible is wrong. **Fees cannot be charged to potential or recruited workers to find a job.**

Information for landlords and tenants

In Alberta, the *Residential Tenancies Act* applies to most people who rent the place where they live. This law sets out the rights and responsibilities that apply to landlords and tenants.

Whether you are renting a suite, a room in someone's home or are sharing accommodation, make sure you understand the rules that apply to your situation. Different rental spaces have different rules.

All rental agreements should be in writing, signed by the landlord, and include details about landlord and tenant responsibilities, security deposit, inspections, rent and termination notices.

To contact Service Alberta call:

Consumer Contact Center, Service Alberta

Edmonton and area: 780-427-4088

Toll-free in Alberta: 1-877-427-4088

Outside Alberta: 1-780-427-4088

Visit servicealberta.ca

Workers' Compensation

The Workers' Compensation Board (WCB) – Alberta is here to help if you are injured at work. As a temporary foreign worker, you are considered the same as any other worker in Alberta. If your employer is covered under the *Workers' Compensation Act*, your coverage begins once you arrive in Alberta and start work. Ask your employer if he or she has Workers' Compensation coverage.

Employers should have the poster in the picture (1-2-3) where employees can see it. The poster tells you how to report a work injury.

If you are injured at work...

- 1**

Tell Your Employer

details of your injury

After receiving notice, your employer must report your injury to the WCB within 72 hours if:

 - you need medical treatment beyond first aid, or
 - you cannot do your job beyond the day of accident.
- 2**

Tell Your Health Care Provider

you were injured at work

Your doctor or chiropractor must report your injury to the WCB within 48 hours.
- 3**

Tell the WCB

Send your Report of Injury form to the WCB right away!

You can get forms from your employer, or any WCB office.

Avoid delays. Report early!

Send forms:
 By mail: P.O. Box 2415, Edmonton, AB T3J 2S5
 By fax: Edmonton 427-3863 or Toll-Free 1-800-661-1993

For more information call:
 Edmonton 495-3999 or Toll-Free 1-866-922-9221
 Website: www.wcb.ab.ca

WCB Workers' Compensation Board

© 2008 WCB (08)

Note: Employers are required under the Workers' Compensation Act, Section 115, to hang this poster in a place where employees can see it.

Your employer should explain your job duties, working conditions and your responsibilities for safe work practices. You should know how WCB works and if you are injured, how you can start a claim.

If you can do light duties (modified work) and your work permit allows it, your employer can give you light duties to do. This will keep you working while you get better.

If possible, employers are asked to include a modified work option in their initial work permit application.

If you are injured on the job:

- Tell your employer immediately.
- Your employer must report it to WCB right away if you:
 - Need more medical help than first aid, or
 - Cannot do your job after the incident.
- Tell a doctor you were hurt at work.
- Tell WCB. Fill out a Report of Injury form and send it to WCB right away. You can get forms from your employer, and WCB office, or on the internet at **wcb.ab.ca**.

For more information:

- Call toll-free from anywhere in Alberta: **1-866-WCB-WCB1 (1-866-922-9221)**
- Outside of Alberta call **1-800-661-9608**
- Email WCB at **contactcentre@wcb.ab.ca**
- Visit **wcb.ab.ca**



Office of the Information and Privacy Commissioner of Alberta

Privacy rights

Alberta's *Personal Information Protection Act (PIPA)* protects information held by private sector organizations in Alberta by setting out rules for how organizations can collect, use, or disclose personal information. For temporary foreign workers and immigrants, *PIPA* applies to employers and employment agencies that operate in Alberta. If these organizations fail to protect personal information or disregard the rules for the collection, use and disclosure of personal information as set out under *PIPA*, then individuals can submit a complaint to the Office of the Information and Privacy Commissioner of Alberta.

Possible privacy complaint

Alina, a temporary foreign worker from the Philippines, agreed to work as a live in domestic care-giver for a family in Alberta. After settling into her job, the employer requested Alina's passport for safe-keeping. Alina questioned the employer's request and was told that if she refused, she would have to return to the Philippines. Alina contacted the RCMP and the Office of the Information and Privacy Commissioner of Alberta to see if she should make a complaint.

Office of the Information and Privacy Commissioner (OIPC)

Calgary Office

Suite 2460, 801 - 6th Avenue S.W.
Calgary, AB T2P 3W2

Edmonton Office

#410, 9925 - 109th Street
Edmonton, AB T5K 2J8

For more information about the Office of the Information and Privacy Commissioner call:

Calgary and area: **403-297-2728**

Edmonton and area: **780-422-6860**

Toll-free in Alberta: **1-888-878-4044**

Visit oipc.ab.ca



Alberta Employment and Immigration has a Temporary Foreign Worker Advisory Office to help you learn about your rights and find solutions for situations involving unfair, unsafe or unhealthy working conditions.

Alberta's Support for Temporary Foreign Workers

Temporary Foreign Worker Helpline and Advisory Office

The Temporary Foreign Worker Helpline and Temporary Foreign Worker Advisory Office will help you learn about your rights and find solutions for situations involving unfair, unsafe or unhealthy working conditions. The helpline number is **780-644-9955** (Edmonton local calling area) or **1-877-944-9955** from anywhere in the world.

Advisory Offices are located in Calgary and Edmonton. Both offices are located on bus routes for easy access. Temporary Foreign Workers can contact the advisory office by calling a toll-free helpline (**1-877-944-9955**), or in person from Monday to Friday 8:15am-12:00pm and 1:00pm-4:30pm, excluding statutory holidays.

Once your needs have been assessed, services provided by the Advisory Office may include:

- providing assistance in accessing and completing forms,
- arranging for translation services,
- assisting communication with multiple complaint services,
- coordinating with federal and industry partners to facilitate new work, and
- working with immigrant-serving agencies across the province in a complementary manner to assist TFWs with the process of adapting to living and working in Alberta.

Allegations of any mistreatment are taken very seriously and all complaints from temporary foreign workers are referred for investigation.



Temporary Foreign Worker Advisory Office

North Location

2nd Floor, 10242 - 105 Street
Edmonton, AB T5J 3L5
1-780-644-2584

South Location

3rd Floor, JJ Bowlen Building,
620 - 7th Avenue S.W.,
Calgary, AB T2P 0Y8
1-403-476-4540

For more information or to contact an advisor, call the Alberta Temporary Foreign Worker Helpline at **780-644-9955** (Edmonton local calling area) or **1-877-944-9955** from anywhere in the world.

Immigrant-Serving Agencies

To help you settle and adapt to living in Alberta you may contact a local immigrant-serving agency. Services available include:

- practical guidance on everyday living and orientation to the community, such as using public transit, how to find cultural and religious institutions, and general information on life in Alberta,
- referral to community resources (banks, shops, housing, health, cultural, recreational), and
- basic interpretation services.



Nine immigrant-serving agencies in six Alberta communities offer settlement services to TFWs.

Brooks

Global Friendship Immigration Center
2nd Floor, 120 – 1st Avenue East
Brooks, AB T1R 1C5
403-362-6115

Calgary

Calgary Catholic Immigration Society
3rd Floor, 120 – 17 Avenue S.W.
Calgary, AB T2S 2T2
403-262-2006

Calgary Mennonite Centre for Newcomers
#125, 920 – 36th Street N.E.
Calgary, AB T2A 6L8
403-569-3325

Immigrant Services Calgary Society
#120, 910 – 7th Avenue S.W.
Calgary, AB T2P 2N8
403-265-1120

Edmonton

Edmonton Mennonite Centre for Newcomers
11713 - 82 Street
Edmonton, AB T5B 2V9
780-424-7709

Catholic Social Services
10709 – 105 Street
Edmonton, AB T5H 2X3
780-424-3545

Fort McMurray

Y.M.C.A. – Wood Buffalo, Settlement Development Program
#201 10011 Franklin Avenue
Hill Building, Fort McMurray, AB
T9H 2K6 | **780-743-2970**

Grande Prairie

Immigrant Settlement Services, Grande Prairie Regional College
#202, 9924 – 100 Avenue
Grande Prairie, AB T8V 0T9
780-538-4452

Red Deer

Catholic Social Services, Immigration and Settlement
202, 5000 Gaetz Avenue
Red Deer, AB T4N 6C2
403-346-8818

Immigrate to Alberta Information Service

If you have questions about working in Alberta, the Alberta Immigrant Nominee Program or other immigration related questions, call the Immigrate to Alberta Information Service toll-free in Alberta at **1-877-427-6419** and outside Alberta at **1-780-427-6419**.



You can help your employer to keep you working and living in Alberta by making an application through the Alberta Immigrant Nominee Program.

Alberta Immigrant Nominee Program

The Alberta Immigrant Nominee Program (AINP) can help temporary foreign workers and their families make Alberta their permanent home.

Make Alberta Your Permanent Home

The AINP, operated by the Government of Alberta in conjunction with Citizenship and Immigration Canada (CIC), helps to fast-track the immigration process for qualified foreign workers in targeted occupations.

If you would like to live and work in Alberta permanently, and your Alberta employer has offered you permanent, full-time employment, talk to your Alberta employer about making an application to the Alberta Immigrant Nominee Program (AINP). **To make an application to the AINP, the following steps must be taken:**

- with your employer, visit the AINP website to review eligibility criteria and determine the appropriate AINP category to apply under,
- with your employer, download and complete the AINP application forms and gather all supporting documents,
- mail a complete application to the AINP.

If the application meets AINP eligibility criteria, you may be approved as a Provincial Nominee. The AINP would inform you on how to proceed with submitting a permanent resident application to CIC. CIC would conduct health, criminal and security checks. If these checks are met, you will receive your permanent residence.

For more information about the Alberta Immigrant Nominee Program, visit albertacanada.com/ainp



Simply stated, temporary foreign workers are treated no differently in the work place than any other worker in Alberta.

Resources

Alberta

Alberta Health Care Insurance Plan
health.gov.ab.ca/ahcip/AHCIP.html

Alberta Immigrant Nominee Program
albertacanada.com/ainp

Alberta Temporary Foreign Worker Helpline

Call: **780-644-9955** (Edmonton local calling area) or **1-877-944-9955** from anywhere in the world

Employment Standards

Call: **780-427-3731** (Edmonton local calling area) Or toll-free in Canada by dialing **1-877-427-3731**

employment.alberta.ca/es

Immigrate to Alberta Information Service

Call toll-free within Alberta:
1-877-427-6419

Outside Alberta: **1-780-427-6419**

Email: immigration.info@gov.ab.ca
albertacanada.com/immigration

Office of the Information and Privacy Commissioner (OIPC)

Calgary Office: **403-297-2728**

Edmonton Office: **780-422-6860**

Toll-free: **1-888-878-4044**

oipc.ab.ca

Service Alberta

Consumer Contact Center

Edmonton and area: **780-427-4088**

Toll-free in Alberta: **1-877-427-4088**

Outside Alberta: **1-780-427-4088**

servicealberta.ca

Temporary Foreign Worker Advisory Office

North Location:

2nd Floor, 10242 - 105 Street

Edmonton, AB T5J 3L5

1-780-644-2584

South Location:

3rd Floor, JJ Bowlen Building,

620 - 7th Avenue S.W.,

Calgary, AB T2P 0Y8

1-403-476-4540

Email: tfwadvisory.office@gov.ab.ca

To contact an advisor, call the Alberta Temporary Foreign Worker Helpline.

WCB Alberta

Call: Toll-free in Alberta

1-866-WCB-WCB1 (1-866-922-9221)

Outside of Alberta **1-800-661-9608**

Email: contactcentre@wcb.ab.ca
wcb.ab.ca

Workplace Health and Safety

Call: **1-866-415-8690**

employment.alberta.ca/whs

Canada

Citizenship and Immigration Canada

Call: **1-888-242-2100**

www.cic.gc.ca

Service Canada

www.hrsdc.gc.ca/en/workplaceskills/foreign_workers/index.shtml



Review your Work Permit for validity and accuracy - double check employer name, location of employment, occupation, employee name and date of birth.

First Day Checklist for Temporary Foreign Workers

Review your Work Permit for validity and accuracy - double check employer name, location of employment, occupation, employee name and date of birth.

My Workday

- What are my daily hours?
- What are my regular workdays?
- Should I be at work earlier than the start of my shift?
How much time is appropriate?
- How long is my lunch break?
- Is my lunch break paid?
- Do I get any other breaks? Coffee breaks?
- How many hours are considered overtime?
- How much overtime is required?
- What is my overtime rate?
- Will you provide transportation to and from work?

Pay and Benefits

- How will I receive my pay?
- How often will I be paid?
- Do I receive health benefits, a pension or union membership?
- How much will these benefits cost?
- Will someone review the deductions from my pay cheque with me?
- Will I be paid for travel to and from work?
- Will I be paid a bonus? What do I have to do to earn it?
How much will it be?

Taking Time Off

- Do I get paid vacation time or is my vacation pay paid out on my pay cheque?
- How is my vacation time/pay calculated?
- What happens if I am sick? Who do I contact?
What is my responsibility?
- Do I get paid sick days?
- Am I allowed to schedule unpaid time off?

Health and Safety Questions

- What are the risks and dangers of my job?
- What other hazards should I know about in my workplace?
- When will I receive job training?
- Is there any health and safety information available for me to look at?
- Are there health and safety meetings?
- Where are the first aid kits and fire extinguishers located?
- What do I do if there is a fire or other emergency?
- Who do I go to if I get hurt at work?
- What are my health and safety responsibilities?
- What are my employer's health and safety responsibilities?
- Who should I talk to if I have a health and safety question?

For more information contact:

Employment Standards

1-877-427-3731 (Canada) | employment.alberta.ca/es

Alberta Temporary Foreign Worker Helpline

780-644-9955 (Edmonton Calling Area)

1-877-944-9955 (From anywhere in the world)

Prepared by Alberta Employment and Immigration.

Call the Alberta Temporary Foreign Worker Helpline at **780-644-9955**
(Edmonton local calling area) or **1-877-944-9955** (from anywhere in the world).

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Guide for Employees who are Temporary Foreign Workers

This publication has information about:

- Temporary Foreign Worker Program
- Employment Standards
- Workplace Health and Safety
- Service Alberta
- Workers' Compensation
- Office of the Information and Privacy
Commissioner of Alberta
- Alberta Temporary Foreign Worker Helpline
- Temporary Foreign Worker Advisory Office
- Immigrant-Serving Agencies
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- Alberta Immigrant Nominee Program