

Foreign Worker's Guide to Labour and Employment Laws

in Canada

If you are a foreign worker in Canada, you may find some of the laws and practices to be different from those in your home country. This guide will alert you to some important differences you may not have been aware of.

What are my rights as a worker in Canada?

Workers in Canada have many of the same rights that workers in other countries have. These rights include the right to form and join unions, the right to compensation if you are hurt on the job, the right to a safe workplace, the right to be free from forced labour, and the right to be free from discrimination in the workplace.

Know your rights!

Even if you are a foreign worker without a valid work permit, you are protected by most Canadian labour and employment laws. The only exception is Employment Insurance.

What is the most important thing I should know about Canadian labour and employment law?

There are two important things you should know about Canadian labour and employment law.

First. In Canada, every province has its own labour and employment laws and agencies to enforce those laws.

- Provinces in Canada are similar to states in other countries, but they have more autonomy in relation to the federal government. There are 10 provinces in Canada and three territories.



- Federal labour and employment law covers the federal government, certain key industries and most federal Crown corporations (businesses owned and operated by the federal government) – about 10 percent of the entire workforce.

Second. In each Canadian province, there are different kinds of agencies to enforce different kinds of labour and employment rights.

Federal industries subject to the *Canada Labour Code* include:

- industries that operate across provincial and national borders (bus operations, trucking, pipelines, ferries, shipping, etc.);
- air transport, aircraft and airports;
- telecommunications (radio and TV broadcasting, telephone and cable systems);
- banks;
- works declared by Parliament to be for the general advantage of Canada (e.g., grain elevators, uranium mining and processing);
- most federal Crown corporations.

Where do I go if I believe my employer has treated me unfairly because of my sex or race or other qualities I have that make me different?

You can file a complaint with the human rights commission in the province where you are working. (If you work in British Columbia, the complaint must be filed directly with the Human Rights Tribunal.) There is a federal Human Rights Commission, but that commission covers only federally regulated industries.

What does a human rights commission do in Canada?

- In Canada, provincial human rights offices accept employment discrimination complaints.
- Canadian human rights offices also accept complaints about housing discrimination and civil rights violations.

For more information, see [Guide to Employment Discrimination Laws in Canada](#) and [Women's Guide to Pregnancy on the Job in Canada](#).

You can ask a legal aid office for help even if you do not have a valid work permit.

What can I do if my employer does not pay me the minimum wage or overtime?

You can file a complaint with the employment or labour standards office in the province where you are working.



For more information and for the phone number of the employment or labour standards office in the province where you are working, see [Guide to Minimum Employment Standards, Pay Deductions and Employment Insurance in Canada](#).

Every province and territory has its own minimum wage.

Your employer must pay you the minimum wage even if you do not have a valid work permit.

For more information, see [Guide to Minimum Employment Standards, Pay Deductions and Employment Insurance in Canada](#).

Farm worker rights

- Farm workers have different rights from other workers in many Canadian provinces.
- For more information, see [Guide to Minimum Employment Standards, Pay Deductions and Employment Insurance in Canada](#).
- Farm workers can file employment discrimination complaints in every province.

What can I do if my employer does not pay me for all my work or does not pay me at all?

You can file a complaint with the employment or labour standards office in the province where you are working.

Your employer has to pay you. You can complain even if you do not have a valid work permit.

For more information, see [Guide to Laws Prohibiting Forced Labour in Canada](#).

What can I do if I am hurt on the job?

You must notify your employer and seek medical attention if you are hurt on the job. You can file a claim with the Workers' Compensation Board in the province where you are working.

- In Canada, “workers’ compensation” is separate from the social security and health care systems.
- If you die on the job in Canada, your family can get your workers’ compensation benefits.

You can get workers’ compensation even if you do not have a valid work permit.

For more information, see [Guide to On-the-Job Injuries in Canada](#).



Health insurance in Canada

- In Canada, every province has a health care system that covers everyone who is a resident of that province. In some cases, you may need to have been a resident of the province for a minimum period of time to be covered by the public insurance system.

Where do I go if my workplace is unsafe and I want to report it to someone?

You can report an unsafe workplace to the workplace safety division in the province where you are working. For more information and a number to call, read [Guide to On-the-Job Safety and Health in Canada](#).

You have the right to a safe working environment even if you do not have a valid work permit.

What can I do if my employer fires me?

After you have had a job for a certain length of time, your boss must give you reasonable notice, or pay instead, before firing you. However, there are some exceptions: you may be fired without notice for a “just cause” (for example, serious misconduct or repeated absences from work without good reason), if your contract expires, if the factory where you work burns down, etc.

Your boss may not fire or punish you because you have exercised or wish to exercise your legal rights. Also, if you have worked for an employer in Quebec, Nova Scotia or a federally regulated industry for a certain period of time, you may not be dismissed without a good reason.

If you are fired illegally or if your boss does not give you advance notice (or termination pay instead), you can file a complaint with the applicable employment or labour standards office.

If you are covered by a union contract, you may have to resolve your complaint by filing a grievance.

You can make a claim for Employment Insurance with the Human Resources and Skills Development Canada office in the province where you are working.

- In Ontario and in federally regulated industries you may be legally entitled to severance pay if you are fired, depending on factors like how long you worked for the employer. Also, your contract (union or individual), may provide for severance pay if you are dismissed.

If you do not have a valid work permit, you cannot collect Employment Insurance in Canada.

For more information, see [Guide to Minimum Employment Standards, Pay Deductions and Employment Insurance in Canada](#) and [Guide to Labour Relations Law in Canada](#).

Where do I go if I want someone to explain the law to me and help me with my case?

There are “legal aid” offices in every province that provide legal services to low-income people. If lawyers and staff in the legal aid office cannot help you, they can refer you to someone who can.

Beware of traffickers

- It is illegal for a person to tell you that you will get a good job in Canada and then make you sell sex instead.
- It is illegal for a person to take away your passport to make you work.
- It is illegal for a person to threaten you with violence to make you work.
- A person who does these things to you can be sent to prison.

Housing

- The law does not require employers to provide housing for workers in Canada.
- If room and board are provided to the worker, the employer may deduct part of the cost from the employee’s wages. There is a limit on how much can be deducted for each meal and each day or week for housing.
- The exception is if you are a temporary farm worker in the CCMSAWP program. For more information, see [Guide to the Commonwealth Caribbean and Mexican Seasonal Agricultural Worker Program \(CCMSAWP\) in Canada](#).



Commission for Labor Cooperation