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Employer compliance Inspections and onsite visits – International Mobility Program(IMP)

Presentation to OWP-VW Working Group

March 20, 2025

Risk Assessment Unit

Immigration Operations Branch(IOB)

Employer Compliance and Inspections Unit (ECIU)

Compliance inspections and investigations division(CIID)

A-2025-21936-000048

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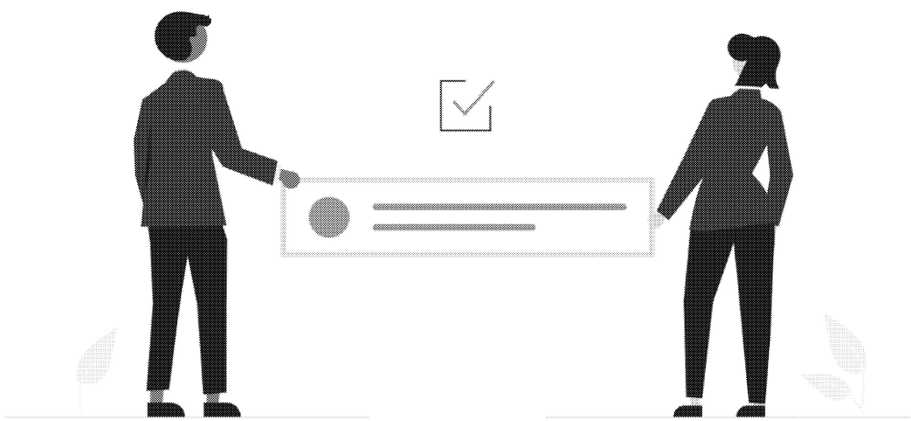
COMPLIANCE INSPECTIONS AND INVESTIGATIONS DIVISION(CIID)
Employer Compliance and Inspections Unit (ECIU)



CIID's mandate is to conduct all large-scale investigations pertaining to all business lines, including immigration and citizenship fraud; and provide data analysis on the cases linked to these investigations. CIID also conducts employer compliance inspections under the International Mobility Program.

Employer Compliance and Inspections Unit (ECIU) Primary Lines of Business

- Conduct employer inspections under the International Mobility Program (IMP)
- Make preliminary findings on Administrative Monetary Penalties (AMPs) and bans
- Process tips and referrals associated to temporary foreign workers (TFWs)

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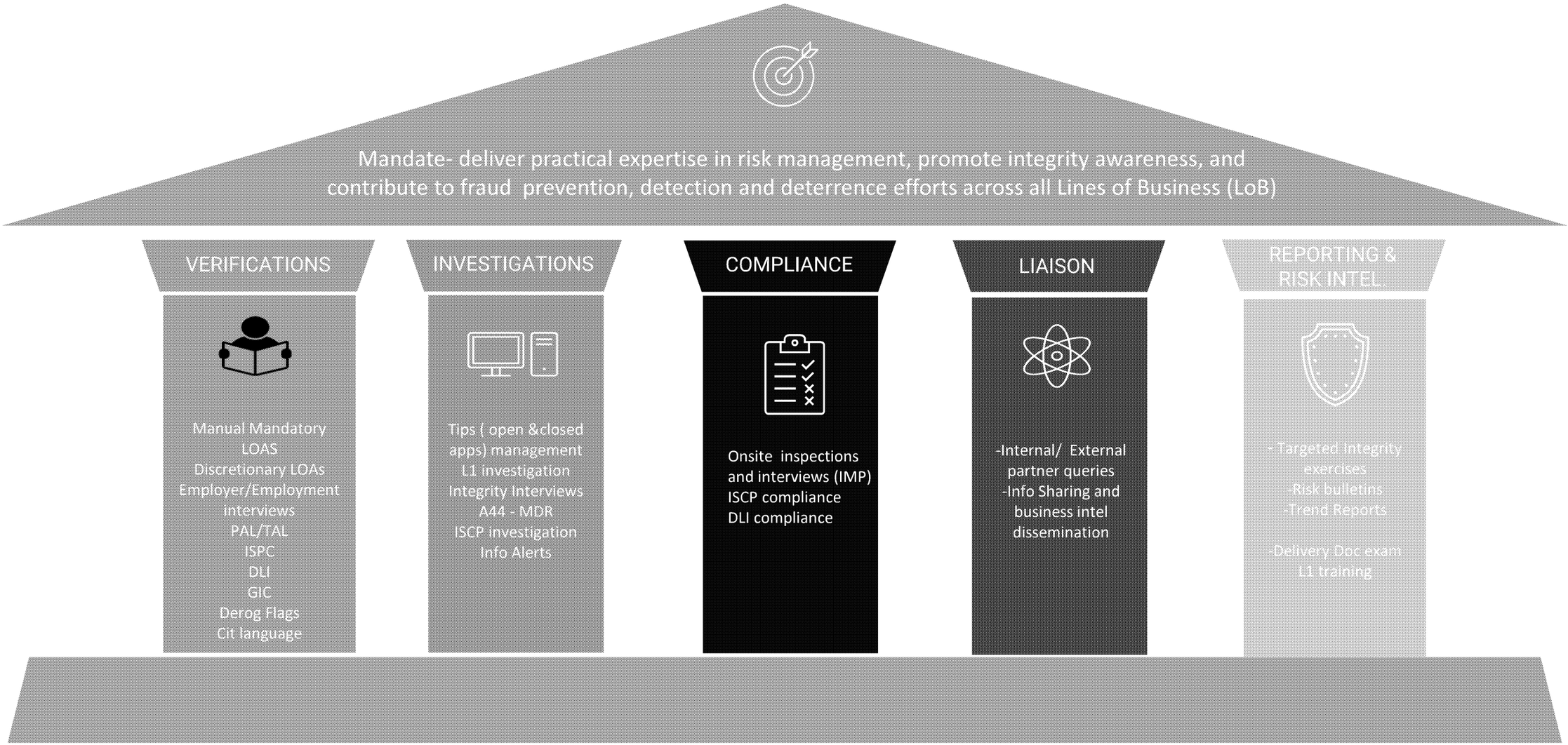
IOB-RISK ASSESSMENT UNIT (Legacy DN RAU)



A-2025-21936-000050

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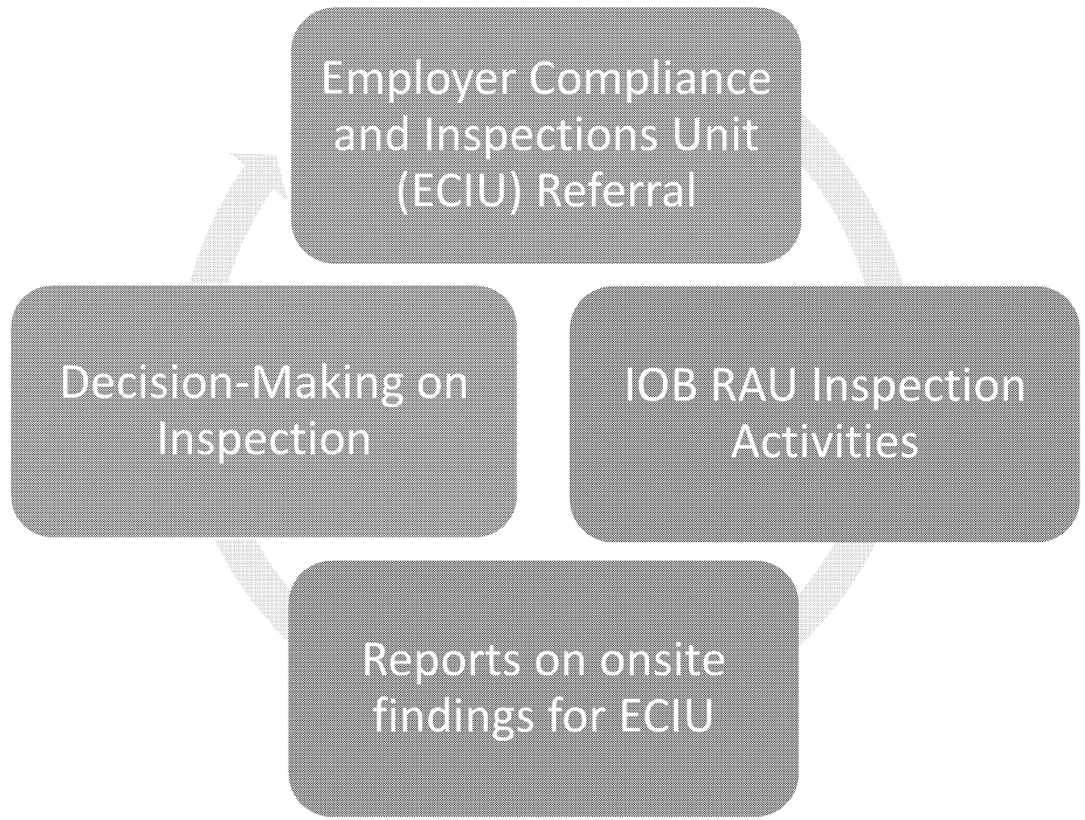
BY CONDUCTING COMPLIANCE INSPECTIONS, WE AIM TO…

- Uphold the integrity of the IMP
- Educate externally through inspection
- Protect the rights of TFWs
- Further policy and program development

WORKING PARTNERSHIP- INTERNATIONAL MOBILITY PROGRAM



s.16(1)(b)
s.16(1)(c)

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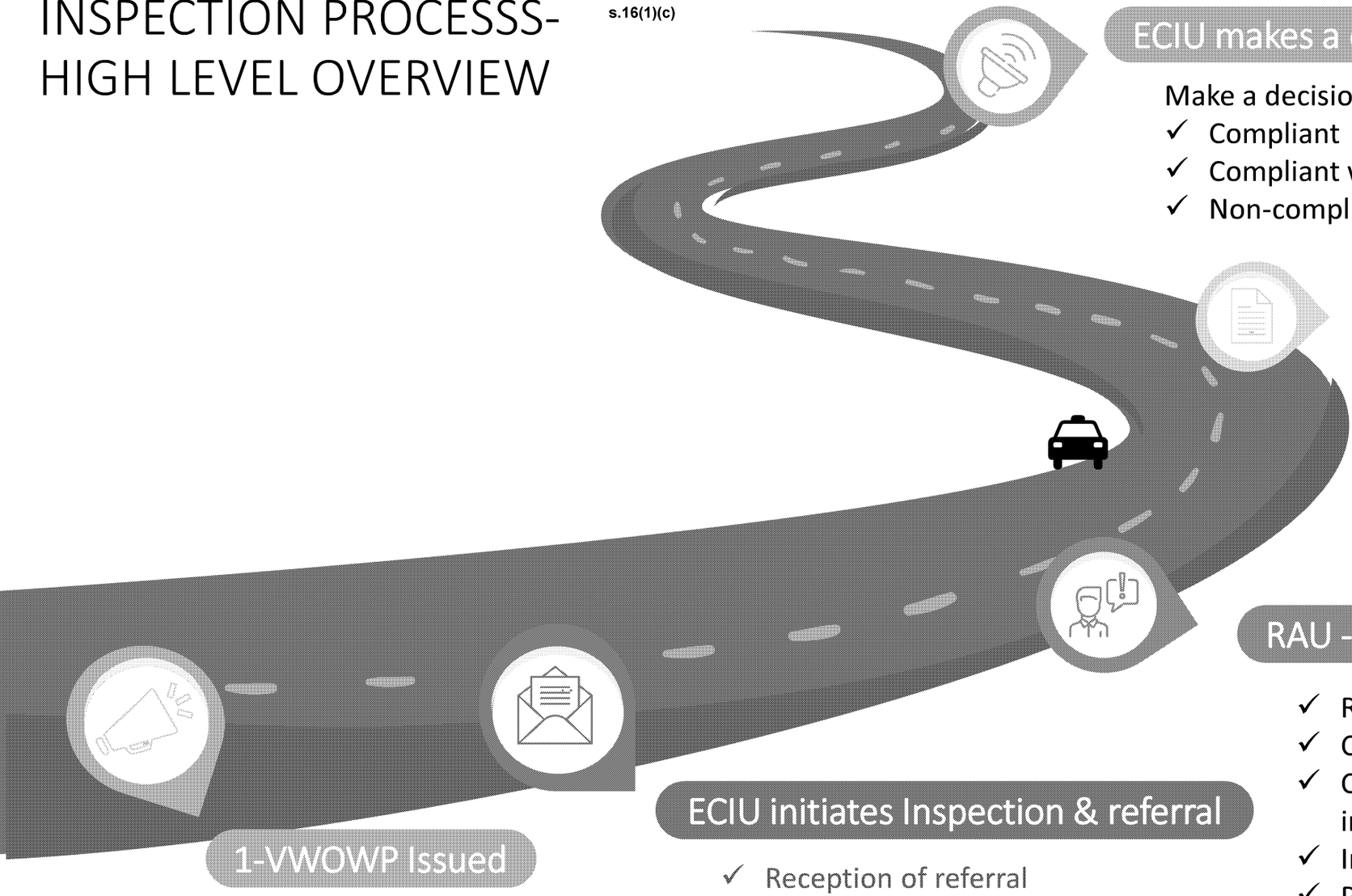
INSPECTION PROCESSS- HIGH LEVEL OVERVIEW



1-VWOWP Issued

ECIU initiates Inspection & referral

- ✓ Reception of referral
- ✓ Initate the inspection.

RAU -Onsite Inspection

- ✓ Review case (OSINT, GCMS,etc)
- ✓ Contact employer
- ✓ Conduct Onsite and collect information
- ✓ Interview Employer /FN/PR/CIT
- ✓ Pictures and site visit

Final report completed

- ✓ Summary of findings and facts relating to conditions
- ✓ Detailed interview and notes
- ✓ Photographs
- ✓ Sent to ECIU

ECIU makes a determination

Make a decision on employer compliance

- ✓ Compliant
- ✓ Compliant with Justification
- ✓ Non-compliant with AMPs & Ban (ICD – not ECIU)

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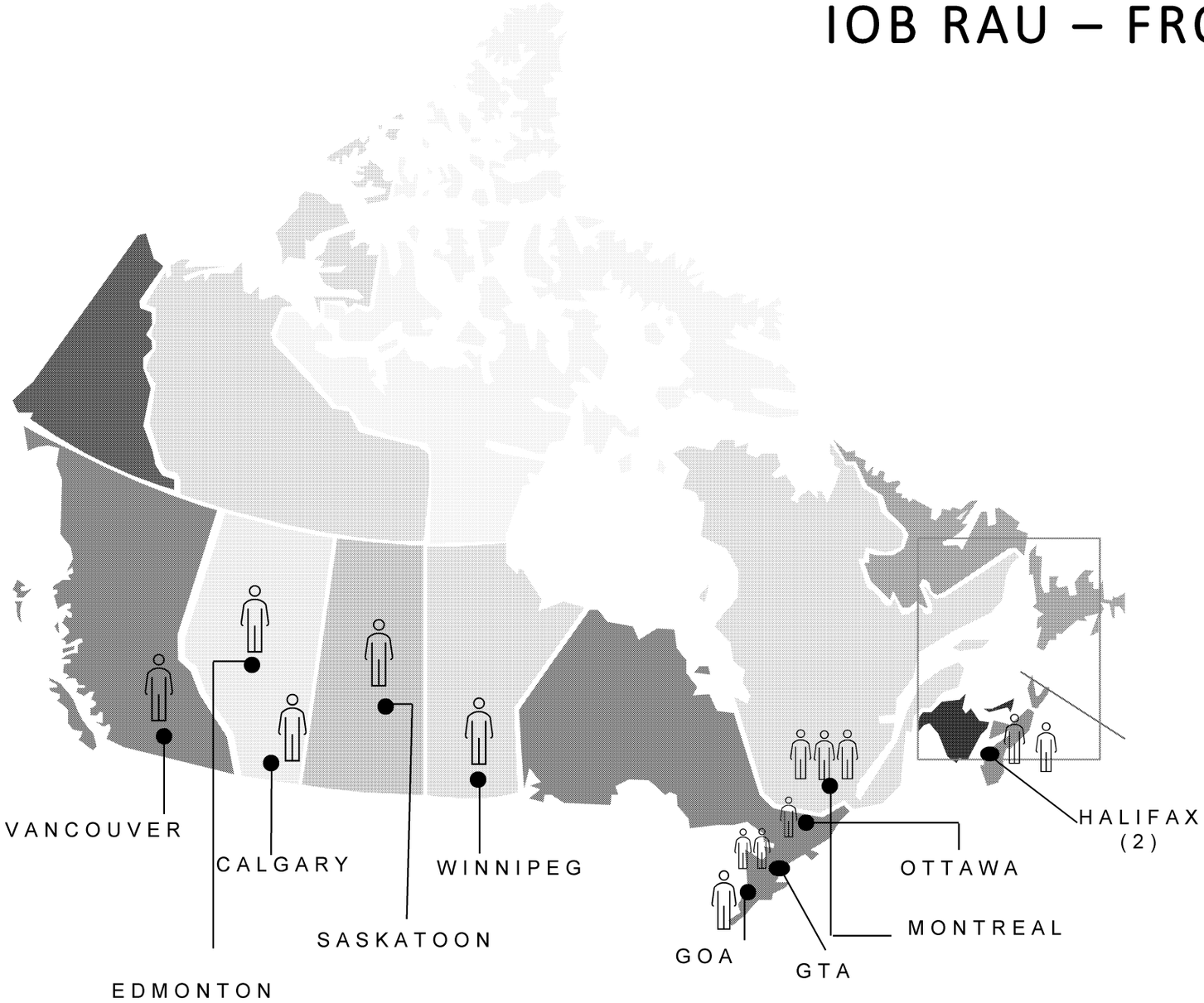
IOB RAU – FROM SEA TO SEA



BREAKDOWN OF INSPECTION % PER PROVINCE 2024 - 2025

ON	28%	PE	11%
BC	17%	NB	
QC	25%	NS	
AB	11%	NL	
SK	4%	MB	2%
YK	2%		

Data from April 1. 2024 to March 17 2025

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ECIU-INSPECTION PROCESS / TRIGGERS

Inspection Triggers as per R209.5

- Reason to suspect potential non-compliance
- Past non-compliance
- Random verification of compliance

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As part of the inspection process, ECIU verifies that employers are . . .

IRPR	Conditions
209.2(1)(a.1)	Providing information to TFWs about their rights in Canada;
209.2(1)(a)(i)	Actively engaged;
209.2(1)(a)(ii)	Compliant with FPT laws that regulate employment;
209.2(1)(a)(ii.1)	Making available the information referred to in paragraph 209.2(1)(a.1) in both official languages.;
209.2(1)(a)(iii)	Providing wages, occupation, & working conditions that are the same as those entered into the Offer of Employment;
209.2(1)(a)(iv)	Making reasonable efforts to ensure an abuse-free workplace;
209.2(1)(a)(v) / 209.2(1)(a)(vi) / 209.2(1)(a)(vii)	Compliant with conditions specific to the Emergencies Act or the Quarantine Act;
209.2(1)(a)(viii)	Providing temporary foreign workers access to health care services;
209.2(1)(a)(ix)	Not charging or recovering fees related to recruitment;
209.2(1)(a)(x)	Ensuring that any third parties they use do not charge or recover fees related to recruitment;
209.2(1)(b)(i)	Providing accurate information;
209.2(1)(b)(ii)	Retaining documents;
209.4(1)(a)	Reporting at an agreed upon location;
209.4(1)(b)	Providing documents;
209.4(1)(c)	Attending any onsite inspection at the work location; and
209.11(1)	Providing an employment agreement to the TFW which matches the information entered into the OOE.

s.16(1)(b)

s.16(1)(c)

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POSSIBLE OUTCOMES

- An employer can be found compliant (ECIU)
- An employer can be found compliant with justification (ECIU)
- An employer can be found non-compliant and be issued an AMP and Ban. (Senior decision maker)

If a case analyst is not satisfied that the employer is compliant or is not satisfied with the justification provided, a Notice of Preliminary Finding to the employer (possibly the closest thing to a PFL) in order to give one last chance to the employer to provide information

After 30 days, the NOPF is sent to the senior decision maker who has the delegated authority to make non-compliant finding and apply amps and bans if necessary.

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Determining violation type(s) IRPR Schedule 2, Table 1

Violation types are divided between **Types A (least severe), B, and C (most severe)**. The violation type associated with the violated conditions are determined via this table.
▷▷▷▷

Violation Type	Associated Conditions
Type A Violation	209.2(1)(b)(i) – Accuracy of information 209.2(1)(b)(ii) – Document retention
Type B Violation	209.2(1)(a.1) – Provide information to TFWs about their rights in Canada 209.2(1)(a)(ii) – Compliance with F/P/T laws 209.2(1)(a)(ii.1) – Make information regarding the TFWs' rights available to TFWs 209.2(1)(a)(iii) – Wages, occupation, and working conditions
Type C Violation	209.2(1)(a)(i) – Active engagement 209.2(1)(a)(iv) – Abuse-free workplace 209.2(1)(a)(v),(vi),(vii) – COVID-19 conditions 209.2(1)(a)(ix) – Not charging or recovering fees related to recruitment 209.2(1)(a)(x) – Ensuring that any third parties they use do not charge or recover fees related to recruitment R209.4(1)(a) – Report at a specific time/place to answer questions and provide documents R209.4(1)(b) – Provision of documents R209.4(1)(c) – Attend an onsite inspection and provide documents 209.11(1) – Provide a signed employment agreement to the TFW

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Findings of Non-Compliance (and Sanctions)

After a NoPF has been sent to an employer, the file will be referred to the Immigration Cases Division (ICD) for final decision to be rendered by a Senior Decision Maker (SDM). The SDM will also assess any submissions the employer may provide post-NoPF. A finding of non-compliance may result in the sanctions below.

Warning Letter	AMP	Temporary Ban	Permanent Ban
Should subsequent violations occur, the letter would be used to ascribe points based on the employer's compliance history.	Administrative Monetary Penalty, which can range from $500 - $100,000 per violation; up to a maximum of $1 million over 1 year.	A temporary ban from hiring TFWs through the TFWP or the IMP for 1, 2, 5, or 10 years.	A permanent ban from hiring temporary workers through the TFWP or the IMP (for serious violations only).
	The business will also be added to the public list of employers who have been non-compliant.		

s.16(1)(b)
s.16(1)(c)

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RISK BASED INSPECTIONS: WHAT IS A TIP?

Potentially adverse information received by IRCC regarding an employer who may have hired temporary foreign workers under the International Mobility Program (IMP). Typically contains **concerns/allegations of non-compliance** under the Immigration and Refugee Protection Regulations (IRPR).

s.16(1)(b)
s.16(1)(c)

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ASSESSING ABUSE-FREE WORKPLACE

Per Regulations, employers must make reasonable efforts to provide workers with a workplace that is free of abuse.

s.16(1)(b)

s.16(1)(c)

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OPW-V – COMPLIANT WITH JUSTIFICATION BREAKDOWN – STARTING IN 2019 TO 2024 (TOP 5)

Violation Types	% of Violation	Definition
R209.2(1)(a)(iii)	36.63%	WOW Conditions (Occupation, Wages, Working Conditions)
R209.2(1)(a.1)	12.87%	Provide information with respect to the FN rights in Canada
R209.2(1)(a)(ii.1)	11.88%	Offer of Employment available in both official languages
R209.2(1)(b)(i)	11.88%	Accuracy of Information on OoE & application for a WP
R209.2(1)(a)(ii)	7.92%	Compliance with FTP laws that regulate employment
R209.2(1)(a)(iv)	5.94%	Workplace free of abuse

OWP-V – NON-COMPLIANT BREAKDOWN – STARTING IN 2019 TO 2024

Violation Types	% of Violation	Definition
R209.4(1)(b)	40%	Provide Documents
R209.2(1)(a)(ii)	20%	Compliance with FTP laws that regulate employment
R209.2(1)(a)(iii)	20%	WOW Conditions (Occupation, Wages, Working Conditions)
R209.2(1)(b)(i)	10%	Accuracy of Information
R209.2(1)(b)(ii)	10%	Retention of documents

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WHY AREN'T WE FINDING MORE NON-COMPLIANCE?

- Inspections include onsite components and can take upwards of 1 year
- Finding of **compliance ≠ worker made a false claim**
- Inspection outcomes **should not fetter officers' decision on OWP-V applications**
- Different evidence and standard of proof
- Employers have the opportunity to justify non-compliance

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ONSITE SCENARIO – Verbal, Emotional and Psychological Abuse, OHS Concerns, Financial Abuse

s.16(1)(b)
s.19(1)

BACKGROUND

FN submitted a VWOWP for verbal, emotional, psychological Abuse and financial abuse as well as OHS concerns.

- The FN provided :
  - **A letter of explanation.**
  - **Pay stubs.**
  - **Photographs.**
  - **A letter from the Ops Manager regarding a near miss workplace incident and conditions that should be addressed to avoid potential accidents in future.**
  - **Workplace incident documents submitted to provincial OHS authority.**

- An OWP-V was issued and referral for IMP inspection sent to ECIU
- An OWP-V was issued to the FN and an inspection was subsequently launched.

SUPPORTING EVIDENCE:

Immigration, Refugees and Citizenship Canada | Immigration, Réfugiés et Citoyenneté Canada
Information disclosed under the Access to Information Act
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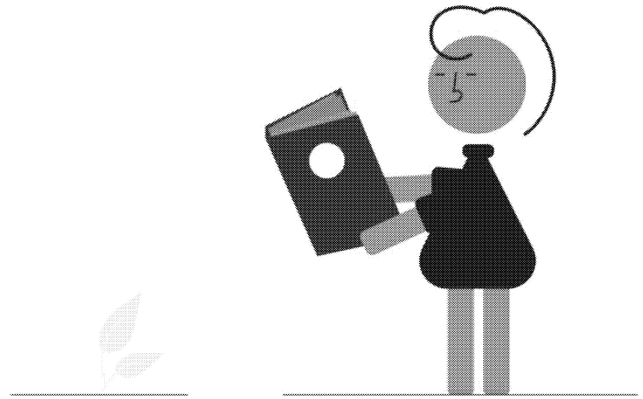
ONSITE SCENARIO – Verbal, Emotional and Psychological Abuse, OHS Concerns, Financial Abuse – PT 2

s.16(1)(b)

WHAT WE SAW ONSITE



RECOMMENDATIONS

Continue to assess supporting documents in relation to the application.

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Immigration, Réfugiés et Citoyenneté Canada
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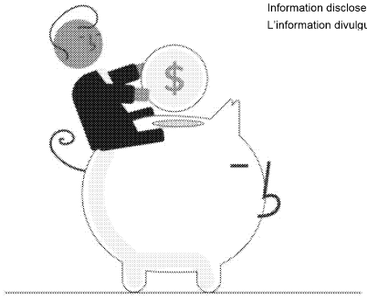
s.16(1)(b)

s.19(1)

ONSITE SCENARIO – ALLEGATION OF FINANCIAL ABUSE



BACKGROUND

Allegation Made:

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s.16(1)(b)
s.16(1)(c)

ONSITE SCENARIO – ALLEGATION OF FINANCIAL ABUSE –PT 2.

FINDINGS WHILE ONSITE

RECOMMENDATIONS

-
-
-

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s.16(1)(b)
s.19(1)

RECOMMENDATIONS FOR PROCESSORS

✓ Review letter of offer and related employment docs

Clients & Parties | Eligibility | Admissibilities | Other Reqs | Correspondence | Notes | Finalize Application | Fees | Paper File | Associations | Employment Details | eDocs | Histor

Menu

Document #	eDoc #	Attachment Nan	Document Type	Document Sub Type	Country of Issue	Issue Date	Expiry Date	Uploaded By	Uploaded Date	Uploaded Office	Uploaded Sou
0[redacted]				IMM Photo	India	2022/10/18			10/18/2022 0...	GCMS-SYSTEM	CIBIDS
				Offer of employment					01/24/2024 2...		e-App

Clients & Parties | Eligibility | Admissibilities | Other Reqs | Correspondence | Notes | Finalize Applicati

Incoming | Outgoing

Item(s) Requested | Menu | New | Query | Associate

[redacted] ID	Correspondence	Client/Party	Organization ID	Item
		PA		Offer of employment

✓ Review client history, including previous applications

Client/Party	App/Case #	Category/	Subcategory	Name	App/Ca
PA		TRV	eTA	[redacted]	Closed
PA		VR			Closed
PA		WP			Closed
PA		WP-EXT			Closed
PA		WP-EXT			Closed

s.16(1)(b)
s.16(1)(c)

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RECOMMENDATIONS FOR PROCESSORS (CONTINUED)

s.16(1)(b)
s.16(1)(c)

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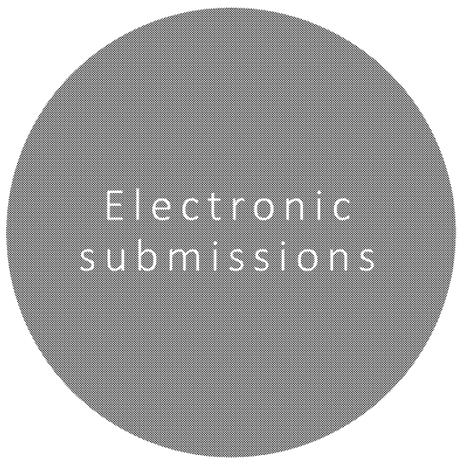
WHAT TO LOOK FOR- ADVERSE INDICATORS



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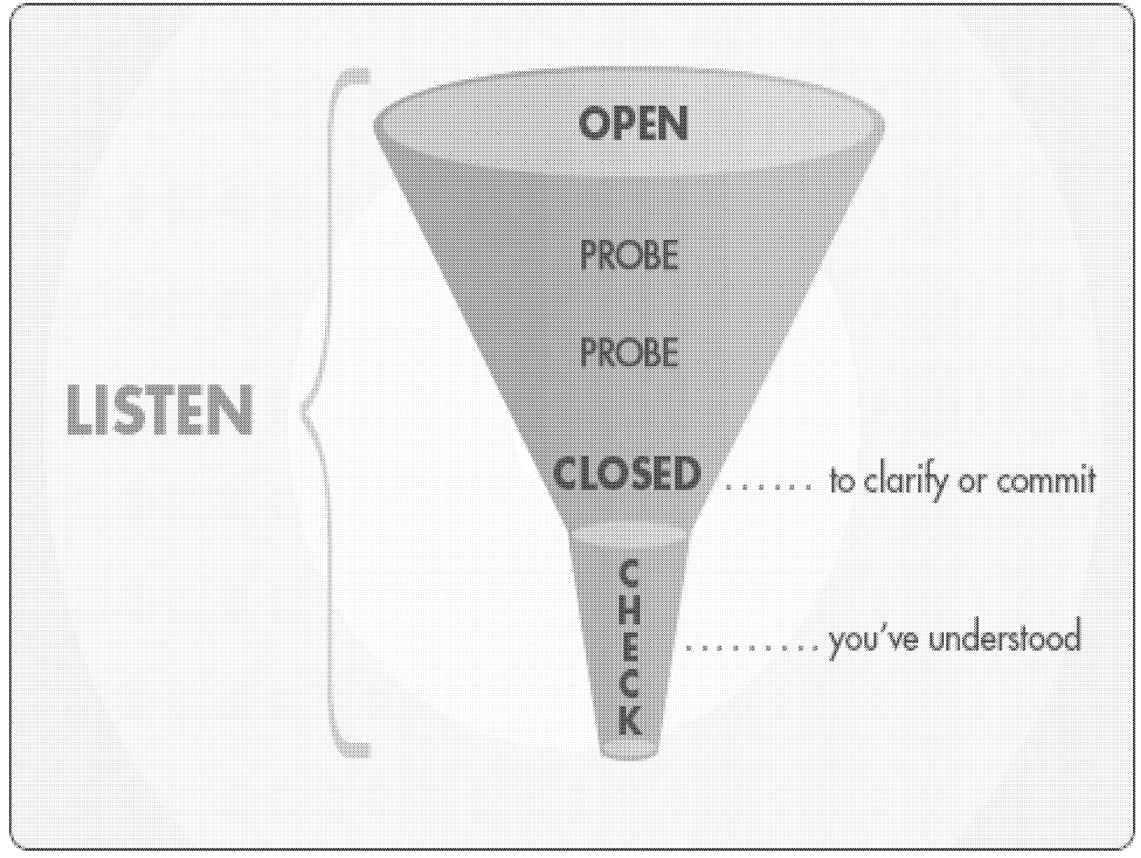
s.16(1)(b)
s.16(1)(c)

INTERVIEWS

- Don't interrupt;
- Give signs of affirmation;
- Try to assess the applicant's baseline (in relation to the baseline from the previous small talk answers);
- Listen actively;
- Write as many notes as possible;
- Ask open-ended questions to give the interviewee the control of the conversation; the interviewer should take back control of the conversation and focus on points they deemed of particular interest by asking close-ended questions;



s.16(1)(c)
s.16(2)(c)

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HOW TO MAKE A REFERRAL TO IOB RAU

Employers/Employment Verifications:

1. Add Domestic RO as Secondary Office;
2. Create a Verification Activity, leave it Not Started, and assign it to
3. Upload a Verification-labelled Note in GCMS (with ATIP caveat), highlighting the officer's concern and specifying what needs to be verified;
4. Upload any relevant document(s) (i.e. Letter of Employment, Offer of Employment, LMIA, etc.) to GCMS;
5. If you have any specific questions/instructions: email:

Study (Letters of Acceptance, Education docs, GICs, IELTS, etc.) Verifications:

1. Add Windsor IRCC (RC-3420) as Secondary Office;
2. Create a Verification Activity, leave it Not Started, and assign it to RC-3420;
3. Upload a Verification-labelled Note in GCMS (with ATIP caveat), highlighting the officer's concern and specifying what needs to be verified;
4. Upload any relevant document(s) (i.e. LoA, IELTS, etc.) to GCMS;
5. If additional information is necessary, email the

s.16(1)(b)
s.16(1)(c)

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USEFUL LINKS

Provinces and Territories Employment Standards:

- Saskatchewan: https://www.saskatchewan.ca/business/employment-standards
- Manitoba: https://www.gov.mb.ca/labour/standards/index.html
- Alberta: https://www.alberta.ca/employment-standards.aspx
- BC: https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards
- Yukon: Employment standards | Government of Yukon
- Nunavut: Nunavut Labour Standards Compliance Office - Fact Sheets (nu-lsco.ca)
- NWT: Employment Standards | Education, Culture and Employment (gov.nt.ca)
- Newfoundland: Labour Standards Division (Non-Unionized Employees and Workplaces) - Environment and Climate Change (gov.nl.ca)
- PEI: Employment Standards in PEI | Government of Prince Edward Island
- New Brunswick: Employment Standards (gnb.ca)
- Nova Scotia: Employment Rights | novascotia.ca
- Quebec: Labour standards in Québec (gouv.qc.ca)
- Ontario: https://www.ontario.ca/document/your-guide-employment-standards-act-0

Employer Responsibilities:

Hire a worker without an LMIA: after you hire a temporary worker - Canada.ca

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Justification Requests

Regulations	Justification(s)
• 209.2(1)(a.1) **Provide information to TFWs about their rights in Canada** • 209.2(1)(a)(i) **Active engagement** • 209.2(1)(a)(ii) **Compliance with F/P/T laws** • 209.2(1)(a)(ii.1) **Make information regarding the TFWs' rights available to the TFWs** • 209.2(1)(a)(iii) **Wages, occupation, and working conditions** • 209.2(1)(a)(iv) **Make reasonable efforts to provide an abuse-free workplace** • 209.2(1)(a)(v),(vi),(vii) **COVID-19 conditions** • 209.2(1)(a)(viii) **Provide TFWs access to healthcare**	**R209.2(3)** A failure to comply with any of the conditions set out in subparagraphs (1)(a)(i) to (viii) and paragraph (1)(a.1) is justified if it results from: a) a change in federal or provincial law; b) a change to the provisions of a collective agreement; c) the implementation of measures by the employer in response to a dramatic change in economic conditions that directly affected the business of the employer, provided that the measures were not directed disproportionately at foreign nationals employed by the employer; d) an error in interpretation made in good faith by the employer with respect to its obligations to a foreign national, if the employer subsequently provided compensation — or if it was not possible to provide compensation, made sufficient efforts to do so — to all foreign nationals who suffered a disadvantage as a result of the error; e) an accounting or administrative error made by the employer, if the employer subsequently provided compensation — or if it was not possible to provide compensation, made sufficient efforts to do so — to all foreign nationals who suffered a disadvantage as a result of the error; f) circumstances similar to those set out in paragraphs (a) to (e); g) superior force; or h) an error in interpretation made in good faith by the employer with respect to its compliance with the conditions set out in any of subparagraphs (1)(a)(v) and (vi).
• 209.2(1)(a)(ix) **Not charging or recovering fees related to recruitment** • 209.2(1)(a)(x) **Ensuring that any third parties they use do not charge or recover fees related to recruitment**	**R209.2 (3.1)** A failure to comply with any of the conditions set out in paragraphs (1)(a)(ix) and (x) is justified if the employer (a) made all reasonable efforts to comply with the conditions; and (b) subsequently provided full compensation to the foreign national for the fees incorrectly charged or recovered.
• 209.2(1)(b)(i) **Accuracy of information** • 209.2(1)(b)(ii) **Document retention**	**R209.2(4)** A failure to comply with either of the conditions set out in paragraph R209.2(1)(b) is justified if the employer made all reasonable efforts to comply with the condition.
• R209.4(1)(a) **Report at a specific time/place to answer questions and provide documents** • R209.4(1)(b) **Provision of documents** • R209.4(1)(c) **Attend an onsite inspection and provide documents**	**R209. 4(2)** A failure to comply with any of the conditions set out in subsection R209.4(1) is justified if the employer made all reasonable efforts to comply with the condition or if it results from anything done or omitted to be done by the employer in good faith.