

Ministry of Labour, Training and Skills Development

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.

The [Employment Protection for Foreign Nationals Act, 2009](#) (EPFNA) is a law that provides rights and protections for foreign nationals who work or are seeking work in Ontario under an immigration or foreign temporary employee program, like the federal Temporary Foreign Worker Program. For more information, please visit Ontario.ca/EPFNA.

This information sheet provides a summary of your rights under the EPFNA. If your first language is not English, your recruiter or employer must provide this information sheet to you in your first language, if it is available from the Ministry of Labour, Training and Skills Development.

As a foreign national working in Ontario, you generally also have rights under the [Employment Standards Act, 2000](#) (ESA). The ESA sets minimum standards for most workplaces in Ontario, including minimum wage and limits on hours of work. Your employer must also give you an information sheet about your rights under the ESA.

A recruiter cannot charge you any fee

A recruiter is anyone who finds or tries to find you employment in Ontario. A recruiter may also refer you to someone or help someone find you employment in Ontario. Your recruiter or someone working with them, cannot charge you any fees for any service, good or benefit provided to you, such as: a Labour Market Assessment, orientation, resume writing services, interview preparation or first aid training.

An employer cannot recover costs of you becoming an employee (with some exceptions)

Generally, your employer cannot charge you for any fees or costs it paid for hiring you, such as your Labour Market Assessment, orientation, training or fees it paid to a recruiter. It also can't deduct these fees or costs from your wages. 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 work permits if your SAWP employment contract allows this.

An employer also cannot recover recruitment fees or other placement costs from a foreign national on behalf of a recruiter.

A recruiter or employer cannot take your property

Your recruiter, your employer, or a person acting for them 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. These agreements or contracts are 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 or exercise your rights under the EPFNA or ESA, your recruiter or employer cannot threaten, intimidate or punish you in any way, including by ending your employment.

If you have a question or want to file a claim

For more information the EPFNA, please visit Ontario.ca/EPFNA.

If you have questions about the EPFNA you may also call the Employment Standards Information Centre at (416) 326-7160, toll-free at 1-800-531-5551, or TTY 1-866-567-8893. Information is available in many languages.

If you believe you have not received your rights under the EPFNA, you can file a claim with the Ministry of Labour, Training and Skills Development at Ontario.ca/EPFNA.

You have three and a half years to file a claim for your rights under the EPFNA.