



# RINGSIDE

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## Temporary Foreign Worker Audit Service for current ACFA members

In our ongoing effort to provide value to members, we are pleased to share this opportunity with you. Newland Chase is an ACFA Associate Member and is offering a TFWP Audit Service to our members. Newland Chase has been providing our association with valuable insight and support in advocating to both federal and provincial governments on the significant challenges associated with bringing foreign workers into Canada and keeping them here. Please see below for details on the TFWP audit Service being offered to you by Newland Chase.

As an associate member of the Alberta Cattle Feeders' Association, Newland Chase has supported ACFA in lobbying the provincial and federal governments on issues of importance to the cattle industry. As we take part in various round table discussions and working groups, we are made aware of changing policies that have a direct impact on cattle producers who use the Temporary Foreign Worker Program (TFWP). One such policy is Employment and Social Development Canada's (ESDC) right to perform unannounced, on-site inspections of your feedlot. Considering the growing concern over how these inspections will affect fellow ACFA members, we would like to offer our TFWP Audit Service at a discounted rate to members until the end of this year.

### BACKGROUND

Since 2013, ESDC's *Service Canada* has had the right to perform inspections of all employers in the Temporary Foreign Worker Program (TFWP). Inspections are most often triggered where there is non-compliance, or a reason to suspect non-compliance, but can simply be conducted randomly at the election of authorities. Earlier this year, ESDC announced a new policy directing their inspectors to perform random, on-site inspections.

Under the new policy, inspectors are permitted to:

- **Conduct on-site visits without a warrant** (*private dwellings excluded*), with or without prior notice;
- **Interview employers and ask any relevant questions** based on the conditions set out in the LMIA application, decision letter and annex;
- **Interview employees** (*with consent, but without the presence of the employer*) and ask any relevant questions based on the conditions set out in the LMIA application, decision letter and annex, as well as questions concerning the general treatment of TFW's by the employer; and
- **Use copying equipment on the premises, take photos and video or audio recordings, examine employers' computers and other electronic devices**, and more.

If an employer is found non-compliant during an inspection or audit, penalties can include the revocation of the LMIA as well as any work permit associated with it. Further penalties can include hefty fines and a complete ban from accessing the program, not to mention the resulting damage to a company's reputation by ending up on ESDC's list of blacklisted employers.

While the majority of employers have the best of intentions . . . *mistakes do still occur*. Even well-intentioned positive changes to the TFW's employment — *such as providing a foreign worker with a raise* — can still lead to

compliance issues. Other mistakes — *such as failing to provide housing at the correct rate or making deductions from payroll that aren't permitted* — may simply be honest oversights. Regardless of intentions, failing to comply with the conditions of an LMIA can have serious consequences for an employer and their foreign worker.

## **TFWP AUDIT SERVICE**

With the unique needs of the agriculture industry, Newland Chase has a broad range of immigration solutions tailored specifically for agriculture producers. One such solution includes our *TFWP Audit Service*. Our experienced team reviews the files for each of your TFWs to ensure your company is fully compliant and ready for an inspection, should one occur. We then provide you with a full report on any potential compliance issues and assist you in rectifying any mistakes. Being proactive in resolving any compliance deficiencies under ESDC's Voluntary Disclosure provisions (*rather than having those issues pop up during an on-site inspection*) significantly reduces your risks of penalties under the TFWP and saves you money in the long run.

Given the increase in inspections and audits, **we are offering a 20% discount to ACFA members on our TFWP Audit Service** through to June 30, 2019, to ensure members are well positioned for upcoming, potentially unannounced, inspections and audits. Costs for the TFWP Audit Service are broken down on a per file basis, working out to \$160/TFW, with the discount.

## **CONTACT**

For more information on our TFW Audit Service, please contact Ken Nickel-Lane, Managing Director, at [ken.nickel-lane@newlandchase.com](mailto:ken.nickel-lane@newlandchase.com) or 403-269-2224 ext. 34210, or Cassandra Conacher, Senior Immigration Consultant, at [cassandra.conacher@newlandchase.com](mailto:cassandra.conacher@newlandchase.com) or 403-269-2224 ext. 34215.

Thank you,

Alberta Cattle Feeders' Association