



Immigration Legislation and Foreign Worker Protections

Discussion Guide



Introduction and Background

Immigration in Canada is a shared federal and provincial responsibility. Newcomers arrive in the province through federal programs, such as the Temporary Foreign Worker Program, as well as through provincially administered programs. Federal immigration programs are governed by federal legislation, while provincial immigration programs operate through bilateral agreements with the Government of Canada.

Newfoundland and Labrador administers the Provincial Nominee Program and the Atlantic Immigration Program, which enable individuals with full-time job offers to live and work in the province on a pathway to permanent residence.

Newcomers contribute significantly to the social, cultural and economic fabric of Newfoundland and Labrador. Their role in addressing labour shortages and advancing sustainable economic growth underscores the importance of an immigration system that is fair, responsive and grounded in integrity. The Government of Newfoundland and Labrador is committed to ensuring that all residents benefit from a system that prioritizes safety, opportunity, and fairness.

To advance this commitment, the Department of Jobs, Growth and Rural Development (JGRD) is holding consultations to inform the potential development of new immigration legislation and related measures to strengthen protections for foreign workers in Newfoundland and Labrador.

These consultations will help the province assess whether legislative, policy, or other changes are needed to support fair and transparent processes within the immigration system, while advancing provincial population and economic growth objectives, including attracting and retaining workers and supporting employers and rural communities.

This work aligns with broader government priorities to modernize services, reduce barriers, and strengthen oversight. Through engagement with newcomers, employers, community organizations, and the public, the province aims to promote safety, fairness, and opportunity for foreign workers and support a labour market that benefits all residents.

We invite you to provide your feedback. Input received through this process will help inform whether future legislative or other measures may be appropriate, as well as the potential scope and design of any such actions. Participants are encouraged to share perspectives on any relevant issues within scope, including topics not specifically identified in this document.

For questions or additional information, please contact JGRD at [**immigrationconsultation@gov.nl.ca**](mailto:immigrationconsultation@gov.nl.ca).

Recruitment Issues

Recruiters are individuals or organizations contracted by employers to identify, screen, and often facilitate the hiring of foreign workers. Most provinces (British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia and Prince Edward Island) require recruiters of foreign workers to be licensed, which is an accountability tool that can help prevent exploitation. Although recruiters themselves are not directly regulated under federal immigration legislation, it imposes strict compliance requirements on employers, who must ensure that any recruitment conducted on their behalf complies with federal laws governing the employment or recruitment of workers. Recruiter licensing is primarily designed to:

- Protect foreign workers from exploitation and abuse during the recruitment process.
- Ensure employers work with reputable and accountable recruiters.
- Prevent illegal fees from being charged to workers.
- Support fair labour practices.
- Enhance transparency in the recruitment process.

Most provinces also maintain a public registry of licensed recruiters allowing employers and workers to verify legitimacy.

Typically, licenses are granted to individuals, not agencies or companies, who recruit foreign workers for a fee or compensation. Licenses are typically valid for one (1) to three (3) years. Employers who recruit for their own businesses and government bodies are typically exempted from recruiter licensure requirements.

Application for recruiter licensure is typically submitted online and often requires the submission of business details, criminal record checks and standard agreements/sample contracts. Financial security/deposits may be required as part of the process. This deposit can be used to compensate clients, including employers and foreign workers, if violations occur. Deposits range from \$5,000 to \$25,000 in other provinces.

If the government implements recruiter licensing, what should be considered?

The following may help guide your response:

- Should Newfoundland and Labrador establish a licensing system for recruiters?
- What benefits or challenges do you foresee?
- If a licensing system is created, what information, if any, should be made publicly available?
- Should recruiters be required to provide a deposit or other form of security? If so, should the deposit be accessible to compensate workers harmed by a recruiter's actions and/or used to offset administrative penalties or investigation costs?

Employer Registry

In most provinces (British Columbia, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia and Prince Edward Island) employers hiring foreign workers are required to register with the province. A registration requirement helps:

- **Prevent fraud** - Registries help prevent fraudulent job offers and unauthorized recruitment practices.
- **Provide services** - By maintaining a list of registered employers, provinces can monitor where foreign workers reside and allocate targeted supports and services.
- **Protect foreign workers** - Registration can help ensure that employers meet the minimum standards before hiring foreign workers and thus reduce the risk of exploitation.

In most provinces, this practice is designed to minimize impacts on employers, with digital tools that streamline the registration process and allow it to be completed quickly and simply.

Employer registration requirements vary across the country:

- **British Columbia:** Employer registration is mandatory before applying for an LMIA. The registry is public and free to access. Registration is valid up to three years.
- **Saskatchewan:** Employers must register and demonstrate financial stability. Registration is valid for two years.
- **Manitoba:** Employers must register before hiring foreign workers. Failure to do so can result in fines up to \$50,000. Registration is valid for one year.
- **Nova Scotia:** Employers must register unless exempt (high skilled position – TEER 0). Registration is valid for one year.
- **New Brunswick:** All employers hiring foreign workers must register. The registry is internal and not publicly accessible. Registration is valid for one year.
- **Prince Edward Island:** Employer registry launched in 2025 as part of phased implementation of new legislation. Registration is valid up to three years.

If the Government of Newfoundland and Labrador created an employer of foreign workers registry, what should be considered?

The following may help guide your response:

- What objectives should an employer registry or employer licensing system primarily serve in Newfoundland and Labrador?
- Do you believe a registry would improve oversight of employers hiring foreign workers? Why or why not?
- Are there specific risks or gaps in the current system that an employer registry could address?
- What types of accountability measures should be established for employers who hire foreign workers?
- Should Newfoundland and Labrador make any part of the employer registry public? If yes, what information should be publicly accessible (e.g., employer name, status, compliance history, licence expiry date)? How should privacy and transparency be balanced?

Prohibited Practices

Most provinces have specific provisions in their legislation that aim to protect foreign workers from coercion and exploitation. These provisions typically prohibit charging or recovering recruitment costs from foreign workers, retaining personal documents (passports or work permits), misrepresenting employment or immigration opportunities, prohibitions against threats and coercion, and retaliation or reprisals against workers who file complaints.

If the Government of Newfoundland and Labrador creates legislation establishing clear prohibitions and bans on coercion, exploitation and unethical recruitment or employment, what should be considered?

In your response, please consider:

- **Recruitment practices** – e.g., charging fees to workers, misleading information, high-pressure tactics.
- **Employment-related conduct** – e.g., document retention, wage deductions, restrictions on job mobility.
- **Coercion and intimidation** – e.g., threats of termination, deportation, or blacklisting.
- **Retaliation or reprisals** – e.g., punishing workers for reporting issues or cooperating with inspections.
- **Living conditions and autonomy** – e.g., controlling where workers live, limiting their movement or communication.

Employer Duties

Some jurisdictions (British Columbia and Nova Scotia) require employers to provide employment standards information to foreign workers and supply written employment contracts. This ensures workers understand their rights and terms of employment. These provinces freely distribute employment standards information to employers to share with their employees.

What duties or obligations should employers be required to fulfill to ensure foreign workers understand their rights and the terms of their employment?

Possible questions to consider:

- What information should employers be required to provide to foreign workers?
- When should this information be provided (before arrival, upon arrival, and/or at job start)?
- Should employers be required to provide foreign workers with a written employment contract? If so, what should be required inclusions (wages, duties, hours, conditions, other)?
- At what point should the contract be provided (e.g., before recruitment, before arrival, on the first day of work)?
- Should contracts be required to be in accessible language?
- What records should employers be required to maintain (e.g., copies of contracts, proof of information provided to workers)? How long should these records be maintained?

Administrative Penalties

Several provinces (British Columbia, Saskatchewan, Manitoba, Ontario and Prince Edward Island) use administrative penalties to address non-compliance with immigration legislation. Administrative penalties allow for governments to enforce standards without reliance on lengthy or complex court processes. Administrative penalty systems are generally designed to:

- Encourage compliance with immigration and employment requirements.
- Provide an efficient enforcement mechanism through government agencies.
- Deter misconduct by employers and recruiters.
- Promote transparency through the public posting of violations in some jurisdictions.

In most provinces, administrative penalties include monetary penalties, and license suspension or cancellation. Some provinces also publish the names of recruiters and employers who violate the legislation on government websites to promote transparency and deter misconduct.

What approaches should the province adopt to enforce employer and recruiter compliance?

The following may help guide your response:

- If Newfoundland and Labrador were to introduce administrative penalties, what types of penalties (e.g., monetary fines, licence suspension, licence cancellation, temporary hiring bans) would be appropriate for non-compliance?
- Should the province publicly disclose employers or recruiters who receive administrative penalties? If so, what information should be published?
- What processes or safeguards should be in place to ensure that administrative penalties are applied fairly, consistently, and transparently?
- What enforcement tools, including administrative penalties, should be available to ensure employer and recruiter compliance with provincial immigration legislation?

Program Authority

Provincial immigration legislation would explicitly govern program authority and how the Provincial Nominee Program and Atlantic Immigration Program are administered in Newfoundland and Labrador (for example, setting conditions, restrictions, or eligibility requirements). This includes bans and loss of access for individuals or organizations who misuse provincial programs.

How should provincial legislation address participation in the Provincial Nominee Program and Atlantic Immigration Program, including expectations, conditions, or consequences for misuse of the programs and what enforcement tools should the province have when misuse occurs?

Concluding Question

Is there anything else you would like to share as the Government of Newfoundland and Labrador considers immigration legislation and other measures to protect foreign workers?



