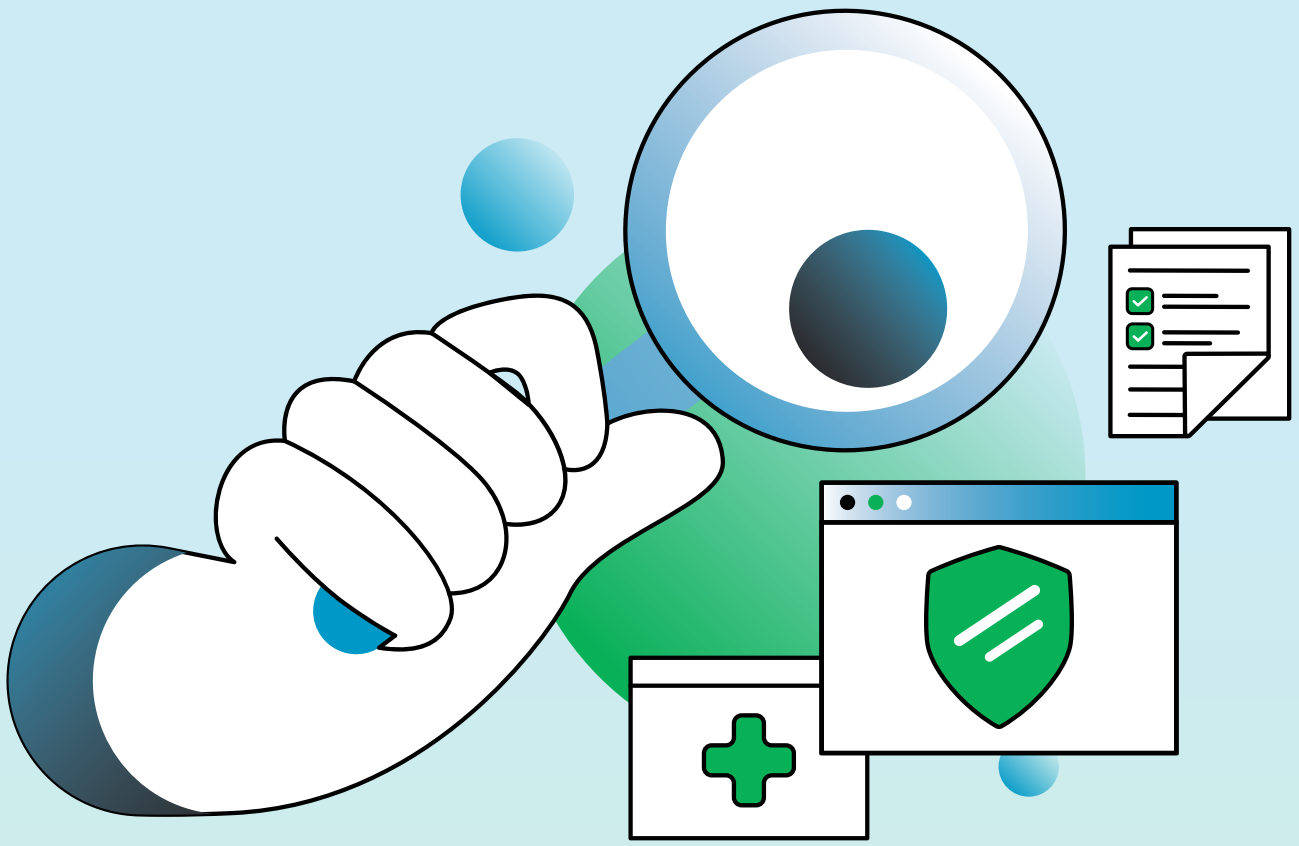


Governmental Organizations

# Supporting Temporary Foreign Workers' HEALTH, SAFETY and RIGHTS





There are multiple organizations in Canada, both at a federal and provincial level, that can provide support and information to migrant workers to help ensure that their health, safety, and rights as workers are protected.

Having a clear idea of each agency's purpose and jurisdiction thus becomes imperative to ensure settlement practitioners link clients to the appropriate organization depending on workers' needs.

This factsheet provides an overview of the following agencies and jurisdictions:

- **WORKSAFEBC**
- **BC HUMAN RIGHTS TRIBUNAL**
- **EMPLOYMENT STANDARDS BC**
- **EMPLOYMENT AND SOCIAL DEVELOPMENT CANADA**

Unless otherwise specified, the term "migrant worker" is used here to describe foreign workers in Canada under all programs, including the Temporary Foreign Worker Program (TFWP) and the International Mobility Program (IMP).

In general:

- Unsafe work/injury/bullying and harassment: Start with WorkSafeBC
- Employment discrimination on a protected ground: BC Human Rights Tribunal
- Failure to meet minimum employment standards (e.g., unpaid wages, fees charged for employment) not on a protected ground:
  - Employment Standards Branch
  - If the issue also suggests employer non-compliance with the TFWP (e.g., reprisals, document retention, LMIA misrepresentation), also report to Employment and Social Development Canada

**This infosheet is not intended as legal advice. Please contact the appropriate agency for case-specific situations.**



# WorkSafeBC

WorkSafeBC (WSBC) is British Columbia's (BC) independent provincial agency dedicated to promoting safe and healthy workplaces. It also enforces the [Occupational Health and Safety Regulation \(OHS\)](#) and the [Workers Compensation Act](#). Their main purpose is to prevent workplace injury, illness, and death, and support injured workers through fair compensation and effective rehabilitation.

WorkSafeBC has three main mandates:

- **Compensation** for workers who have become injured or ill on the job.
- **Preventing workplace injury** by educating workers and employers and creating safety regulations, policy, and guidelines.
- **Insuring employers** through no-fault protection, which automatically covers workers in BC for any work-related injury, illness, or disease.

When work-related injuries do occur, WorkSafeBC partners with health care providers to ensure workers get the treatment they need to resume their normal routines. They also provide compensation and support workers in their recovery, rehabilitation, and safe return to work.

Most people working in BC are protected by WorkSafeBC insurance. This includes those working full-time, part-time, on a contract, or as casual labour. Some self-employed workers may not be covered, but they can still contact WorkSafeBC for further information. Workers who do not speak English can ask to speak to someone in their language.

## WHAT WOULD TEMPORARY FOREIGN WORKERS GO TO WORKSAFEBC FOR?

- [To report a work-related injury or disease](#): WorkSafeBC will request the worker's contact information, Personal Health Number (if they have one), Social Insurance Number, employer contact information, and details of the injury.
- [To report an unsafe workplace](#):
  - This includes physically unsafe work, as well as bullying and harassment if the employer has not taken reasonable steps to address the incident.
  - Workers can contact WorkSafeBC's Prevention Information Line anonymously, if preferred.
- [To report suspected fraud](#), such as an employer failing to report workplace injuries to WorkSafeBC.
- [To learn about workplace health and safety responsibilities](#)
- [To access workplace health and safety resources](#), such as multi-lingual guides on rights and responsibilities of workers.
- [To access OHS regulation and related materials](#), such as how app-based ride-hail and delivery services are now covered by WorkSafeBC.



# BC Human Rights Tribunal

The BC Human Rights Tribunal is an independent, quasi-judicial body created through the BC Human Rights Code and is responsible for accepting, screening, mediating, and adjudicating human rights complaints. It offers the parties to a complaint the opportunity to try to resolve the complaint through mediation. Respondents have an opportunity to respond to a complaint and to apply to dismiss a complaint without a hearing. If the parties do not resolve a complaint and the complaint is not dismissed, the Tribunal holds a hearing.

The Code's purpose is to make sure that people can participate equally in the economic, social, political and cultural life of British Columbia. The Code does this by forbidding discrimination in areas of daily life such as [employment](#) based on [personal characteristics](#) covered by the BC Human Rights Code such as sex, race, religion, family status, disability, place of origin and sexual orientation.

## WHAT WOULD TEMPORARY FOREIGN WORKERS GO TO THE BC HUMAN RIGHTS TRIBUNAL FOR?

- [To make a complaint](#) if discriminated against in an area of daily life, such as employment
  - An example is being required to work on a day that the worker's religious belief and practice forbids working. It is important to note that when workers need [accommodation](#) from work requirements based on their personal characteristics, they should inform their employer.
  - Other examples include discrimination in wages, employment advertisements, and other employment discrimination due to Indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age.
- [To learn about the mediation process and how to prepare for it](#)
- [To find a list of community resources who can help with human rights cases](#)
- [To find out more about the human rights process in BC](#)



# Employment Standards Branch

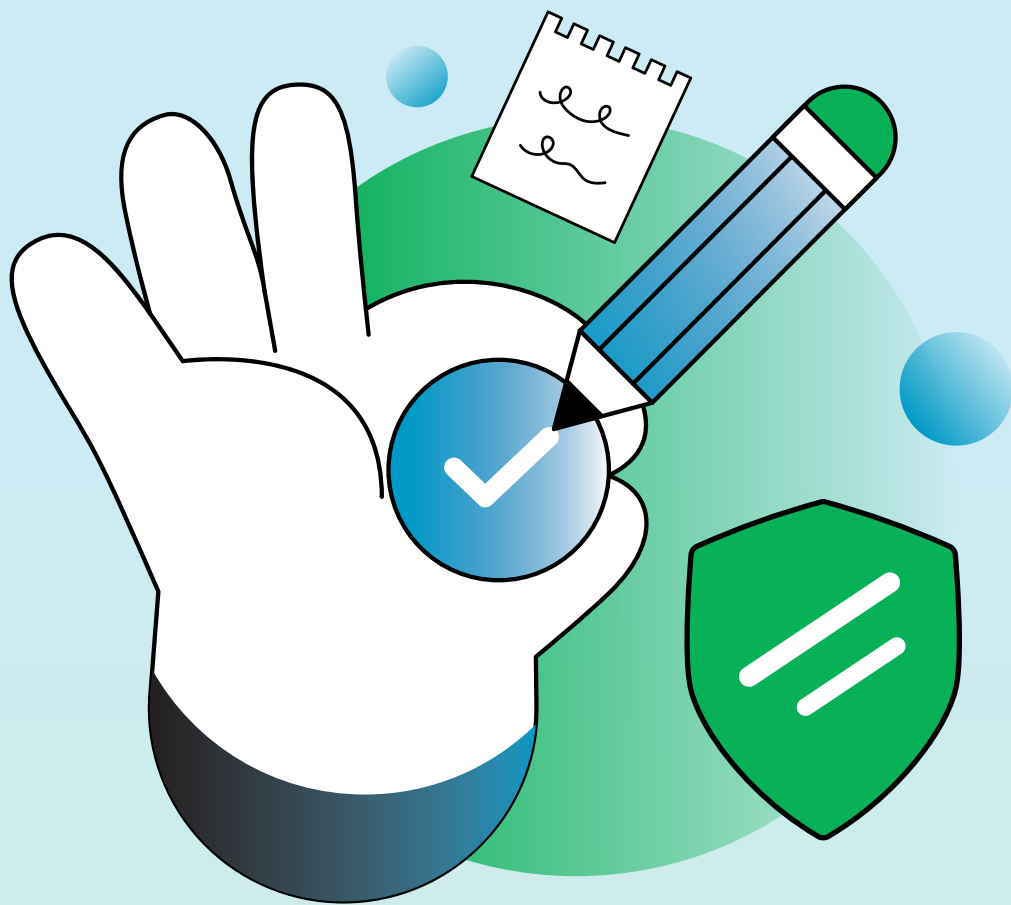
BC's Employment Standards Branch administers two provincial acts, both of which cover migrant workers:

- The Employment Standards Act, which sets minimum standards for payment, compensation and working conditions in most BC workplaces.
- The Temporary Foreign Workers Protection Act, which sets requirements for the recruitment, hiring, and employment of foreign nationals.

The Employment Standards Branch can receive complaints when employers violate the Employment Standards Act or the BC Temporary Foreign Workers Protection Act.

## WHAT WOULD MIGRANT WORKERS GO TO EMPLOYMENT STANDARDS FOR?

- [To learn about how temporary foreign workers in BC are protected from unfair practices by the law](#)
- [To make a complaint about an employment standard violation](#). This includes not being paid and an employer not following employment standards for hours of work.  
*\*Note that if the concern is only about bullying, harassment, discrimination or human rights, Employment Standards does not have jurisdiction to resolve the issue.*
- [If they are being charged a fee \(directly or indirectly\) by their employer for being employed](#). This is a violation of the Temporary Foreign Workers Protection Act.
- [To understand the situations when employees are allowed to take time off](#)
- [To know what to do if you quit, are fired or laid off](#)
- [To learn about getting paid for work](#)
- [To learn about standard hours of work and overtime](#)
- [To learn about Statutory holidays and getting paid for working on those days](#)
- [To find out more about complaint investigations](#) and how they are conducted



# Employment and Social Development Canada and Service Canada

Employment and Social Development Canada (ESDC) supports Migrant Workers through employer compliance and worker protection.

A key function of ESDC is the joint administration of the Temporary Foreign Worker Program (TWFP) with Immigration, Refugees and Citizenship Canada. Through Service Canada processing centres, ESDC's roles in this regard include:

- Assessing applications from employers requesting permission to hire workers through the TWFP
- Conducting Labour Market Impact Assessments (LMIAs) to determine the likely effect TWFP workers would have on the Canadian labour market
- Conducting compliance inspections

In Canada, [the rights of all workers, including migrant workers, are protected by law](#). Migrant workers have the same rights and protections as Canadian citizens and permanent residents. To ensure that migrant worker rights are protected, [employer abuse can be reported directly to Service Canada](#). Reports can be done online or by phone, with phone services in over 200 languages. Anonymous reports are permitted.

## EXAMPLES OF ABUSE ARE

- Someone is threatening or bully you
- Someone is threatening the worker's status in Canada
- The worker not being allowed to leave the work site or where they live
- Someone keeping the worker's passport or documents
- The worker not receiving the correct pay or time off and not corrected
- The worker made to do work that was not agreed to or the LMIA says
- For migrant workers in programs where housing is being provided, that the housing meets provincial/territorial and municipal legislations, including not being overcrowded.

## WHAT WOULD MIGRANT WORKERS GO TO SERVICE CANADA FOR?

- [To report abuse](#)
- [To understand their rights as temporary foreign workers](#)



ORGANIZATIONS	FOCUS AREA	WHAT IT COVERS	EXAMPLE ISSUES	CONTACT INFORMATION
<b>WorkSafeBC</b>	Workplace health and safety; worker compensation (in BC)	Occupational health and safety; workplace injuries; compensation	Workplace injuries; unsafe working conditions; return-to-work plans, bullying and harassment at work  (if not addressed after reporting to employer)	Prevention Information Line (for unsafe work conditions or urgent health and safety concerns)  24 hours, 7 days a week  Phone: 604.276.3100 (Lower Mainland) Toll-free: 1.888.621.7233 (1.888.621.SAFE)  You can also call these numbers for questions about workplace health and safety Monday to Friday, from 8:05 am to 4:30 pm  Questions about the claims process and the worker's claim status Monday to Friday, 8 am to 6 pm  Phone: 604.231.8888 (Lower Mainland) Toll-free: 1.888.967.5377  Unsafe work can also be reported online: <a href="#">Report Unsafe Work</a>
<b>BC Human Rights Tribunal</b>	Human rights and discrimination in BC	Discrimination based on certain personal characteristics or protected traits (e.g., race, political belief, ancestry, age, sex, mental or physical disability)	Employment, employment advertisement, or wage discrimination due to various grounds	Monday to Friday, 8:30 am to 4:30 pm (except B.C. statutory holidays)  Email: <a href="mailto:BCHumanRightsTribunal@gov.bc.ca">BCHumanRightsTribunal@gov.bc.ca</a>  Phone: 604-775-2000 Toll free in B.C.: 1-888-440-8844 TTY: 604-775-2021  Fax: 604-775-2020  Complaints can be through mail or online: <a href="#">Submit a Complaint Online</a>
<b>Employment Standards Branch</b>	Minimum employment standards in BC	Employment standards under the Employment Standards Act and the Temporary Foreign Worker Protection Act	Unpaid wages; overtime violations; improper termination; being charged fees to get/keep a job	Monday to Friday, 7:30 am to 5 pm  Phone: 1-833-236-3700 (multilingual) Text: 604-660-2421 (quick questions)  To submit a question online: <a href="#">Online Enquiry Form</a>  To file a complaint: <a href="#">Submit a Complaint Online</a>
<b>Service Canada</b>	Employer compliance; TFWP worker rights (anywhere in Canada)	Report employer abuse or TFWP misuse; inspections and enforcement	Threats or reprisals; document (e.g., passport) retention; made to do work that wasn't agreed to, inadequate housing where required by program	Tip Line: 1-866-602-9448  24 hours a day, 7 days a week (to leave a message)  Live agents Monday to Friday, 6:30 a.m.–8:00 p.m. ET  Reports can also be given: <ul style="list-style-type: none"> <li>▪ By mail or through their <a href="#">Online Report</a></li> <li>▪ In person at a <a href="#">Service Canada Centre</a></li> </ul>



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