

SUMMARY AND HIGHLIGHTS FROM TELECONFERENCE

**ADMINISTRATIVE MONETARY PENALTIES
AND
EMPLOYER COMPLIANCE UNDER THE IMP AND TFWP**

REFERENCE CHARTS



FACTORS TO DETERMINE POINTS

NATURE OF VIOLATION/FAILURE TO COMPLY	A, B, C
Be able to demonstrate that any information provided in respect of a work permit application was accurate during a period of six years, beginning on the first day of the foreign national's employment	Type A
Retain any document that relates to compliance with cited conditions during a period of six years, beginning on the first day of the foreign national's employment	Type A
For employers of a live-in caregiver: have sufficient financial resources to pay wages that were offered	Type A
Be able to demonstrate that any information provided for the assessment was accurate during a period of six years, beginning on the first day of the foreign national's employment	Type A
Report at any time and place specified to answer questions and provide documents	Type A
Provide required documents	Type A

Attend any inspection, unless the employer was not notified, give all reasonable assistance to the person conducting the inspection and provide that person with any required document or information	Type A
Comply with the federal and provincial laws that regulate employment and the recruiting of employees in the province in which the foreign national works	Type B
Provide the foreign national with employment in the same occupation and substantially the same, but not less favourable, wages and working conditions as outlined in the foreign national's offer of employment	Type B
For employers of a live-in caregiver: ensure that foreign national resides in a private household in Canada and provides child care, senior home support care or care of a disabled person in that household without supervision	Type B
Ensure that the employment of the foreign national will result in direct job creation or retention for Canadian citizens or permanent residents, if that was a factor that led to the issuance of the work permit	Type B
Ensure that the employment of the foreign national will result in the development or transfer of skills and knowledge for the benefit of Canadian citizens or permanent residents, if that was a factor that led to the issuance of the work permit	Type B
Hire or train Canadian citizens or permanent residents, if that was a factor that led to the issuance of the work permit	Type B
Make reasonable efforts to hire or train Canadian citizens or permanent residents, if that was a factor that led to the issuance of the work permit	Type B
Be actively engaged in the business in which the offer of employment was made, unless the offer was made for employment as a live-in caregiver	Type C
For employers of a live-in caregiver: provide the foreign national with adequate furnished private accommodation in the household	Type C
Make reasonable efforts to provide a workplace that is free of abuse within the meaning of paragraph 72.1(7)(a) of the Regulations	Type C

COMPLIANCE HISTORY

Column 1 Criterion	Column 2 Points
For Type A and Type B violations — first violation	1
For Type A violations — second or subsequent violation	2
For Type B violations — second violation	2
For Type C violations — first violation	2
For Type B violations — third or subsequent violation	3
For Type C violations — second violation	3

SEVERITY OF THE VIOLATION

Column 1 Criterion	Column 2 Points
The employer derived competitive or economic benefit from the violation	0 to 6
The violation involved abuse of a foreign national (physical, psychological, sexual or financial)	0 to 10
The violation negatively affected the Canadian labour market or the Canadian economy	0 to 6
The employer did not make reasonable efforts to minimize or remediate the effects of the violation	0 to 3
The employer did not make reasonable efforts to prevent recurrence of the violation	0 to 3

RESULTING PENALTY OR INELIGIBILITY PERIOD

ADMINISTRATIVE MONETARY PENALTY AMOUNTS

Total Number of Points	Type A Violation		Type B Violation		Type C Violation	
	Individual or Small Business (\$)	Large Business (\$)	Individual or Small Business (\$)	Large Business (\$)	Individual or Small Business (\$)	Large Business (\$)
0 or 1	none	none	none	none	none	none
2	500	750	750	1,000	1,000	2,000
3	750	1,000	1,250	2,000	5,000	10,000
4	1,000	2,000	3,000	7,000	10,000	20,000
5	4,000	6,000	7,000	12,000	15,000	30,000
6	8,000	10,000	12,000	20,000	20,000	40,000
7	12,000	20,000	20,000	30,000	35,000	50,000

8	20,000	30,000	35,000	45,000	45,000	60,000
9 or 10	30,000	45,000	50,000	60,000	60,000	70,000
11 or 12	40,000	60,000	60,000	70,000	70,000	80,000
13 or 14	50,000	70,000	70,000	80,000	80,000	90,000
15 or more	100,000	100,000	100,000	100,000	100,000	100,000

PERIOD OF INELIGIBILITY

Column 1	Column 2	Column 3	Column 4
Total Number of Points	Type A Violation	Type B Violation	Type C Violation
0 to 5	none	none	none
6	none	none	1 year
7	none	1 year	2 years
8	1 year	2 years	5 years
9 or 10	2 years	5 years	10 years
11 or 12	5 years	10 years	10 years
13 or 14	10 years	10 years	10 years
15 or more	permanent	permanent	permanent

SOURCE: <http://canadagazette.gc.ca/rp-pr/p2/2015/2015-07-01/html/sor-dors144-eng.php>