



# Open Work Permit Available for Workers on an Employer-Specific Work Permit Experiencing Abuse

The government of Canada recently introduced a new work permit for workers on employer-specific work permits who have been, or are currently being, abused by their employers. Workers on an employer-specific or “closed” work permit are eligible to apply for an “open” work permit which allows them to leave their employer and work for almost any other employer in Canada. After an open work permit is granted, the government may contact the employee to investigate the employer for abuse. The worker’s refusal to participate in the investigation will not affect the worker’s ability to work in Canada.

## The Work Permit

The work permit is a temporary measure – it is typically issued for 12 months or less and cannot be renewed. It may be issued even if the worker has worked without authorization (or illegally) while under their previous work permit.

## Eligibility

To obtain a work permit as a vulnerable worker, the following requirements must be met:

1. The worker must hold (or have held and have applied to renew) an employer-specific work permit.
2. The worker must be able to show that they are experiencing abuse or are at risk of abuse in the context of their employment.

If a worker has family members in Canada when they apply, and meet the other requirements of the application, they may also be able to apply for an “open” work permit. Their permit applications must be submitted along with the worker’s application.

## Abuse

Abuse often comes from an employer exploiting a worker’s vulnerability to the employer, who has a lot of power over the worker in our temporary foreign worker system. Abuse may include:



1. **Financial abuse:** a form of abuse where one person abuses their control over the victim's access to the victim's money. Examples of this include having your boss not paying any wages that they owe you, or them paying you less than you agreed to work for.
2. **Physical abuse:** physical contact intended to cause feelings of intimidation, pain, injury, or other physical suffering or bodily harm.
3. **Sexual abuse:** any situation in which force or a threat is used to obtain participation in unwanted sexual activity as well as forcing a person to engage in sex against their will.
4. **Psychological abuse:** a pattern of controlling behaviour, threats, and/or a pattern of controlling behaviour and/or threats.

If you or someone you know is or may be experiencing human trafficking, contact the Halifax Refugee Clinic (<http://halifaxrefugeeclinic.org/>) or an immigration lawyer for assistance.

## Proof

The worker must demonstrate abuse or risk of abuse on a standard of proof of "reasonable grounds to believe". This means that there must be compelling and credible information which demonstrates this abuse or risk of abuse.

Any evidence that a worker can present to show abuse or potential for abuse can be used to support the work permit. For example:

- ! paystubs
- ! photos
- ! text messages or emails
- ! a record of employment
- ! a letter, statement or report from an abuse support organization, medical doctor, healthcare professional, etc. The Workers' Action Centre may be able to provide such a letter, if you contact us for help.
- ! a sworn statement, also known as an affidavit, from the worker
- ! a copy of an official report submitted to an enforcement agency, such as a police or Canada Border Services Agency report
- ! a copy of an official complaint submitted to a provincial enforcement agency, such as a Labour Standards Complaint
- ! a victim impact statement
- ! witness testimony



## How to Apply

The work permit is applied for online and has no application fees. In addition to the stated requirements, supporting evidence of abuse should be uploaded to the application when submitted. This evidence should be submitted under “client information” in the “optional documents” section of the online application webform. The application can be found here: <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/vulnerable-workers.html>

After you complete the application, you may be contacted for an in-person interview. You do not have to go to the police to apply for an open work permit.