On December 31, 2013, amendments to the Immigration and Refugee Protection Regulations (SOR/2002-227) (the "Regulations") came into effect. These amendments:

1. introduced new compliance tests and prerequisites that employers must meet before hiring temporary foreign workers; and
2. gave government officers expanded powers to verify compliance with the Regulations, including the power to conduct warrantless searches on employer premises.

A full text of the amending regulations can be accessed here: Regulations Amending the Immigration and Refugee Protection Regulations.

In June 2013, HRMAM sent a submission on these amendments to Citizenship and Immigration Canada. Summaries of HRMAM's June submission (which can be found here) and the final draft of the amending regulations are provided in the chart below.

HRMAM's June Submission	**The Government of Canada's Final Amending Regulations**
• HRMAM indicated its support for the requirement that employers should comply with federal and provincial laws. However, HRMAM called for clear rules to establish which violations of provincial and territorial laws could result in immigration enforcement action. HRMAM's concern was whether minor violations of the law would cause immigration enforcement.	• In the regulatory impact statement, the government acknowledged that employer groups requested clarification of certain terms and provisions including the triggers for government inspections. The government indicated that it is working to develop clear policies and guidance materials so that these changes will be well-understood by all stakeholders. However, none appeared in the final amending regulations. The government also indicated that during the LMO process, employers have the opportunity to submit new information that may affect the application.
• HRMAM opposed the government's proposal that powers of investigation allow officers to conduct warrantless searches at the employer's premises. HRMAM's position was that warrants should be required for any intrusive search.	• The final amending regulations maintained the power to execute warrantless searches. However, the government clarified that its intent is that any search is only for the purpose of verifying compliance with the conditions imposed on the employer of a temporary foreign worker. The government also indicated that, in most cases, employers will be given 48 hours' notice of an inspection unless such notice would compromise the inspection.
• HRMAM expressed concern that the government might interpret too strictly the requirement that employers of temporary foreign workers be "actively engaged" in the business in respect of	• The government did not directly comment or make changes to their draft regulations.

which the offer of employment was made. Because of the diverse types of occupations being employed by various companies, HRMAM encouraged the government not to adopt too strict a standard for "actively engaged".	
• HRMAM advocated that the government not change the "substantially the same" provisions, which allowed employers to vary the terms and conditions of employment or wages provided to temporary foreign workers provided that they remained "substantially the same" as what was originally represented in the immigration process. The government's proposal was that wages, working conditions and employment must remain "substantially the same" but could not result in wages, working conditions and employment that were "less favourable".	• The government did not directly comment or make changes to their draft regulations.
• HRMAM took the position that it was not necessary to require employers to make reasonable efforts to provide a workplace that is free of abuse, as there are provincial laws that cover these types of cases.	• The government did not directly comment or make changes to their draft regulations.
• HRMAM took the position that amendments requiring that employers of temporary foreign workers prove job creation or retention, the transfer of skills and knowledge to Canadian permanent residents, and the hiring or training of Canadian citizens not be an absolute requirement, but that employers can be found to be compliant with these conditions as long as they make "reasonable efforts" to live up to these types of commitments.	• The government did not directly comment or make changes to their draft regulations.

In addition to introducing changes to the Regulations, Citizenship and Immigration Canada also introduced Ministerial Instructions impacting the hiring of temporary foreign workers. These Ministerial Instructions set out the following:

1. when work permit processing can be suspended;
2. when an issued work permit can be revoked;

3. when labour market opinions can be revoked or suspended; and
4. when Service Canada can refuse to process an LMO application.

The full text of these Ministerial Instructions can be found here: Ministerial Instructions Respecting Labour Market Opinions and Ministerial Instructions Respecting the Revocation of Work Permits.