



## HBPA of Ontario

### Administrative Office

135 Queens Plate Drive, Suite 370, Toronto, Ontario M9W 6V1

Telephone: 416-747-5252 or 1-866-779-3067

Fax: 416-747-9606 / Email: [general@hbpa.on.ca](mailto:general@hbpa.on.ca)

Website: [www.hbpa.on.ca](http://www.hbpa.on.ca)

## ATHLETE/EXERCISE RIDER - TEMPORARY FOREIGN WORKER APPLICATION CHANGES AS OF JAN 2012

### 48 MONTH CUMULATIVE LIMIT ON WORK PERMITS

The new rules limit the number of months that Temporary Foreign Worker (TFW) may be authorized to work in Canada. Most TFWS will be allowed to extend their work permit for a maximum cumulative period of 48 months. Once this cap is reached workers will be required to wait four years before they can re-apply.

**PLEASE NOTE THAT HRSDC REQUIRES TIME SHEETS TO BE KEPT FOR EACH TFW, RECORDING THE DAILY HOURS WORKED FOR EACH INDIVIDUAL. THIS MEANS IF YOUR TFW WORKS OVER 44 HOURS IN ONE WEEK YOU MUST PAY TIME AND HALF.**

### STS (SUBSTANTIALLY THE SAME) REVIEW

HRSDC/Service Canada will randomly select employers who have hired TFW in the past. The employer must demonstrate they have complied with the commitments outlined in previous Labour Market Opinion (LMO) applications for their TFWs.

Employers must produce the following:

- Paystubs or Payroll books
- Time Sheets
- Record of Employment (ROE) from all previous years

If the employer does not comply with the review then they will not be allowed to bring in any TFW until they prove they do.

### EMPLOYER RESPONSIBILITY

To hire a TFW under the current process, an employer must satisfy a Service Canada officer that the offer of employment is “genuine” before obtaining a positive LMO. For an offer to be “genuine” it must meet various requirements including salary standards, the occupational description and employer’s documented efforts to hire Canadians.

In addition to existing requirements a more rigorous and far reaching standard is being applied to ensure that examining officers have the necessary tools to determine the “genuineness” of a job offer. Where the officer determines an offer is not “genuine” the employer could be barred from recruiting any TFWs for a period of two years.

Where an employer is found to have breached its commitments to the TFW, all of its work permit applications will be refused for a two-year period. Additionally, the employer’s name will be posted to a list on a public government website and foreign workers would be prohibited from accepting employment with listed employers. Even violations to provincial and federal labour laws can result in penalties for the employer.



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Under these new regulations, it is the employer's responsibility to closely monitor all of its activities pertaining to their TFWs, hired directly or indirectly through a recruiter.

### IMMIGRATION STEPS

- 🐾 Advertise the job(s) for minimum of two weeks (*Please see below for more details*)
- 🐾 Submit completed application with all required supporting documents to HRSDC
- 🐾 Supply TFW with validation letter from HRSDC, a job offer letter and employment contract
- 🐾 TFW applies to Immigration Canada for work permit

### ADVERTISEMENT REQUIREMENTS

#### WHERE TO ADVERTISE

Employer must advertise on at least three different web sites. One is mandatory and the other two are at the trainer's discretion.

The mandatory site is the government sponsored Job bank ([www.jobbank.gc.ca](http://www.jobbank.gc.ca)) - Employer must first register their business with the site. This is a free service. To register the employer will need their business name, business number, and business address. Once the company is registered online then the employer needs to fax in a Statement of Account for Source Deductions (PD7A) which is a document from Canada Revenue Agency for proof of business. The fax number is 416-212-3333 or 1-866-664-2534. If the employer has trouble registering their business or placing the ad they should call 1-866-789-1297 for assistance.

Other sites that can be used are:

- |                         |                    |
|-------------------------|--------------------|
| 🐾 Equineguelph.ca       | 🐾 Extremejobs.ca   |
| 🐾 Horsejobs.ca          | 🐾 Horses-sales.com |
| 🐾 Torontojobposting.com | 🐾 Allstarjobs.ca   |

#### LENGTH OF ADVERTISEMENT

Employer is advised to advertise for three weeks as sometimes there is a delay in placing the ad. Once the ad has been advertise for three weeks the employer must download and print off a copy of each ad. *\*Please make sure that the Job bank ad you are submitting shows when the post started and finished.\**



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### INFORMATION REQUIRED ON ALL ADVERTISEMENTS

- 🐾 **EMPLOYER'S NAME:** The employer's name must appear in body of the ad.
- 🐾 **LOCATION(S):** Woodbine and/or Fort Erie Race Track and/or farm; where the TFW will be working.
- 🐾 **# OF JOB VACANCIES:** if the employer does not state that the ad is for more than one employee and they want to apply for a second worker then they must run all the ads again.
- 🐾 **JOB TITLE & DESCRIPTION:** An Exercise Rider is categorized as Athlete/Exercise Rider (NOC 5251)
- 🐾 **WAGES:** Wages must be stated as gross (before taxes) per week and then beside this in brackets state the workers APPROXIMATE weekly hours e.g. \$720 gross per week (for approximately a 40 hour work week)
- 🐾 **START AND END DATE:** HRSDC now realises that Woodbine and Fort Erie are only open seasonally; as such two and three year permits will not be issued. Work permits will have to be applied for on a yearly basis. The only exception to this is if the employer sends horses to a farm in Canada for the winter. If so, the address of this farm must be included in all advertisements. The employer may be asked for proof of occupation at the farm.

**HINT:** *It is advisable to set up an email account or use a fax number for any replies to the ads. This way replies from the ad can be kept – they do not need to be sent into the HRSDC, but they need to be kept on file as they could be requested at a later date.*



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## HRSDC APPLICATION AND SUPPORTING DOCUMENTS

### NEW APPLICATION FOR WORKERS NOT CURRENTLY ON A WORK PERMIT

- Proof of job advertisement
- Completed HRSDC application for positive Labour Market Opinion

### APPLICATION FOR WORKERS RETURNING TO SAME EMPLOYER

- Proof of job advertisement
- Completed HRSDC application for positive LMOs
- Photocopy of current Work Permit
- Copies of the last 3 to 5 pay stubs or photocopies of payroll book entries
- Record of Employment (ROE) for every year the TFW was employed. Please note T4's are no longer acceptable as the gross amount include bonuses and is not a clear indication of weekly wages

### APPLICATION FOR WORKERS CHANGING EMPLOYERS

- Proof of job advertisement
- Completed HRSDC application for positive LMOs
- Photocopy of current Work Permit

**NOTE:** If the employer has employed TFWs in the past they may be required to produce ROEs and paystubs to prove they have taken off all appropriate taxes.

If the employer would like the HBPA of Ontario or another party to act on their behalf in regards their HRSDC application(s); the 'Third Party Information' form must be completed on the first page as well as the fifth and sixth pages of the application(s).

### DOCUMENTS TO BE SENT TO TEMPORARY FOREIGN WORKER

- Positive Labour Market Opinion from HRSDC
- Job offer letter (This letter must include Job title, duties, state hours per week and wages, start and end date and statement that employer will take off all appropriate taxes)
- Employment contract

Once the worker receives all the above documents they can then apply to Immigration Canada for their Work Permit.



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### IMPORTANT INFORMATION FOR ALL EMPLOYERS

Please be aware that Work Permits are very specific. The workers can only work for the employer listed on the Work Permit and only at the location stated. If the worker is caught working for someone else at the track or elsewhere then all parties are held accountable. If you are caught you may be fined and so may the worker, and the second employer. This will also decrease the employer's chances of sponsoring another worker as well as ruin the employee's chances of being granted Permanent Resident Status.

Please go over every aspect of the job with the prospective employee, including job description, duties, wages, hours and bonuses (percentage they are paid and applicable conditions).

The employer is not obligated to pay for any transportation to and from Canada for Athletes/Exercise Riders (NOC5251).

### TAXES

The EMPLOYER must pay all taxes and submit all deductions payable as prescribed by law (including, but not limited to employment insurance, income tax, Canada Pension plan). The EMPLOYER must send out the EMPLOYEES Record of Employment at the end of the race season and the EMPLOYEES T4 slip at the end of the tax year. THE EMPLOYER must follow all Ontario Labour Board Rules and Regulations.

### HEALTH CARD & SOCIAL INSURANCE CARD (SIN)

The worker cannot apply for an Ontario Health Card until they have been in the country for three months. It's recommended that the worker applies for coverage from their home Country to cover them for the first four to five months. Workers must also apply for their SIN # when they arrive in Canada. Health Card and SIN # expire at the end of the Work Permit, so the worker may have to apply each year for the two cards.

### NOTICE OF TERMINATION

If the employer wishes to terminate a Work Permit they must follow the Ontario Labour Laws regarding termination of employment. They must also inform Immigration Canada, the Ontario Racing Commission (Stewards), Woodbine Security and the Woodbine Dorm (if applicable).