

## 10. Employer Period of Ineligibility

### Overview

Newfoundland and Labrador employers availing of provincial immigration programs are expected to ensure compliance with the following public bodies and their associated legislation, regulations, policies and procedures, including but not limited to:

- [Newfoundland and Labrador Labour Standards](#)
- [Federal Labour Standards](#)
- [Newfoundland and Labrador Human Rights Commission](#)
- [Canadian Human Rights Commission](#)
- [WorkplaceNL](#)
- [Immigration and Refugee Protection Act](#)
- [Immigration and Refugee Protection Regulations](#)
- [Provincial immigration policies and program requirements](#)
- [Federal immigration policies and program requirements](#)

Further, IPGS reserves the right to refuse applications from employers, or foreign nationals who are to be employed by organizations in situations, including, but not limited to:

- Where [Employers have been found to be non-compliant as result of a federal employer compliance review](#);
- Where misrepresentation has occurred;
- Where the employer has been alleged to have not put in enough effort to ensure the workplace was free of physical, sexual, psychological and/ or financial abuse;

***Financial abuse** can include cases where an employer is expecting to, or has recovered an exorbitant amount of money from a foreign national.*

- Where conditions of employment did not match, or were not better than, what was listed on the offer of employment and/or contract submitted in the provincial immigration application; and/or,

***Provincial immigration application** refers to applications made under the Newfoundland and Labrador Provincial Nominee Program and the Atlantic Immigration Program.*

- Where the employer does not agree to complete the federal Employer Portal and pay the federal Employer Compliance Fee to support a Foreign National's work permit.

IPGS reserves the right to refuse applications from employers, or foreign nationals who are to be employed in organizations for a prescribed period of time pending an assessment of any violation(s).

IPGS will refer to the **Severity Table** (Table 1) to determine whether an employer will be ineligible for provincial immigration programs for a prescribed period of time, as per the **Period of Employer Ineligibility for Provincial Immigration Programs** table (Table 2). Points will be counted cumulatively.

For example, if one employer was deemed to have all of the following violations:

1. First Newfoundland and Labrador Labour Standards violation:
  - 2 points - Type B violation – warning issued
2. Second Newfoundland and Labrador Labour Standards violation:
  - 4 additional points, for a cumulative 6 points – Type B violation – 3-month period of employer ineligibility
3. First misrepresentation violation:
  - 6 additional points, for a cumulative 12 points – Type C violation – 6 month period of employer ineligibility, plus 3 month ineligibility for Labour Standards violation – totaling 9-month period of ineligibility

If a period of ineligibility is implemented, this period of ineligibility will be stated in a formal refusal letter issued to employer. This refusal letter communicates the final decision. If applicants wish to reapply for any provincial immigration programs in the future, they must comply with the eligibility requirements at the time of application, which are subject to change.

If an employer's violations total twenty (20) or more points, they will be permanently ineligible to apply for provincial immigration programs.

### **List in Ineligible Employers**

If a period of employer ineligibility is issued, the following information will be added to the list of Ineligible Employers on OIM's website:

- i. Business operating name;
- ii. Business legal name;
- iii. Address;
- iv. Date of final decision;
- v. Prescribed period of ineligibility; and,
- vi. Status.

Business information will be listed for two (2) years from the date of final decision. After the period of prescribed ineligibility has passed, business status will be listed as eligible.

If an employer is permanently ineligible to apply for provincial immigration programs, they will be permanently listed on the website of Ineligible Employers.

**Table 1**

**Severity Table**

Item	Description of Violation	Type of Violation (A, B, C)	First (1 <sup>st</sup> ) Violation	Second (2 <sup>nd</sup> ) Violation	Three or more (3+) Violations
			# of Points	# of Points	# of Points
1	<a href="#">Newfoundland and Labrador Labour Standards</a>	B	2	4	6
2	<a href="#">Federal Labour Standards</a>	B	2	4	6
3	<a href="#">Newfoundland and Labrador Human Rights Commission</a>	B	4	5	6
4	<a href="#">Canadian Human Rights Commission</a>	B	4	5	6
5	<a href="#">WorkplaceNL</a>	B	2	4	6
6	<a href="#">Immigration and Refugee Protection Act</a>	B	2	4	6
7	<a href="#">Immigration and Refugee Protection Regulations</a>	B	2	4	6
8	<a href="#">Provincial immigration policies and program requirements</a>	A	1	3	5
9	<a href="#">Federal immigration policies and program requirements</a>	B	1	3	5
10	Misrepresentation	C	6	9	15
11	<a href="#">Employers who have been found to be non-compliant as result of a federal employer compliance review</a>	-	Penalty and status will be as determined by IRCC	Penalty and status will be as determined by IRCC	Penalty and status will be as determined by IRCC

Item	Description of Violation	Type of Violation (A, B, C)	First (1 <sup>st</sup> ) Violation	Second (2 <sup>nd</sup> ) Violation	Three or more (3+) Violations
			# of Points	# of Points	# of Points
12	The employer did not put in enough effort to ensure the workplace was free of physical, sexual, psychological and/or financial abuse. Financial abuse can include cases where an employer is expecting to, or has recovered an exorbitant amount of money from a Foreign National.	C	6	9	15
13	Conditions of employment did not match, or were not better than, what was listed on the offer of employment and/or contract submitted in the provincial immigration application.	B	2	4	6

**Table 2**  
**Period of Employer Ineligibility for Provincial Immigration Programs**

<b>Total number of points</b>	<b>Type A Violation Period of Ineligibility</b>	<b>Type B Violation Period of Ineligibility</b>	<b>Type C Violation Period of Ineligibility</b>
0 – 5	None – Warning	None – Warning	None – Warning
6 – 8	None – Warning	3 months	6 months
9 – 11	3 months	6 months	9 months
12 – 14	6 months	9 months	12 months
15 - 19	12 months	12 months	24 months
20 +	Permanent	Permanent	Permanent