



**Human Resources and
Skills Development Canada**

**Access to Information and Privacy
140 Promenade du Portage
Phase IV, Level 1, Mail stop 112
Gatineau, Québec K1A 0J9**

**Ressources humaines et
Développement des compétences Canada**

**Accès à l'information et
Protection des renseignements personnels
140, promenade du Portage
Phase IV, niveau 1, arrêt postal 112
Gatineau (Québec) K1A 0J9**

Our file - Notre référence

A-2012-00360 / SS

JAN 8 2013

**Mr. Jacobus Kriek
C/O Matrixvisa Inc.**

Dear Mr. Kriek:

This is in response to your request submitted under the *Access to Information Act* (the Act), received at Human Resources and Skills Development Canada on November 9, 2012, and which reads as follows:

"Copy of the most recent and up to date version of the Temporary Foreign Worker Manual of which an extract is enclosed. This was previously released under HRSDC file A-2011-00377/SS."

You will find attached the documents you have requested. You will note that some pages qualified for partial exemption pursuant to subsection 16(2) of the Act. A copy of the provision is enclosed.

Please also note that the highlighted portions in the index of the Temporary Foreign Worker's manual has not yet been developed.

You are entitled to complain to the Information Commissioner concerning the processing of your request within 60 days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

**Office of the Information Commissioner
Place de Ville, Tower B
112 Kent Street, 22nd Floor
Ottawa, Ontario
K1A 1H3**

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Canada

Access to Information Act

16(2) SECURITY

16.(2) The head of a government institution may refuse to disclose any record requested under this Act that contains information that could reasonably be expected to facilitate the commission of an offence, including, without restricting the generality of the foregoing, any such information ...

Temporary Foreign Worker Program Manual

Section 3.5.5.2.7.2 - Working Conditions

Service Canada officers are to request documentation to satisfy that working conditions were STS as per the LMO Confirmation Letter and associated Annex. A comprehensive list of working conditions to be assessed and documentation to be requested is found in section 3.5.5.2.13.1.



An employer should not alter working conditions as prescribed by legislation or regulations. However, changes to working conditions identified on the LMO Confirmation Letter and associated Annex that are not prescribed by law may be permitted if the employer can justify the change.

[REDACTED]

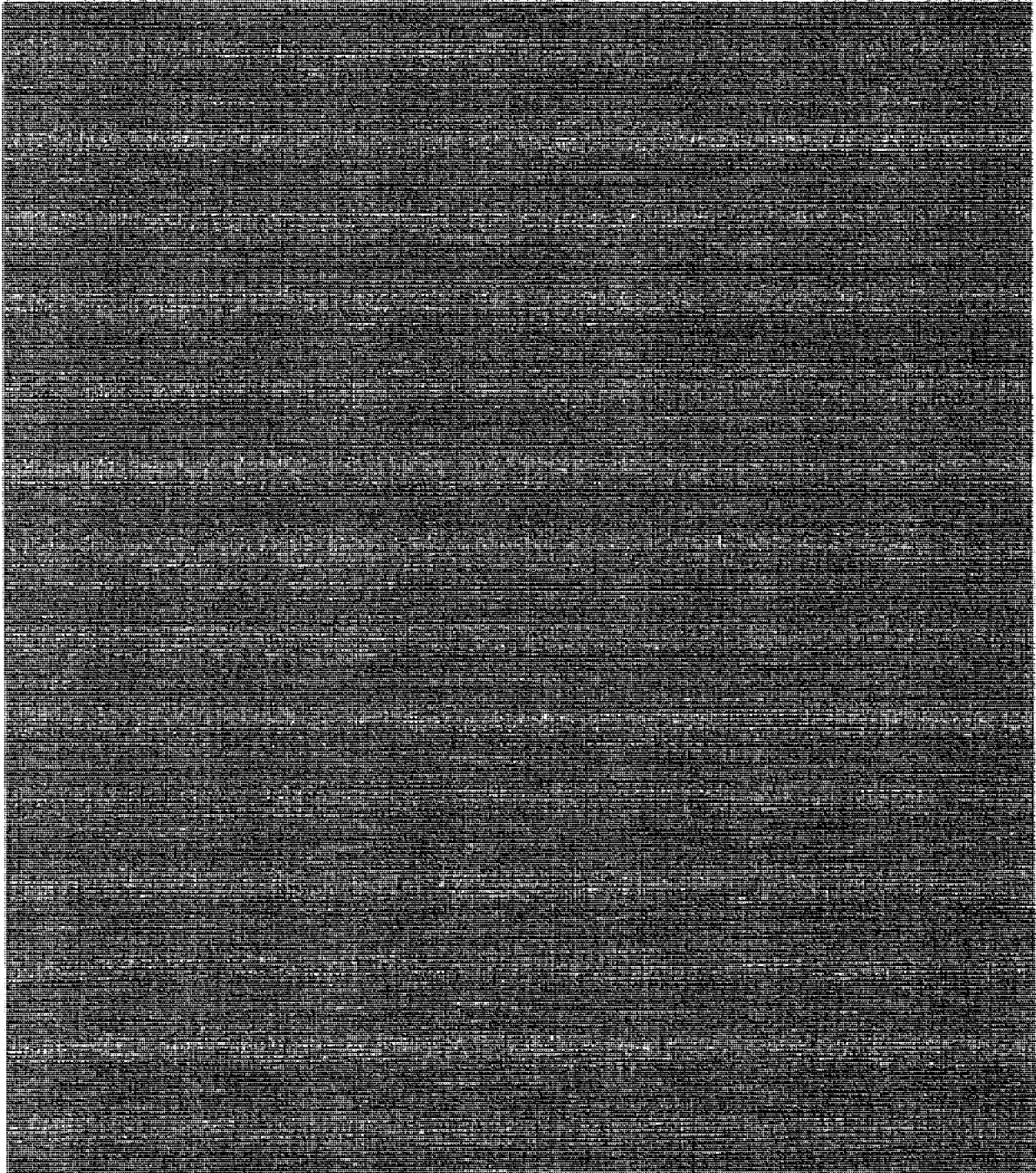
In this case, the employer would be asked to submit documentation to substantiate their claims regarding the change in hours, for example, a copy of the work sharing agreement or possibly a letter explaining the continuing need for the TFW. The employer must be asked to provide justification/compensation even if the reduced hours are above the 30 hours/week guideline set by the TFWP as the general standard for full time employment.

16(2)

The employer may not substitute any condition of employment required either by the TFWP or relevant legislation and regulations for another form of compensation. For instance, the substitution of worker transportation costs paid by the employer for free accommodation is not permitted. Comparison of the LMO Confirmation Letter and associated Annex to documentation submitted by the employer, as well as to the employer/employee contract, can provide valuable insight as to whether there were any substitutions of the terms of employment. Any such instances of substitution will be considered as non-compliance despite the value of the substitution or employer and employee consent.

Temporary Foreign Worker Program Manual

Section 3.5.5.2.13.1 - STS ECR Elements and Compensation



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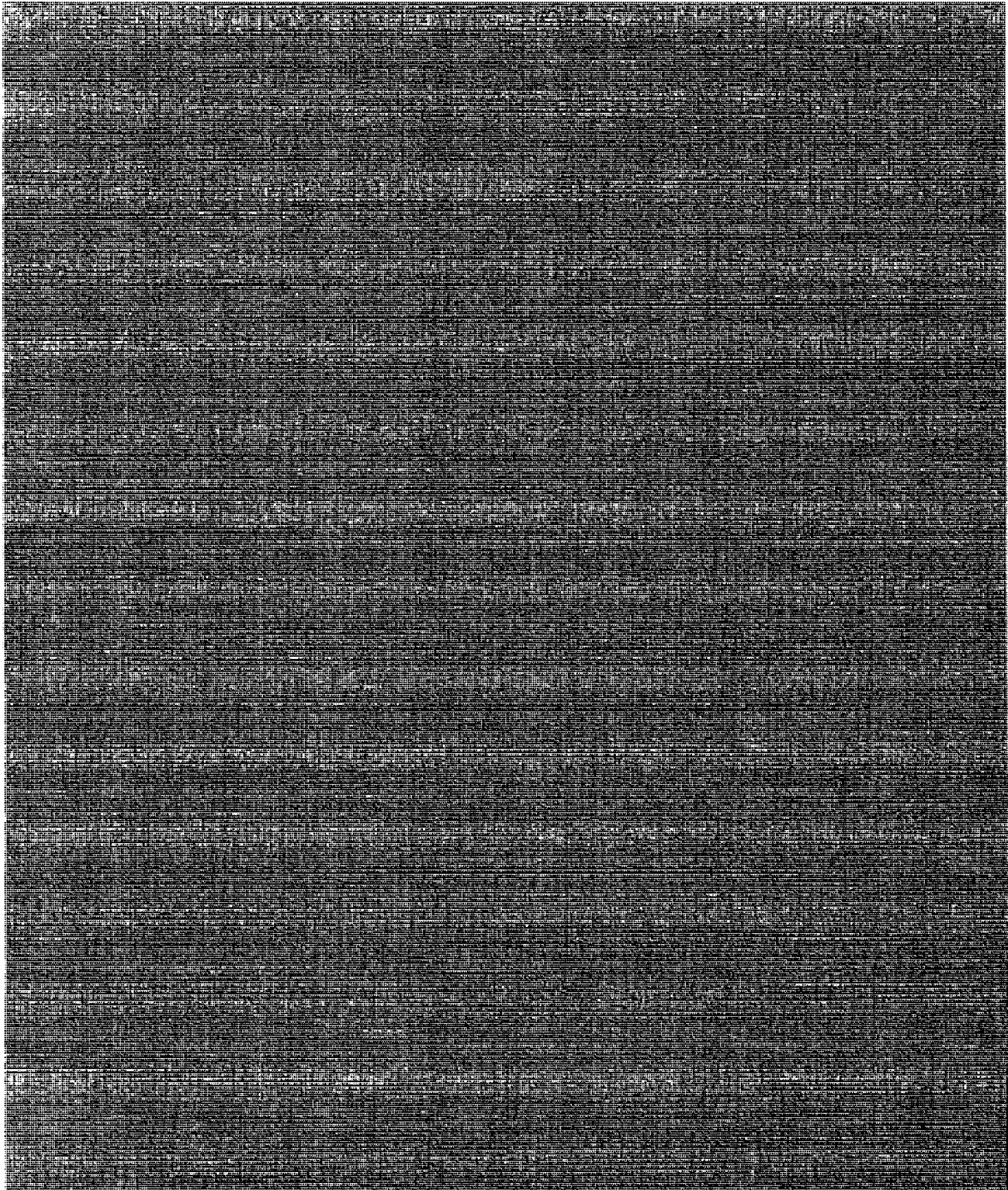
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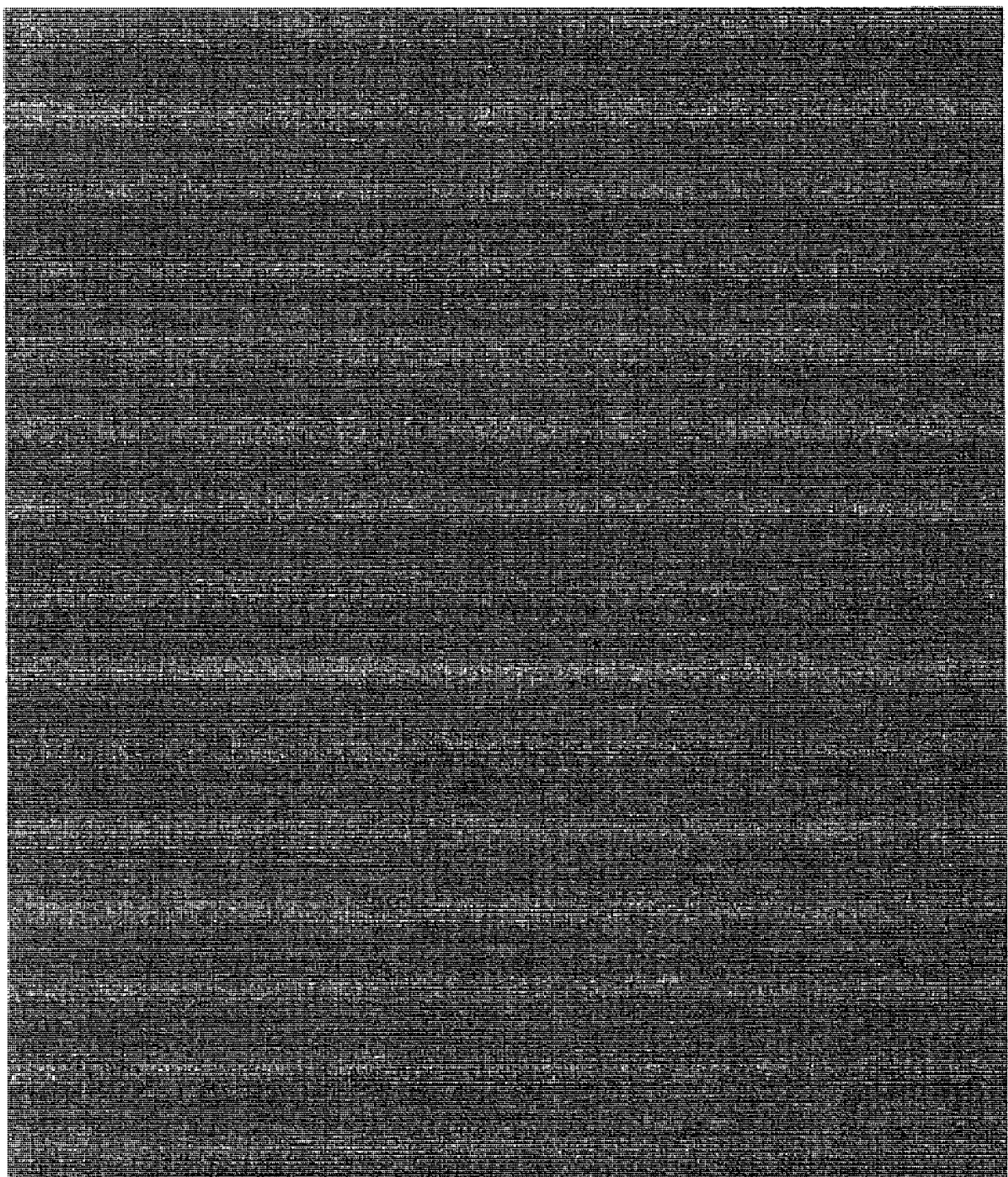
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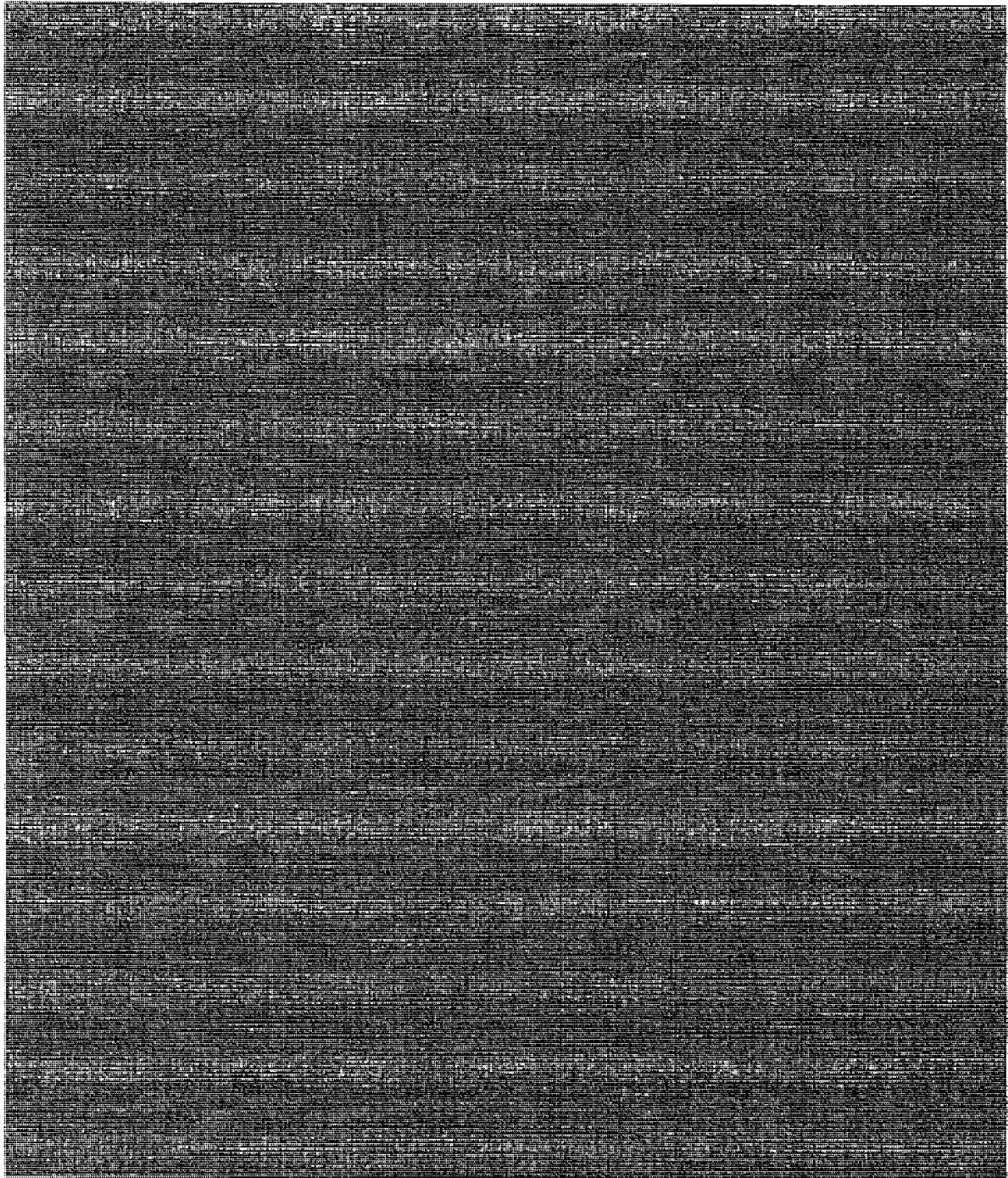
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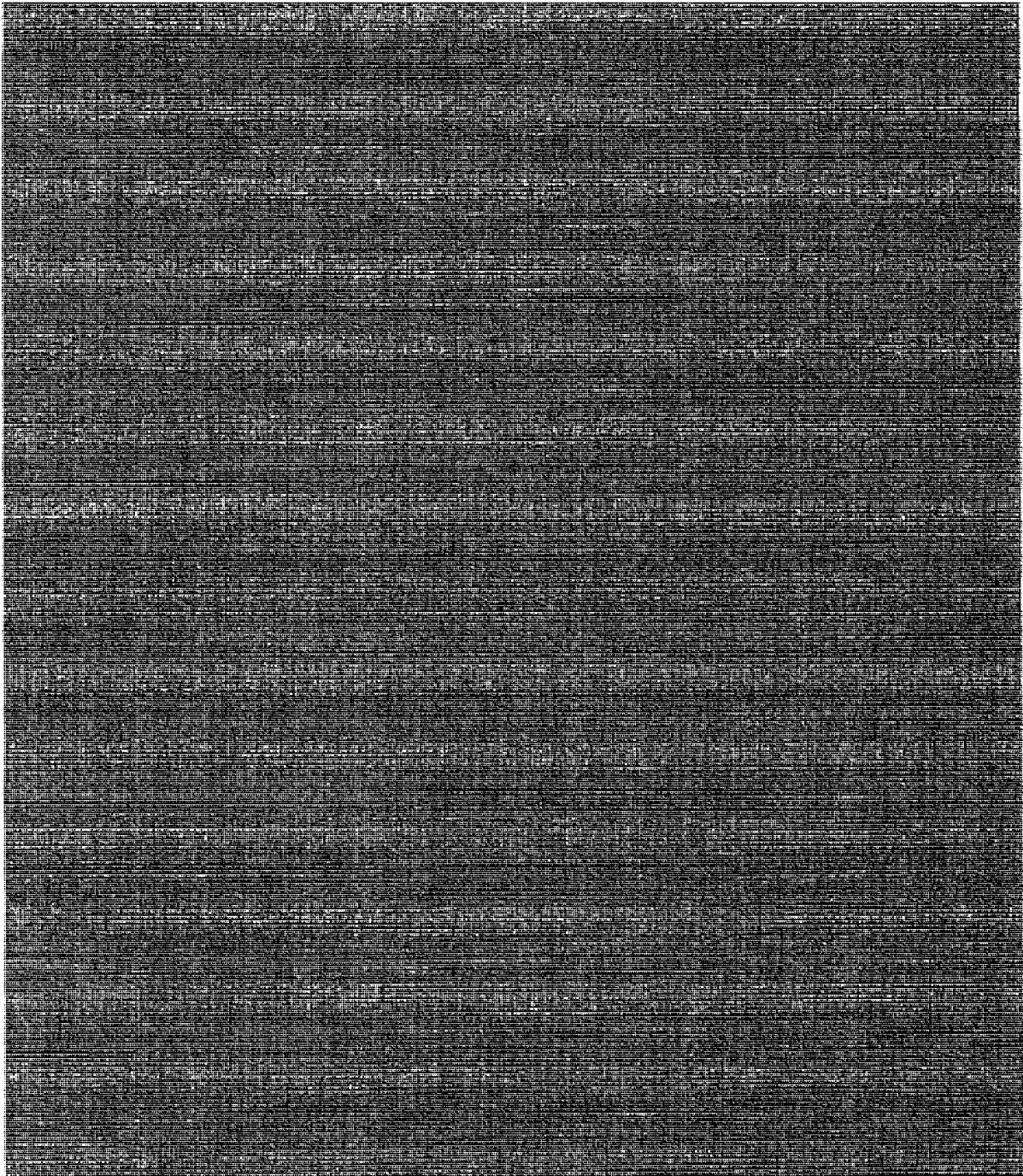
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