

OPEN WORK PERMIT FOR VULNERABLE WORKERS

If you are on a closed work permit and are experiencing abuse at your job, you can apply for an open work permit to get a different job.

An **Open Work Permit for Vulnerable Workers** lets workers with closed or employer-specific work permits to leave an abusive or potentially abusive work situation in order to find a new job in Canada. Abuse is any behaviour, by your employers or others in your workplace, that scares you, controls you or isolates you.

You can apply for an Open Work Permit for Vulnerable Workers if someone at work is:

- Sexually abusing you (including unwanted comments or touching)
- Physically abusing you
- Verbally abusing you (including threats)
- Forcing you to drink alcohol or to take drugs
- Asking you to pay really high fees to get, or keep, your job
- Not paying you, or controlling how you spend your money
- Controlling where you go and/or what you do in your free time
- Withholding your passport or work permit
- Threatening to send you back home
- Doing anything that makes you feel unsafe or limits what you are allowed to do
- Abusing your co-workers in any of the above ways, so that you feel scared for your own safety too

If anything in the list above is happening to you, you can apply for an Open Work Permit for Vulnerable Workers. Many other scenarios may apply. Seek legal advice if you have questions.

TIP: Start collecting evidence of the abuse as soon as possible. Evidence can include pictures, screenshots of text messages, copies of your own notes or journal, employment records, medical reports, or police reports. If anyone saw or heard you being abused, ask them if they would write a letter describing what they saw. Contact a local organization that you trust because they can be your witness too.

IMPORTANT THINGS TO KNOW

How long does the permit last?

- It is a temporary and non-renewable permit.
- The permit can last anywhere between 6-12 months.
- You may be able to apply for other types of immigration status before your permit expires

How much does the permit cost?

Nothing. It is free. However, you may need to pay for a medical examination, and other fees may apply.

How do I qualify?

- You must be in Canada to apply for the permit – you cannot ask for it at the border when you arrive or after you have already returned home.
- You must have an employer-specific work permit, which means your permit has:
 - Your employer's name on it
 - An expiry date that has not yet passed (unless you've already applied for a renewal)
- The abuse has to be happening or have recently happened at your workplace.
- You do **not** need to remain in the abusive workplace in order to receive the permit.

How do I apply?

You need to apply online through this website: <https://www.canada.ca/vulnerable-foreign-workers>.

Contact your local legal clinic if you are low-income (or to find out if you are eligible for free legal support). You can find your nearest clinic in Ontario by entering your postal code here: <https://www.legalaid.on.ca/legal-clinics/>. If you are outside of Ontario, get in touch with us.

What proof do I need to provide?

You must provide proof that you are being abused or are vulnerable to abuse. Your chance of being approved for an open work permit will be higher if you include as much evidence as possible. Evidence can include:

- A letter from a doctor or community support organization, if you told them about the abuse
 - A police report or labour complaint, if you reported the abuse
 - A statement about how the abuse has impacted you
 - Emails or text messages that show abuse
 - Photos showing your injuries or abusive working conditions
 - Names, phone numbers and letters from anyone who witnessed the abuse. If there were witnesses, their letters should describe what they saw happen to you.
- You should also write a letter describing the abuse you've suffered in detail.
 - You must also send a work permit application form (which is called 'IMM 5710').
 - You may be asked for other documentation, such as personal identification.
 - Your evidence can be written in any language, but you will need to have it translated to English or French for the immigration officer to read.

What happens after I apply?

- The immigration office will contact you when they receive your application, possibly within 5 business days but sometimes longer.
- You may be asked to do an interview. It is a good idea to have someone with you for support. If you need assistance with your interview, contact us.
- It can take some time for a permit to be approved, but it should be faster than other work permits.
- You may be asked to do a medical exam, or you can choose to submit a medical examination with your application.
- Immigration will not ask your employer for information or tell the employer that you are applying for the open work permit. After you are approved, you should wait until you receive the OWP in the mail before starting to work.
- Once you get a decision on your application, immigration may inspect your workplace.

What if I am not meeting a condition of my current work permit?

You can still apply for an Open Work Permit for Vulnerable Workers if you are not meeting a condition on your work permit, for example: if you are working more hours than your work permit allows, or you are working for your employer at a different location than what is listed on your work permit. It will be helpful to explain in your application why you are not meeting that condition.

Will receiving the open work permit affect my ability to apply for PR?

No.

What if I am working without a work permit?

If you are working without status, the Open Work Permit for Vulnerable Workers is not available to you. If you're in an abusive workplace and are out of status, get in touch with us!

GET SUPPORT

You are not alone! You can get assistance and work with others to get your legal rights! It is often difficult to take action alone. That is why caregivers, farm workers, students and other migrant workers are joining together as the Migrant Workers Alliance for Change to win better protections and rights no matter where we work.

info@migrantworkersalliance.org
migrantworkersalliance.org



Migrant Farmworkers

Call or WhatsApp:

- English: **905-324-2840**
- Español: **647-807-4722**

Migrant Care Workers

Call or WhatsApp: **647-782-6633**

Other Migrant Worker

Call or WhatsApp: **647-807-4722**