

Sample Checklist of Compliance Review Documents Which Might Be Requested During the Audit

- ❖ **Signed SAWP employment agreement (signed by worker, employer, and foreign government)**
- ❖ **Copy of LMIA Application.**
- ❖ **Copies of all advertisements listed on LMIA applications**
- ❖ **Proof of recruitment efforts to hire Canadians and permanent residents.**
- ❖ **Documentation for all work locations listed on LMIA application (including rental agreements if land is not owned by employer)**
- ❖ **Payroll statements including number of hours worked, hourly wage, and all deductions.**
- ❖ **Bank statements or cancelled cheques corresponding to payroll statements.**
- ❖ **In the case of piecework, proof that worker was paid wages at least equivalent to hourly SAWP wage.**
- ❖ **Proof worker went home at end of season and payment of round trip airfare**
- ❖ **Proof Cowen Insurance payment (Mexico)**
- ❖ **Documentation of all pesticide training and/or applicable safety training.**
- ❖ **Workplace Bullying and Harassment Policy Statement - signed sheet**
- ❖ **Housing Inspection Reports and any rental agreements if housing not owned by employer.**
- ❖ **Documentation if workers transferred to another SAWP employer with the completion of the appropriate SAWP Transfer Form**
- ❖ **Signed document by worker acknowledging working longer hours and/or working 7 days per week.**

Factors reviewed during an inspection

During an inspection, ESDC/Service Canada investigators will verify whether employers have upheld the conditions set out in the offer of employment, as well as the positive LMIA letter and annexes. These conditions include:

1. Have employers provided each foreign worker with employment in the same **occupation** as stated in the offer of employment.
2. Have employers provided each foreign worker with **wages** that are substantially the same as those in the offer of employment.
3. Have employers provided each foreign worker with **working conditions** that are substantially the same as those in the offer of employment.
4. Have employers provided **accurate information** in the context of an LMIA application.
5. Are foreign workers **actively engaged** in the business for which the offer of employment was made, unless the offer was made for employment as a live-in caregiver.
6. Are employers in **compliance with federal and provincial/territorial laws** that regulate employment and recruitment in the province/territory in which the foreign worker is employed.
7. Have employers **met any specific agreed-to commitments**, as set out on the positive LMIA, made at the time the LMIA was issued in relation to **job creation for Canadians and permanent residents**.
8. Have employers met any specific agreed-to commitments, as set out on the positive LMIA, made at the time the LMIA was issued **in relation to job retention for Canadians and permanent residents**.
9. Have employers met any specific agreed-to commitments, as set out on the positive LMIA, made at the time the LMIA was issued **in relation to hiring Canadians and permanent residents**.
10. Have employers met any specific agreed-to commitments, as set out on the positive LMIA, made at the time the LMIA was issued in relation to **training Canadians and permanent residents**.
11. Have employers met any specific agreed-to commitments, as set out on the positive LMIA, made at the time the LMIA was issued in relation to **development of skills and knowledge for the benefit of Canadians or permanent residents**.
12. Have employers met any specific agreed-to commitments, as set out on the positive LMIA, made at the time the LMIA was issued in relation to **transfer of skills and knowledge for the benefit of Canadians or permanent residents**.
13. Have employers made reasonable efforts to provide a **workplace that is free of abuse**
14. **Have employers retained any document** that relates to compliance with these conditions for a period of six years, beginning on the first day of employment of the foreign national.
15. **Have employers reported** at any specified time and place to answer questions and provide documents.
16. **Have employers provided** any documents required as part of an inspection.
17. **Have employers attended** any inspection that is on premises.
18. **Have employers given all reasonable assistance** to the person conducting the inspection and provide any document or information the person requires.
19. Have employers ensured the foreign worker resides in a private household and provides child care, senior home support care or care of a disabled person in that household without supervision.
20. Have employers provided the foreign worker with adequate furnished and private accommodations in the household.
21. Does the employer have sufficient financial resources to pay the foreign worker the wages offered.