

# EMPLOYMENT AND IMMIGRATION LAW:

## A LEGAL CHECKLIST FOR TECH SCALE-UPS

As tech companies scale up and take steps to take their business to the next level, they will require practical legal advice and innovative solutions to deal with the complex issues they will encounter, including various employment and immigration issues.

If **talent retention** and **international recruitment** are in your organization's future, we urge you to review the checklist below, which offers a high-level summary of the legal considerations for tech ventures in the areas of employment and immigration law.

### EMPLOYMENT AGREEMENTS: CONTENT & PROCEDURE

- Include terms addressing rate of pay, bonuses or other incentives, days/hours of work, location of work, suspensions and temporary layoffs, termination entitlements and confidentiality and intellectual property protections
- Must meet the minimum statutory requirements as set out in the applicable provincial employment standards legislation (minimum wage, meal breaks, leave policies, holidays, vacations, and more)
- Determine whether you are going to include restrictive covenants in your employee agreements and what type of clause is best for your interests (non-solicitation, non-competition)
- Give your employees at least one week to review and sign the agreement before their start date
- Classify independent contractors or employees correctly in order to determine the appropriate entitlements under the law

### TALENT RETENTION: KEEP EMPLOYEES HAPPY

- Create and implement a comprehensive onboarding program
- Reduce employee replacement costs by staying competitive (wages, bonuses, benefits, perks, flexibility, and leave policies)
- Create a positive workplace culture through policies, health and wellness initiatives, seminars, training and requests for feedback
- Even if you do not have any employees in Ontario where it is required, it is a good idea to create a "Right to Disconnect" policy to define the hours employees are expected to be available or online

### IMMIGRATION CONSIDERATIONS: FOREIGN WORKERS


- Consider federal and provincial immigration programs to find the best fit for the specific position and individual
- For existing employees who are neither Canadian citizens or PRs of Canada, review work permit to confirm whether changes to terms and conditions of employment (such as a change in position or change in work location) are permitted
- Continue to consider work permit stream and compliance obligations of employer
- Make sure you are compliant with location and residence requirements for the physical location of your employees

## QUESTIONS? CONTACT US



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