

THE CANADIAN INSTITUTE'S LEGAL AND HUMAN RESOURCE GUIDE TO

# EMPLOYING FOREIGN WORKERS

The Latest Comprehensive Tools For Successfully Hiring and Retaining Foreign Workers  
in Ontario and Eastern Canada



Acquire critical insights directly from:

Canada Border Services Agency

Ontario Ministry of Citizenship  
and Immigration

Canadian Employee Relocation Council

Get the most current updates and practical tools and strategies  
from leading immigration lawyers, consultants and government  
officials, including:

- **OVERCOMING** emerging difficulties from the latest regulatory developments to the Temporary Foreign Worker Program
- **UNDERSTANDING** what is considered by HRSDC to be **compliant/ non-compliant**, and the consequences of non-compliance
- **DEVELOPING** a successful **corporate compliance strategy**
- **SUCCESSFULLY MANAGING** issues arising at the port of entry
- **OVERCOMING** the “Specialized Knowledge” hurdle
- **ENSURING** the successful **integration and retention** of foreign workers
- **DEFEATING** **criminal inadmissibility** challenges
- **IDENTIFYING AND MANAGING** key traps and pitfalls with respect to **employment law and tax issues**

## Plus!

Minimize costly delays by developing tools to successfully and efficiently complete applications after important regulatory changes in our practical, hands-on pre-event seminar:

**A Step-by-Step Guide to Mastering Applications after Changes to the Regulations: LMOs, Work Permits and the Provincial Nominee Programs**

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# Gain the Latest Practical Tools and Strategies for Successfully Hiring and Retaining Foreign Workers in Ontario and the Atlantic Provinces in Today's More Restrictive Environment

With specific shortages across numerous industries, many companies like yours are looking overseas and south of the border to bring in critical talent. Major new developments that will seriously impact your hiring strategies and processes include recently announced changes to the immigration system that will give more control to employers over the workers that enter Canada, more restrictive regulations, and increasing penalties. To ensure your company remains compliant, it is more critical than ever that you stay up to date on these changes so you can develop and implement the right approaches. You need to know how government departments are defining, applying and enforcing key definitions and regulations to avoid the costly consequences of being non-compliant.

By attending **The Canadian Institute's Legal and Human Resource Guide to Employing Foreign Workers**, you will gain the comprehensive critical strategies and tools you need to make important decisions about who to hire and from where, and how to maximize your investment by increasing retention. This one-of-a-kind event will help you **manage your most pressing concerns**, including:

- Gaining insights into how CIC, HRSDC and CBSA are enforcing recent regulatory changes
- Ensuring the appropriate corporate protocols and procedures are in place to avoid a finding of non-compliance
- Successfully meeting challenging obstacles that your foreign workers face at the port of entry
- Overcoming the "Specialized Knowledge" hurdle for intra-company transfers,
- Ensuring the successful integration and retention of foreign workers
- Overcoming criminal inadmissibility challenges
- Identifying and managing key employment law and tax issues

Also, learn how to minimize costly delays by developing tools to successfully and efficiently complete applications after important regulatory changes by participating in our practical, hands-on pre-event seminar: **A Step-by-Step Guide to Mastering Applications after Changes to the Regulations: LMOs, Work Permits and the Provincial Nominee Programs.**

Don't miss this valuable opportunity to have your questions answered by leading experts! **Register now** by calling 1-877-927-7936 or register online at [www.CanadianInstitute.com/EFWTOR](http://www.CanadianInstitute.com/EFWTOR).

We look forward to seeing you at the event in September!



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This program can be applied towards 9 of the 12 hours of annual Continuing Professional Development (CPD) required by the **Law Society of Upper Canada**. Please note that these CPD hours are not accredited for the New Member Requirement.

This program has been approved by the **Law Society of Saskatchewan** for 11 CPD hours for the conference. Members will also receive 3 additional CPD credit hours for the attendance at the workshop.

The same number of hours may be applied toward your continuing legal education requirements in **British Columbia**.

The **Barreau du Quebec** automatically recognizes the same number of hours for this training activity, the latter having been accredited by another Law Society subject to MCLE.

Attendance at this program by members of the **Law Society of Alberta** may be submitted to the Law Society for Continuing Professional Development credits.



This program has been approved for 5 continuing education credits under **CERC's Canadian Employee Relocation Professional (CERP) Program**

This program has been approved by the **Immigration Consultants of Canada Regulatory Council (ICCRC)** for 8 CPD hours.

## A MUST ATTEND EVENT FOR

- In-House Counsel
- Senior Executives in Human Resources and Business Development
- Lawyers specializing in immigration, employment and labour relations, tax, and human rights
- Immigration Consultants
- Headhunters/Recruiters
- Settlement Counsellors
- Human resources managers, officers, coordinators, specialists, consultants, advisors and generalists

## DISTINGUISHED FACULTY

### Co-Chairs

**Sergio Karas**  
Principal, Karas & Associates

**Stephen Green**  
Partner, Green and Spiegel LLP

### Speakers

**Adib Abbasi**  
Superintendent  
Lester B Pearson International Airport  
Canada Border Services Agency

**Andrea Baldwin**  
Business Immigration Lawyer  
Stewart McKelvey

**Iliia Burtman**  
Manager, Opportunities Ontario:  
Provincial Nominee Program  
Ontario Ministry of Citizenship  
and Immigration

**Jacqueline R. Bart**  
Principal, Bart & Associates

**Janet Bomza**  
Senior Partner, Bomza Law Group

**Stephen Cryne**  
President  
Canadian Employee Relocation Council

**Brian Dingle**  
Partner, Borden Ladner Gervais LLP

**Hamlin Grange**  
President, DiversiPro

**Joel Guberman**  
Partner, Guberman Garson

**Jerry Kreindler**  
Principal, Kreindler Law

**Naseem Malik**  
Counsel, McCarthy Tétrault LLP

**Norine Nathanson**  
Ministry of the Attorney General  
Law Commission of Ontario-Counsel in Residence

**Jay Niederhoffer**  
Partner  
Deloitte & Touche LLP

**Holly Reid**  
Blake, Cassels & Graydon LLP

**Joel Sandaluk**  
Partner, Mamann, Sandaluk & Kingwell, LLP

**Lorna Sinclair**  
Partner, Deloitte & Touche LLP

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## PRE-CONFERENCE SEMINAR

Wednesday, September 19, 2012

1:00 p.m. – 4:00 p.m. (Registration begins at 12:30 pm)

### A Step-by-Step Guide to Mastering Applications after Changes to the Regulations: LMOs, Work Permits and the Provincial Nominee Programs

**Joel Sandaluk**

Partner, Mamann, Sandaluk & Kingwell, LLP

*This hands on, step by step workshop is invaluable to employers, immigration counsel and consultants, who draft applications for LMOs, work permits and under the Provincial Nominee Program. Learn practical tips from this top immigration practitioner, on how to ensure compliance with the new temporary foreign worker regulations and forms. Ensure you master the process now and save time and money down the road!*

#### Essential documentation to obtain Labour Market Opinions and Work Permits Under the New Regulations

- Completing the new LMO forms
- Criteria for the new Accelerated Labour Market Opinion applications
- Proving the need: lack of qualified Canadians to do the job
- Documenting recruitment efforts
- Meeting provincial licensing requirements
- Preparing the work permit application

#### Essential documentation for the Provincial Nominee Program

- Developing a business case to submit to the PNP
  - demonstrating the employer's need for the occupation
  - documenting the inability to fill the position with a qualified Canadian resident
  - working with sector specialists
- Recruiting skilled workers
- Nominating workers already in Canada on temporary work permits
- Reviewing the employee's permanent resident application to CIC, post-nomination

## DAY 1 - Thursday, September 20, 2012

8:00 **Registration Opens and Coffee Served**

9:00 **Opening Remarks from the Co-Chair**



**Sergio Karas**

Principal, Karas & Associates

9:15 **Keynote Address**

9:30 **Setting the Context: The Reality of Canada's, Ontario's and the Eastern Provinces' Reliance on Temporary Foreign Workers**

**Stephen Cryne**

President, Canadian Employee Relocation Council

**Norine Nathanson**

Ministry of the Attorney General

Law Commission of Ontario- Counsel in Residence

*Today, temporary foreign workers now outnumber permanent economic immigrants entering Canada. Specific labour shortages are continuing in high-tech, construction, food and tourism, and forestry, caused in part by a shrinking labour force. In this panel, learn about the impacts this reality is having on the Canadian economy, and individual provincial economies of Ontario and Eastern Canada.*

- Examining the current economic climate in Ontario and Eastern Canada, and its impact on the labour market
- What is the expected impact on employers of new changes to the immigration system?
- Highlighting key employment and immigration trends in Ontario and Eastern Canada
- How are recently announced changes to the immigration system expected to impact the Eastern provinces? What do they address and not address?
- Which industries are currently hiring the most foreign workers? From where?
- How are national immigration trends impacting Ontario and other Eastern Canadian provinces?
- Developing a strategic approach to filling your specific labour needs with a foreign workforce
- Discussing the costs and benefits to employers, foreign workers and to the economy generally, of bringing foreign workers in to Canada temporarily
- Analyzing Canadian policy regarding pathways to permanent residence for high-skilled workers vs. low-skilled workers, and the challenges this presents
- Identifying specific challenges faced by temporary foreign workers, particularly lower-skilled workers, that employers should be aware of

10:30 **Networking Coffee Break**

10:45 **Meeting Your Specific Labour Needs In Accordance with Recent Crucial Regulatory Changes to the Temporary Foreign Worker Program**

**Sergio Karas**

Principal, Karas & Associates

- Highlighting important changes to the Temporary Foreign Worker regulations and the CIC policy rationale behind them
- Understanding the new Accelerated Labour Market Opinion Initiative
  - Which types of positions does it apply to?
  - When are employers eligible to participate?
  - What is the new attestation based assessment? And what does the subsequent HRSDC compliance review entail?
- What are the new requirements with respect to foreign workers' wages?
- Post-April 1st, 2011 amendments: How has Service Canada been applying and enforcing the regulatory amendments on the ground? What has the impact been on industry?
- How to plan in advance for a LMO valid for only 6 months
- How can your company obtain pre-approvals for work permits in certain situations to ease the process of admission to Canada for workers
- What additional documentation do employers need to provide to obtain a LMO?
- The CIC employer non-compliance list
  - How has CIC been utilizing it?
  - Practical implications of being on the list
- How to manage and plan for lengthy LMO processing times: Avoiding having your workers become non-status and being forced to apply for restoration
- What are the criteria for "urgent processing" of LMO applications?
- Understanding the 4-year cap: how does the clock run? Who is exempt?

12:00 **Networking Luncheon**

Register at 1-877-927-7936 or in Toronto 416-927-7936 or [www.CanadianInstitute.com/EFWTOR](http://www.CanadianInstitute.com/EFWTOR)



1:15 **Ensuring Company-wide Compliance with Temporary Foreign Worker Regulations: Key Tools for Developing a Successful Corporate Compliance Strategy**



**Janet Bomza**

Senior Partner, Bomza Law Group

- How a compliance strategy can ensure employers remain compliant with respect to the Temporary Foreign Worker regulations and avoid the CIC non-compliance list
- Determining what Service Canada is classifying as compliant/non-compliant with the job offer, so employers know what to avoid
- How to successfully prove the genuineness of your offer: passing the “Substantially the Same” test
- Examining situations in which employers can remedy a non-compliant determination, without the time and expense of applying for a new LMO
- Ensuring the job offer accommodates for wage raises, promotions, transfers and other relatively minor changes to the role so as to remain compliant
- How often is Service Canada conducting compliance audits? What are the criteria? In which situations are on-site audits conducted? What will they be requesting?
- Ensuring you are prepared for the Service Canada employer confirmation call: which questions are likely to be asked?
- Internal strategies for dealing with the Service Canada compliance audit
- Effective methods for educating staff on the requirements under the new regulations

2:15 **Successfully Managing Key Employment Law and Recruitment Issues Arising With the Employment of Foreign Workers**



**Jacqueline R. Bart**

Principal, Bart & Associates

**Holly Reid**

Blake, Cassels & Graydon LLP

- Discovering the impact of Bill C-35 on third-party recruitment and in-house HR professionals providing immigration advice: How does it impact HR professionals assisting with completing forms and advising on matters related to immigration?
- Ensuring HR professionals are aware of key immigration law issues that necessarily impact their duties
- Key human rights concerns arising with paying differing wages to foreign workers based on their countries of origin: examining the potential impacts of *SELI Canada Inc. v. Construction and Specialized Workers' Union, Local 1611*
- Managing potential labour relations issues when dealing with a unionized workforce
- Obligations and duties of the employer when terminating employment of a foreign worker
- Due diligence requirements for an employer hiring workers already in Canada on a work permit
- Ensuring the employer is not on the hook for moving and other costs incurred before a worker is found to be criminally inadmissible
- Ensuring clarity around who the “employer” is for intra-company transferees, to avoid associated complications down the road
- Effective tools for interviewing and training workers abroad
- Deciding whether to hire a third party recruiter or to handle it in-house

3:15 **Networking Coffee Break**

3:30 **Meeting Occupational Health and Safety and Employment Standards with a Foreign Workforce**

- Examining the ways in which a foreign workforce affects an employer's existent occupational health and safety and employment standards program
- Strategies for safety planning for a foreign workforce
- Ensuring employers avoid costly workplace injuries
- Detailing employers' responsibilities with respect to foreign workers' basic needs and safety
- Safety training of foreign workers prior to their arrival in Canada
  - Ensuring foreign workers who are bringing in their own labour force are training them in compliance with Canadian occupational safety standards
- Developing safety manuals with the foreign worker in mind
- Services available to temporary foreign workers with respect to safety and employment standards
- Ensuring employment contracts meet employment standards

4:15 **Closing Remarks from the Co-Chair Conference Adjourns**

**DAY 2 – Friday, September 21, 2012**

8:30 **Coffee Served**

9:00 **Opening Remarks from the Co-Chair**



**Stephen Green**

Partner, Green and Spiegel LLP

9:15 **Identifying and Managing Critical Issues Arising at the Port of Entry**

**Adib Abbasi**

Superintendent, Lester B Pearson International Airport  
Canada Border Services Agency

**Naseem Malik**

Counsel, McCarthy Tétrault LLP



**Joel Guberman**

Partner, Guberman Garson

- Discover who CBSA is frequently flagging at ports of entry and why
- How to lessen the chances of surprises at the border upon a worker's arrival
- Key information to ensure your “business visitors” are equipped with when entering Canada
  - Identifying acceptable and not acceptable activities
  - Dual intent issues
- How to adequately prepare workers for arrival at the port of entry to minimize negative outcomes
- Which documents should be included in a visa office or port of entry application to prove the genuineness of an offer?
- How employers should deal with port of entry officers requesting sensitive financial information of the employer, from the worker at the border

10:15 **Networking Coffee Break**

10:30 **Overcoming the “Specialized Knowledge” Hurdle for Intra-company Transfers and Other Critical Issues For LMO-Exempt Foreign Workers**



**Jerry Kreindler**  
Principal, Kreindler Law



**Stephen Green**  
Partner, Green and Spiegel LLP

*With LMO processing times for many positions at a high, you should be aware of all the LMO-exempt options available to bring your foreign workers in through. In this session, learn how to optimize entry of your foreign workers through LMO-exempt categories by identifying common CBSA objections and how to successfully prepare for them.*

- What is “Specialized knowledge”?
- Analyzing “Specialized knowledge” and the intra-company transferee spectrum
- Ensuring your application is sufficient- avoiding the cost and delay of being denied at the border
- Common questions and issues raised by CBSA or port of entry officers regarding “Specialized knowledge”, and how they should be dealt with
- Managing common objections for management consultants entering Canada under NAFTA
- How have changes in the Customs Enforcement Manual to key definitions become more restrictive and what are the impacts of these changes for employers?
- Utilizing the Working Holiday Program and the Student Work Abroad Program
- Understanding the significance of NAFTA and other international agreements (such as with Chile and Peru) to bringing over “Specialized knowledge” professionals

11:30 **Key Strategies To Ensure Successful Settlement and Cultural Integration of Your Foreign Workforce**

**Hamlin Grange**  
President, DiversiPro

- How can you ensure successful settlement and retention after investing in the recruitment and relocation of foreign workers?
- Understanding the challenges and surprises with recruiting foreign workers
- Ensuring productivity through cross-cultural sensitivity and training for your organization and the foreign worker
- Acculturation of foreign workers and why it is of benefit to you
- Understanding and building intercultural competence in word and deed
- Common mistakes and assumptions that create an unsustainable work environment for foreign workers
- The importance of taking an integrated approach in creating an inclusive workplace beyond hiring and recruiting

12:30 **Networking Luncheon for Delegates and Speakers**

1:45 **Retaining Foreign Talent: Making The Transition from Temporary Worker to Permanent Resident**



**Ilia Burtman**  
Manager  
Opportunities Ontario: Provincial Nominee Program  
Ontario Ministry of Citizenship and Immigration

**Brian Dingle**  
Partner, Borden Ladner Gervais LLP



**Andrea Baldwin**  
Business Immigration Lawyer, Stewart McKelvey

*After investing considerable time and money in recruiting and employing a foreign workforce, in certain situations, your company would benefit from retaining them long-term. In this session, learn how to utilize a number of Federal programs and your province's Provincial Nominee Programs, as well as other available options, to transition your temporary foreign workers to permanent residents.*

- Deciding which foreign workers to retain and support through the immigration process
- Examining when and how to start planning for a worker's transition to Permanent Resident (“PR”) status
- Evaluating the available avenues to PR status and choosing the appropriate option for your situation: Provincial Nominee Programs, Canadian Experience Class, Arranged Employment Opinions
- Discussing different strategies for high-skilled and low-skilled workers
- Looking at the differences in the Provincial Nominee Programs among Eastern Canadian provinces and the implications for you

2:45 **Networking Coffee Break**

3:00 **Taxation of Foreign Workers: Avoiding Common Traps and Pitfalls and the Associated Penalties**

**Lorna Sinclair**  
Partner, Deloitte & Touche LLP

**Jay Niederhoffer**  
Partner, Deloitte & Touche LLP

- Ensuring employers deal with employee withholdings and business-to-business withholdings effectively to prepare for increasingly aggressive audits by CRA
- Educating foreign workers on potential traps with respect to income tax and estate planning issues: when do additional filing obligations kick in, and what are the penalties for failing to do so?
- What are potential pitfalls for foreign workers participating in company-sponsored retirement plans and stock options?
- Effectively highlighting the “do’s” and “don’t’s” of tax planning with foreign candidates

4:00 **Successfully Overcoming Criminal Inadmissibility Challenges**

**Joel Sandaluk**  
Partner, Mamann, Sandaluk & Kingwell, LLP

- Which questions are appropriate/inappropriate to ask a prospective worker in advance, from an employment law perspective?
- Applying for temporary resident permits both at a visa post and point of entry
- Strategies for structuring your interview to get the information you want
- Learn which criminal offenses might result in inadmissibility in to Canada, but not in to the U.S., and the implications associated
- Learn how to determine which offenses would likely result in the inadmissibility of your foreign workers
- Which criminal offenses are CBSA changing their approach to?
- How to challenge an inadmissibility determination to CBSA, and what steps to take if the challenge is unsuccessful

4:45 **Chair's Closing Remarks - Conference Concludes**

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# EMPLOYING FOREIGN WORKERS

The Latest Comprehensive Tools For Successfully Hiring and Retaining Foreign Workers in Ontario and Eastern Canada



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VP/Director Human Resources, Lawyer (Employment Law/Business Immigration), In-House Counsel

## Top Reasons to Attend

- ✓ Get up to date on changes to the immigration system impacting you
- ✓ Gain practical tools from MCI and CBSA
- ✓ Learn from the experiences of industry leaders
- ✓ Network with industry professionals

## 5 EASY WAYS TO REGISTER

- Phone:** 1-877-927-7936 or 416-927-7936
- Fax:** 1-877-927-1563 or 416-927-1563
- Email:** CustomerService@CanadianInstitute.com
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**YES!** Register the following delegate for **EMPLOYING FOREIGN WORKERS**

FEE PER DELEGATE	Register & Pay by August 23, 2012	Register & Pay after August 23, 2012
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## ADMINISTRATIVE DETAILS

VENUE: Metropolitan Hotel  
ADDRESS: 108 Chestnut Street, Toronto, ON  
TEL.: (416) 977-5000

## Hotel Reservations

For information on hotel room availability and reservations, please contact Metropolitan Hotel, Toronto at (416) 599-0555. When making your reservation, please ask for "The Canadian Institute's Corporate Rate".

## Registration Fee

The fee includes the program, all program materials, coffee breaks and lunches.

## Payment Policy

Payment must be received in full by the program date to ensure admittance. All discounts will be applied to the Program Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. **Group discounts available to 4 or more individuals employed by the same organization, who register at the same time. For more information on group rates, please call 1-877-927-7936.**

## Cancellation and Refund Policy

You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **The Canadian Institute** in writing no later than 10 days prior to the program date and a credit voucher will be issued to you for the full amount paid. Credit Vouchers are valid for 1 year and are redeemable against any other program by **The Canadian Institute**. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the program date. **The Canadian Institute** reserves the right to cancel any program it deems necessary and will, in such event, make a full refund of any registration fee, but will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by **The Canadian Institute** for changes in program date, content, speakers or venue.

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