

DOING BUSINESS IN CANADA

An exhaustive guide on business in Canada



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INTRODUCTION

Canada is resource-rich, culturally diverse and offers one of the highest qualities of life in the world. Its excellent infrastructure and global connections provide access to key international markets.

The world's second largest country by land mass, and a major trading nation, Canada is a top destination for foreign companies and investors. Many are attracted by its stable political environment, geographically and culturally diverse cities, and history of strong economic growth.

Having become the world's favorite immigration destination over the years, Canada is getting more attention from entrepreneurs and investors than ever before and considered as a mosaic.

The Canadian economy is services and export oriented. Mining resources, high-end industries like aviation, and automobiles usually are the domain of large industrial and corporate houses and government.



There are numerous reasons why business owners are drawn to doing business in Canada, and one of the most obvious benefits is its familiarity.

The U.S. and Canada share many of the same customs—for example, shaking hands is a standard greeting in both Canada and the U.S., while a bow is customary in Eastern countries like Japan. The U.S. also shares the same language ("in the largely Anglophone regions") and a similar demographic. These parallels make growing their business in Canada much easier than in many other countries.



Business owners expanding to Canada will also benefit from its broad trade network, which provides an advantage to Canadian organizations with preferred access to global and diverse markets. Canadian trade pacts include the North American Free Trade Agreement ("NAFTA"), the European Union's Comprehensive Economic and Trade Agreement ("CETA") and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership ("CPTPP").

ECONOMIC OVERVIEW

In many ways, the Canadian economy is doing well. The unemployment rate is near its record low, 830,000 more Canadians are employed compared to when "COVID-19" first hit, and Canada's economic growth was the strongest in the "G7" over the last year.

Canada is positioned well to navigate these turbulent times. There economy entered 2023 on a better footing than most of the peers, and with strong economic fundamentals, including robust population growth, a strong labor market, and a well-regulated and well-capitalized financial system, Canada will be able to weather a global economic slowdown.



Canada's economy is now 103 per cent the size it was before the pandemic, marking the fastest recovery of the last four recessions, and Canada's the second strongest recovery in the "G7". Throughout 2022, their economy demonstrated sustained strength, with Canada posting the fastest growth in the "G7" over the past year.

In recent months, some of the pressures have started to ease, with commodity prices falling, supply-chain bottlenecks easing, and the demand for goods normalizing. At 5.2 per cent in february, Canadian consumer price inflation has fallen meaningfully since its June 2022 peak and is below the rates seen in many peer economies. Services price inflation in Canada—a gauge of underlying inflationary pressures—has also plateaued in recent months, while it has continued to rise in some other countries.

While the Canadian economy has remained solid, higher interest rates are beginning to work their way through both the global and Canadian economies. This is resulting in weaker economic activity.

While business activity is at a healthy level and most businesses continue to report strong sales, many are also under financial pressure as the significant rise in interest rates boosts borrowing costs. A growing proportion of businesses expect activity to weaken in the coming year as the lagged impact of higher interest rates continues to feed into weaker consumer spending. As a result, many businesses have started to dial back their investment plans in recent months.



FOREIGN DIRECT INVESTMENT POLICY

Foreign direct investment occurs when a global company chooses to do business in Canada. They may set up operations here for the first time, expand their existing footprint in Canada, or partner with a Canadian business. It creates opportunities, stimulates economic development, and introduces new ideas and innovation to Canada.

There are three types of "FDI"

New investment takes place when a global business sets up operations in Canada for the first time

Merger and acquisition takes place when a global investor purchases or partners with a Canadian company to grow their business

Reinvestment happens when a company expands its operations in Canada and opens more facilities

Innovation, science and economic development Canada works closely with global affairs Canada to encourage foreign companies to invest in Canada and to promote an open, rules-based global investment regime.

Canada's foreign investment policy framework provides a welcoming environment that seeks to maximize the benefits of foreign direct investment for Canadians, while preserving other public policy interests.

The investment Canada act and regulations prescribe the legal responsibilities of non-Canadians investing in Canada and the information which they are required to submit.

The Investment Canada Act ("ICA") refers to a Canadian law that regulates direct investment in the country by foreigners. The Act covers foreign ownership of new and existing businesses within the country. Under the law, any non-Canadians who wish to make a direct investment in the country must submit a notice or application for review. The law was passed in 1985 and was updated several times since then. The act was intended to signal Canada's openness to new foreign direct investment ("FDI").

The Investment Canada Act was established in 1985 and replaced the foreign investment review act. The new law was signed by the federal progressive conservative government led by then-Prime Minister Brian Mulroney.





The "ICA" allows the government to review significant investments made by foreign parties within the country. It also recognizes that these investments benefit the country and its national security. This ensures that foreign investment not only advances Canada's economic growth but also encourages the expansion of the national job market.

As mentioned above, interested foreign parties must file a notice or application before they intend to make direct investments in Canada. Notices are filed every time someone wishes to start a new venture or whenever someone acquires a business in Canada. An application for review must be submitted whenever the value of an acquired business either meets or exceeds the thresholds set out by the act.



KEY SECTORS

There are some main key sectors to do business in Canada, such as: -

Service sector

An extremely vital part of the Canadian economy is none other than the service sector. Retail, transport, distribution, food services, professional services are some of the services this sector is involved in along with other service-dominated businesses.

Manufacturing

The changing marketing trends have opened new markets for Canadian goods. The country is also changing the ways its goods are produced. Since Canadian manufacturers have been investing in research to bridge the gap between research and market, they are able to keep up with the changing market trends with ease.

Natural resources

A significant portion of Canada's total wealth comes from natural resources. Fluctuation in prices, stocks and extraction costs largely determines its value at any given time. Canada's natural resource wealth grew 10% per year during the last decade due to the rise in prices.

Mining sector

A major generator of wealth and employment for Canadians, the mining sector contributed \$87 billion to Canada's "GDP", which made for 3% of the "GDP", while employing over 596,000 people from urban, rural and remote regions of the country.

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ADVANTAGES OF DOING BUSINESS



Leader in world trade

Canada is one of the largest trading nations in the world, presenting itself as a 'foreign trade zone' spanning an entire country.

Highly skilled, diverse workforce

Canada's workforce is highly skilled and ranks as the best-educated among other Organization for Economic Co-operation & Development ("OECD") countries.

Rich in resources

Canada is a country blessed with many natural resources. It has the third-largest oil reserves. Its economy also benefits from production and export of its wealth of other resources, including timber, iron ore, coal and precious metals.

Access to key markets

Canada's booming ports provide access to world markets from both the Atlantic and Pacific coasts, linking Canada with the US heartland.



Positive about business

Canada has a long record of welcoming overseas investors. It has consistently offered low business taxes and efficient set-up. The country ranks sixth in the world in Forbes' best countries for business table.

World-class cities

Urban life in Canada is among the most pleasing in the world. Vancouver ranks fifth globally for quality of life and ninth for infrastructure; Toronto, Ottawa and Montreal are also placed among the top 25 global cities in the 2019 Mercer Quality of Living Index.

Low corporate costs

Canada offers low corporate taxes and set-up costs. Tax initiatives include the elimination of import tariffs on manufacturing equipment, and incentives to support research and development ("R&D")

A healthy economy

The country has a record as one of the best performers among "G7" countries. The "GDP" growth rate is projected to trend around 0.8% in 2023.

A stable environment

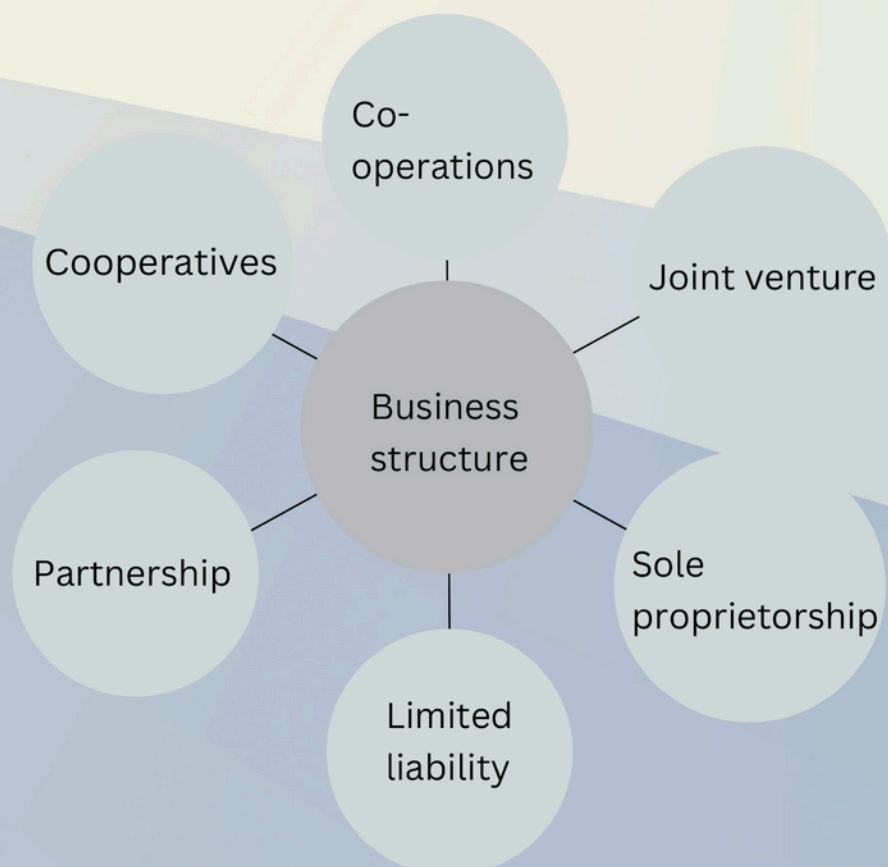
Canada benefits from a stable government and offers a superior quality of life. High employment rates, strong household income and universal healthcare services contribute to feelings of security and life satisfaction that are among the highest of "OECD" countries.

TYPES OF BUSINESS

The business structure of a company refers to the way in which it is organized, with consideration to its legal status and ownership. As a result, each has its own requirements in terms of compliance and paperwork.

The legal structure of their business will determine which taxes are liable, affect how much control a person have over decision-making, finally, the business structure the individual choose can have implications for the sale or succession of their business.

There are 6 main business structure types in Canada.



Co-operations

A corporation is a legal entity that separates the business from its owner/operator. In the cooperation a person have many advantages such as their personal liability is limited, their business name is protected, they can transfer ownership, they may qualify for lower tax rates as a corporation.

Joint venture

A joint venture is essentially a partnership between one or more separate business entities. In these types of business arrangements, firms agree to pool resources toward the achievement of a specific task, often on a temporary basis. This can be a specific project, or the purchase and joint operation of a piece of real estate.

Sole proprietorship

Another type of business structure is the sole proprietorship, and, as the name says, this is owned and controlled by a single person. Such business is subject to lower start-up costs and paperwork compared to the company structures mentioned above. A sole proprietor is in charge of the business management, responsibilities, and debts.

Limited liability company in Canada

Most of the time, the limited liability company is met in European countries, which is why foreign investors might be tempted to ask for the incorporation of such a business form. However, in Canada, the limited liability company is regarded as an unincorporated entity with the benefits of the corporation. The Canadian limited liability company is a hybrid between the sole trader and the partnership, but it offers limited liability to the shareholders.



Partnership

Setting up a partnership in Canada is fairly straightforward. The first step is to register with their province or territory, after which an individual will need to write up a partnership agreement. This agreement is not required by law, but it is highly recommended in order to avoid any potential disputes down the road. The agreement should list the responsibilities of each partner, how they help with day-to-day operations, and how profits are divided.

Furthermore, the agreement should highlight how both parties will handle particular circumstances. In the absence of such an agreement, provincial law will govern the partnership.



Cooperatives

A cooperative in Canada can be registered if certain rules are met. For instance, the owners can entirely manage the business, they have democratic control and limited liability. The revenues are distributed equally because the resources have also been gathered equally. Even though a cooperative is not a preferred type of entity among businessmen, one should know that it puts the accent on common needs, whether in investment matters or other important decisions, like employment or the sale of services and goods.

ELIGIBILITY CRITERIA FOR REGISTRATION

Each Canadian province and territory have its own rules and business registration fees. So, the process for starting their business in Canada will vary depending on where a person plan to operate.

An individual can take if they want to start a business in Canada as a non-resident. Some of them may not even require a person to be physically present in Canada to run their business but may require the participation of a Canadian citizen or permanent resident. do not have to have Canadian citizenship or permanent resident status, they will likely need the involvement of someone who does in order to proceed.

- For a Canadian citizen or permanent resident who is over 18 years old, or a corporation with a registered office in the province.
- It is possible to start and run a business in Canada without moving here, but this will most likely mean that a person need the participation of a company director who is Canadian. Likewise, you'll need a local agent to help with the incorporation process.





- But for the Immigrant to Canada, an individual have 2 options.

The **Start-Up visa program** exists to help immigrant entrepreneurs move to Canada and start a business. The program has specific requirements in terms of what types of businesses qualify. Interested applicants will need to apply with a business idea that is innovative, can create employment opportunities for Canadians, and can compete on a global level.

In addition to having a business that qualifies, as a non-resident, they will need to meet the Canadian language requirements and prove that the person have enough money to settle in Canada. Those hoping to move to Quebec to start a business will be subject to their specific requirements for immigrating entrepreneurs. You'll also need support from one of these designated organizations in order to apply for the program.

Another option for immigrating to Canada and starting a business is the **Self-employed persons program**, which focuses on businesses related to the arts, entertainment, and sporting industries. In order to qualify, they must have relevant experience in cultural activities or athletics, and intend to make a significant contribution to cultural or athletic life in Canada.

PROCESS TO SET UP A BUSINESS

A person can start a small business in Canada and make thousands in profit before they ever have to register. Such a business is usually a sole proprietorship. But as their company grows, their obligations also increase.

Registering their business could include registering their business name, subscribing to a federal goods and service tax/harmonized service tax ("GST/HST") number, or incorporating their business. When they take these steps, they receive a unique business identification number from the federal or their provincial government.

There could also be licenses and permits that their business requires.



Some of the steps involved are: -

- Decide on their corporate structure.
- Choose a name.
- Register the business' name.
- Incorporate their business.
- Register a "GST/HST" number.

Decide on their corporate structure.

Businesses generally choose to run as a sole proprietorship, partnership, or corporation in Canada. There are other structures such as a co-operative or limited partnership, but these pertain to very specific circumstances.

Choose a name.

their business' name is its identity. It's an important marketing asset and determines how people find their company through search engines. Before deciding on a name, they should also check whether website domains and social media handles are available.

Register the business' name.

Essentially all businesses in Canada must complete a business name registration unless it's a sole proprietorship. The registration process is different in every province. Canadian corporate names and trademark database tells, whether a specific name is available. Afterward, a person would register the name with their province's business registry. The cost to register a name varies with the province.

Incorporate their business.

They can incorporate their business either on the federal or provincial levels. The process is referred to as filing their articles of incorporation.

Federal incorporation provides better name protection and the ability to do business, it also includes more paperwork. In contrast, provincial incorporation is more straightforward but provides fewer protections and requires to register in each province that they want to do business in.

Register a "GST/HST" number.

A person can register for a "GST/HST" number online, by fax or mail, or by telephone. Any business that makes over \$30,000 a year has to register for a "GST/HST" number and collect the affiliated sales taxes, depending on the province. If their business is under \$30,000 of revenue, and can still register for a "GST/HST" number, but it's not mandatory.

TAXATION

Millions of Canadians file their income tax and benefit returns every year. For the 2022 tax-filing season, Canadians filed approximately 31 million returns and 92% of them were filed electronically. Also, there were over 17 million refunds processed, resulting in a total amount of \$37 billion!

- Federal goods and services tax ("GST")
- Harmonized sales tax ("HST")
- Provincial retail sales tax ("PST")
- Quebec sales tax ("QST")
- Customs and import duties.
- Excise taxes and duties
- Property taxes
- Land transfer tax
- Federal capital taxes
- Provincial capital taxes



Federal Goods and Services Tax ("GST")

The "GST" is a federal tax levied at a rate of 5% on the supply of most property and services made in Canada. It is a value-added tax applied at each level in the manufacturing and marketing chain. However, the tax does not apply to supplies that are zero-rated or exempt.

Harmonized Sales Tax ("HST")

Five provinces have fully harmonized their sales tax systems with the "GST" and impose a single "HST", which includes the 5% "GST" and a provincial component. "HST" applies to the same tax base and under the same rules as the "GST". There is no need to register separately for "GST" and "HST" because both taxes are accounted for under one tax return and are jointly administered by the Customs Receipt Audit ("CRA").

Provincial retail sales tax ("PST")

"PST" generally does not apply to purchases of taxable goods, software, and services acquired for resale; registered vendors can claim this resale exemption by providing to their suppliers either their "PST" number or a purchase exemption certificate. Certain exemptions also exist for use in manufacturing, farming, and fisheries. "PST" is administered by each province's tax authority, separate from the "CRA".

Quebec sales tax ("QST")

Quebec's sales tax is a value-added tax structured in the same manner as the "GST/HST". The "QST" is charged in addition to the 5% "GST" and is levied at the rate of 9.975% on the supply of most property and services made in the province of Quebec, resulting in an effective combined rate of 14.975%.

Registrants charge "QST" on taxable supplies (that are not zero-rated) and can claim input tax refunds for "QST" paid or payable on their expenses incurred and/or purchases made in the course of their commercial activity. The resulting net tax is reported to Revenue Québec ("Quebec's tax authority") and is either remitted or claimed as a refund.

Customs and import duties.

Customs tariffs ("also known as duties") are levied on goods imported into Canada. The amount of customs duty that applies to imported goods depends on a number of factors, including the nature of the duty, tariff classification, country of origin, and value for duty declared.

The Tariff Schedule to the Customs Tariff, which is based on the World Customs Organization's Harmonized Commodity Description and Coding System, sets out the customs duty rates for goods imported into Canada.

Goods that originate from most countries with which Canada does not have a free trade agreement ("FTA") or other preferential tariff arrangement will generally attract the 'Most Favored Nation' ("MFN") duty rate or tariff treatment.

Excise taxes and duties

Excise duties are levied at various rates on spirits, wine, beer, malt liquor, tobacco, and vaping products. When these goods are manufactured or produced in Canada, duty is payable on the goods at the point of packaging and not at the point of sale. When these goods are imported into Canada, duty is generally payable by the importer at the time of importation.

Manufacturers who produce alcohol and tobacco in Canada must be licensed. Excise duties also apply to cannabis products now that non-medicinal cannabis is available for legal sale. Persons who manufacture, produce, and/or sell cannabis products in Canada must be licensed.

Property taxes

Property taxes are levied by municipalities in Canada on the estimated market value of real property within their boundaries and by provinces and territories on land not in a municipality. In most provinces and territories, a general property tax is levied on the owner of the property. Some municipalities levy a separate business tax, which is payable by the occupant if the premises are used for business purposes.

These taxes are based on the rental value of the property at tax rates that are set each year by the various municipalities. School taxes, also generally based on the value of real property, are levied by local and regional school boards or the province or territory.





Land transfer tax

All provinces and territories levy a land transfer tax or registration fee on the purchaser of real property within their boundaries. These levies are expressed as a percentage, in most cases on a sliding scale, of the sale price or the assessed value of the property sold; and are generally payable at the time title to the property is registered.

Additional land transfer taxes apply for properties bought in the municipalities of Montreal or Toronto. Other municipalities may also impose these taxes and fees.

Federal capital taxes

The federal government does not levy a general capital tax. It imposes the Financial Institutions Capital Tax on banks, trust and loan corporations. The tax is not deductible in computing income for tax purposes. It is reduced by the corporation's federal income tax liability. Any unused federal income tax liability can be applied to reduce part VI tax for the previous three and the next seven years. In effect, the tax forms a minimum tax on financial institutions.

Provincial capital taxes

The provinces do not levy a general capital tax, but most do impose a capital tax on financial institutions. Capital taxes are deductible for federal income tax purposes. The federal government had proposed to limit the deductibility of capital taxes but has delayed implementing this proposal indefinitely. The territories do not impose capital taxes.

ACCOUNTING STANDARD

Accounting standards are authoritative standards for financial reporting and are the primary source of Generally Accepted Accounting Principles ("GAAP"). Accounting standards specify how transactions and other events are to be recognized, measured, presented and disclosed in financial statements. Their objective is to provide financial information to investors, lenders, and others that is useful in making decisions about providing resources to the entity.

In Canada, accounting standards for all entities outside the public sector are issued by the Accounting Standards Board ("AcSB"). The "AcSB" adopted International Financial Reporting Standards® ("IFRS") as the accounting standards used by publicly accountable enterprises. Private enterprises and not-for-profit organizations can choose to use separately developed standards for those entities or IFRS. Separate accounting standards exist for pension plans.

The Canada Business Corporations Act and provincial corporations and securities legislation generally require companies to prepare financial statements for their shareholders in accordance with "GAAP" as set out in the certified public accountant Canada Handbook – Accounting. Other legislation applies to financial institutions and certain other types of reporting entity.



EMPLOYMENT AND LABOR LAWS

Canada labor law can be confusing as Canada has both federal and provincial legislation, meaning rules and regulations vary depending on the area within Canada. There is a common core of principles and approaches to labor laws today amongst the various Canadian jurisdictions. All Canadian jurisdictions currently intervene in the collective bargaining process by

- controlling the recognition and certification of trade unions;
- designating unfair labor practices;
- forcing parties to bargain and enforcing the bargain once it is struck;
- designating the proper investigative, adjudicative and conciliatory authorities; and
- postponing the ability to lockout or strike until the prescribed procedures have been exhausted.

Canada's provinces enforce different amounts of paid leave, different tax rates, different minimum wages and other contributions from employees and employers.





Canada labor law also known as ‘Canada employment law’ outlines what an employer required to do for its employees by law. It covers the minimum requirements that employers must meet in order to comply with employment legislation.

The Canada labor code outlines how an employer should go about terminating a contract between themselves and their employees. Employers must do this correctly according to the code, otherwise they could risk ‘unjustly dismissing’ an individual which could lead to a complaint made by the employee

Employers are required by law to apply minimum standards so that there is uniformity across the workforce and to maintain certain standards of work practice across the country.

At Horizons, their experts will manage their company’s payroll, benefits, and expenses, and will be responsible for their HR and tax compliance in Canada. Horizons is the only Canada PEO with an in-house recruitment team, meaning we can also source, hire, and onboard their local workforce.



EMPLOYMENT POLICIES

Part III of the Canada Labor Code talks about federal labor standards. These set out the employment conditions for hours of work, payment of wages, leaves, vacation, holidays, and more. These standards apply to employees working in federally regulated businesses.

Standard hours of work

As an employee or student intern, their standard hours of work are:

- 8 hours in a day
- 40 hours in a week

They are entitled to one full day of rest each week, which usually falls on a Sunday and are also entitled to breaks and a rest period. During a week when one or more general holidays occur, the standard hours of work are reduced by 8 hours for each holiday.

When working overtime, a person are entitled to:

- pay of at least 1.5 times the regular hourly wage, or
- time off with pay, equivalent to 1.5 hours of time off for every hour worked.



Paid and Unpaid leaves

The Canada Labor Code provides employees in federally regulated workplaces with the following unpaid and paid leaves:

Unpaid leaves:

- Maternity leave and parental leave
- Compassionate care leave
- Leave related to critical illness.
- Leave related to death or disappearance.
- Personal leave
- Leave for victims of family violence.
- Leave for traditional Aboriginal practices.
- Medical leave
- Leave related to COVID-19
- and many more.

Paid leaves:

- Personal leave (the first 3 days of leave are paid when an individual have 3 consecutive months of continuous employment with the same employer)
- Leave for victims of family violence (the first 5 days of leave are paid when a person have 3 consecutive months of continuous employment with the same employer)
- Bereavement leave (the first 3 days of leave are paid when they have 3 consecutive months of continuous employment with the same employer)
- Medical leave with pay (up to 10 days of medical leave with pay per year)

The Code establishes minimum requirements. If a collective agreement or arrangement exists providing better protections, the most favorable provisions apply.

Minimum wage

As an employee working for a federally regulated employer, you are entitled to receive at least the minimum wage. This also applies if a person is an intern.

If the minimum wage set by the province or territory and they are employed in is greater than the federal minimum wage, the provincial or territorial wage rate will apply to you.

If a person is under the age of 18, the minimum wage also applies to you.

Flexible work arrangement

Flexible work arrangements are changes to an employee's terms and conditions of employment. This allows them to achieve better work and home life balance.

The Code provides other rights and protections that help employees achieve work life balance, such as:

- existing and new leaves
- improved bereavement leave, and
- substitution of a general holiday for another day



HOW WE CAN HELP ?

Chandrawat and partners specializes in helping companies do business worldwide. Our team of experts has extensive involvement working with foreign companies and can provide tailored solutions to meet the business needs.

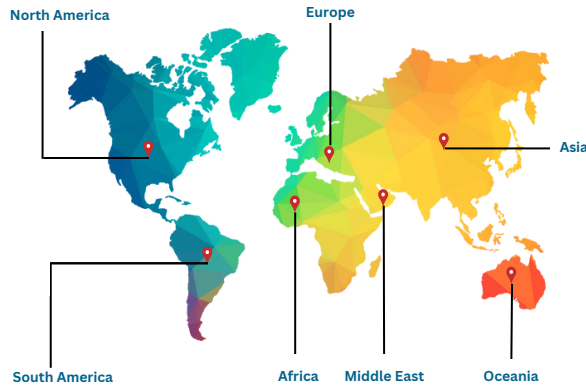
Market entry strategies: Our team of professionals helps the clients in achieving customer's goals, target market, and industry, advise on the optimal market entry methods. This includes suggestions for market positioning, means of distribution, pricing schemes, and marketing techniques specific to the Canadian market.

Market research and feasibility studies- Our team of professionals helps to find possible prospects, gauge market demand, and decide whether it would be feasible to start a business in Benin, conduct extensive market research.

Compliance monitoring: Our team can assist businesses in ensuring compliance with local laws and regulations, including tax laws, labor laws, and environmental regulations.

Assistance: Our team can assist with obtaining the necessary licenses and registrations to operate legally in the jurisdiction. Furthermore, product liability insurance can also help businesses with licensing and registration requirements.

SERVING CLIENTS WORLDWIDE



The information contained herein is of a general nature. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. The information is not offered as an advice on any matter, and no one should act or fail to act based on such information without appropriate legal advice after a thorough examination of the particular situation. The information does not make us responsible or liable for any errors and/or omissions, whether it is now or in the future. We do not assume any responsibility and/or liability for any consequences.

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