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## *Managing Canada's Labour Market Needs in the 21<sup>st</sup> Century*

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### Executive Summary

Canada is experiencing its worst labour shortage in over 30 years. In British Columbia and Alberta unemployment is at its lowest levels in decades. Positions for both skilled and unskilled workers cannot be filled and foreign workers are being brought in from around the globe. Demographic studies suggest that Canada will continue to experience this kind of labour shortage for many years, if not decades, as aging baby boomers retire and Canada's birth rate remains low.

While immigration is often seen as a partial solution to the labour deficit, even at current targets of processing approximately 265,000 permanent immigrants into Canada each year, the backlog in the Federal immigration program is approximately

900,000 people. Budgetary commitments by the Federal Government and concerns that Canada cannot absorb larger numbers of immigrants have kept targets below what many believe are necessary to address the labour problem. Both Citizenship and Immigration Canada (CIC) and Human Resources and Social Development Canada (HRSDC) are attempting to facilitate the entry of workers on a short-term basis to meet labour needs. The number of temporary foreign workers admitted annually into Canada increased to 139,279 workers in 2006 and to 165,198 for 2007. The government has recently passed legislation to allow the Minister of Immigration to instruct how to process different types of skilled worker applications to address this backlog and speed up processing times. In



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addition, provincial governments are increasingly using their jurisdiction in the immigration field to help alleviate the problem through the use of Provincial Nominee Programs.

Asia Pacific countries are among the top sources of immigrants to Canada. Of the top ten source countries of permanent immigrants to Canada, seven are from Asia. Similarly, six Asia Pacific countries account for 50% of the flow of temporary foreign workers. The significance of Asia Pacific in Canada's demand for temporary foreign workers is clear.

Notwithstanding the projected demand for both temporary and permanent workers, Canada faces serious challenges in facilitating the entry of people

in a timely fashion. The backlog of skilled worker applicants has been building for years. Temporary workers face obstacles in obtaining the necessary approval to come to Canada, both in obtaining Labour Market Opinions and in obtaining work permits at visa offices abroad and our ports of entry. Service delivery of our immigration program is fragmented between three separate government departments, often with overlapping, different, or conflicting priorities and objectives which lead to confusion and delay. These government departments must co-ordinate their efforts and priorities — or be merged — to facilitate rather than restrict temporary migration flows.

## Canada's Temporary Labour Market Program

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Recent years have seen a steady growth in Canada's temporary worker program as the demand for labour has outpaced the growth of the domestic workforce. This growth in the temporary migration program and the traditional large-scale permanent program are not necessarily in conflict. They each serve different, though overlapping, purposes. Traditionally Canada's permanent in-migration has targeted long-term demographic goals whereas the temporary movement addresses short-term labour shortages. However, over time there has been a shift in the roles of these two entry gates. As the permanent system has become backlogged, greater focus has been placed on bringing people to Canada as temporary workers. Once in Canada, these temporary admissions find strategies to stay here permanently, whether through the Federal skilled worker program, the Provincial Nominee Program, or the new Canadian Experience Class (CEC), which allows workers and students already in Canada to apply for permanent resident status from within the country. Thus, for the first time Canada has provided a clear channel for temporary migrants to convert to a permanent status without meeting the traditional criteria embedded in

the various permanent entry classes. This is an emerging issue which concerns labour unions as well as policy-makers.

Asia Pacific countries play a dominant role in Canada's immigration program. Statistics demonstrate this in both the permanent and temporary programs. Of the top ten source countries of permanent immigrants to Canada, seven are from Asia Pacific – China (1), India (2), the Philippines (3), Pakistan (4), the US (5), South Korea (8) and Columbia (9), representing a total of 36.5% of Canada's total permanent immigration inflow. In the flow of temporary migration, the top ten source countries provide the bulk of our foreign labour. Again, six Asia Pacific countries are ranked in the top group: the US (1), Mexico (2), the Philippines (4), Australia (5), Japan (8) and India (10). These six countries represent 50% of the total temporary worker flow to Canada.

There are a number of fundamental problems facing the temporary worker program, some based on the structure of Canada's immigration system and others based on the mindset of agencies responsible for delivering the program.

## Challenges to Program Delivery

Canada's Immigration program has three players in its overall service delivery: Citizenship and Immigration Canada (CIC), Human Resources and Social Development Canada (HRSDC) and Public Safety Canada which oversees the Canada Border Services Agency (CBSA). CIC is responsible for the delivery of Canada's immigration policy and program. HRSDC is responsible for ensuring that foreign workers coming to Canada are not taking jobs away from qualified Canadians and that the salaries and wages being paid to foreign workers do not undercut prevailing wage rates in Canada. CBSA supervises Canada's borders and maintains security while at the same time determining who enters Canada. Unfortunately, these three departments have different purposes, objectives, policies and service delivery processes which results in a fragmented system.

Consider the obstacles facing a potential temporary worker. For most foreign workers seeking to come to Canada, a potential employer must apply for approval from HRSDC for a Labour Market Opinion (LMO) before the individual applicant can apply for a work permit. The majority of applicants, who live in countries where it is necessary to hold a visa before entering Canada, must apply for a work permit at an overseas visa post, and submit the LMO obtained by their prospective employer from HRSDC. Even though an employer obtains an LMO (or the newer Expedited Labour Market Opinion -- E-LMO), CIC may still refuse a work visa application. There is a high rate of rejection of work permit applications from countries where applicants require any type of visa to come to Canada. In order to obtain a visa, applicants must satisfy a visa officer that they are coming to Canada for a temporary purpose and that they will ultimately return to their home country. Generally, visa requirements are imposed on countries with weaker economies as it is presumed that the economic benefits of remaining illegally in Canada to continue to work are a strong attraction and therefore people will not return to their home country at the end of their authorized stay. However, there is no actual published data to support this premise.

Assuming a would-be worker is fortunate enough to hold both an LMO and obtain a temporary resident visa, which allows one to apply for a work permit at a port of entry, it is not certain that a permit will be issued. Individuals must present themselves to the CBSA officer at the border. These officers can and do deny entry to people with LMOs and temporary resident visas if they feel the individuals are not likely to leave Canada at the end of their stay. CBSA officers routinely deny entry to people making work permit applications under specific exemption codes and insist on an LMO -- even though it may not be required in many cases.

The purposes of these three Departments are not the same; nor are their functions coordinated. The disconnect in service delivery between these three government bodies has a large and detrimental effect on Canada's overall immigration program, particularly in regards to temporary migration. For example, workers applying for permits directly at the border, have to deal with CBSA officers, who by training are more concerned about securing the border than about the country's labour force needs.



▲ Canadian Border Services Agency officers can deny entry to arriving workers with valid work and temporary resident visas if the officers feel the individuals are unlikely to leave Canada at the end of their stay.



## Obstacles to the Entry of Temporary Foreign Workers

Beyond the lack of administrative coordination, there is the question of the avenues through which temporary workers could most easily gain legal access to Canada. Among the most attractive modes of entry could be free trade agreements. Some have questioned whether trade agreements are a useful mechanism for providing for the exchange of both goods and services, especially labour mobility provisions, to meet changing economic conditions. However, the clear correlation between NAFTA and the high rate of temporary migrants from the US and Mexico, suggests this is a beneficial arrangement for both participating nations. Concerns at the time of negotiating NAFTA were focused on the potential of individuals flooding the market place. However, the NAFTA process is employer driven, not an applicant driven process and as such, it is self correcting. As long as trade agreements have flexible provisions allowing for modification to scheduled occupations, these agreements generate a higher mobility of workers than other temporary gateways.

The North American Free Trade Agreement (NAFTA) and the Canada Chile Free Trade Agreement (CCFTA) are the examples of free trade deals that provide for a degree of labour mobility.

However, the occupations eligible for facilitated movement are a very proscribed group covering professional, scientific and academic occupations. In contrast are the 33 occupations covered by the Expedited-LMO process, which represents those occupations most urgently needed in Canada. Only six occupations (civil engineers, electrical and electronics engineers, mechanical engineers, petroleum engineers, pharmacists and registered nurses), are on both the scheduled list of occupations under Canada's trade agreements and under the E-LMO list. As four of these occupational titles are collectively identified as "engineers" under NAFTA and CCFTA, in reality only three occupations are

common to both the trade agreements and the E-LMO list: engineers, pharmacists and nurses. This mismatch in occupations indicates that Canada could better utilize its bilateral trade agreements to facilitate the entry of a broader range of workers. Consideration should be given to broadening the scope of workers listed on the schedules to our free trade agreements, to include skilled trades' people and other skilled workers.

### Labour Market Opinions

The standard method of obtaining a work permit in Canada is by way of a Labour Market Opinion (LMO), formerly referred to as a temporary validation of employment (job validation) by HRSDC. The department issues an LMO to an employer (the applicant) based on the employer demonstrating a need and no availability of a comparable Canadian worker. The employee can then seek a work permit based on this opinion but will have to satisfy other legislative requirements for entry as a temporary resident, including submitting proper documentation and proof that he or she will leave Canada at the end of the temporary status. This is important for employers and the functioning of the program – issuance of an LMO does not automatically result in a work permit.

The LMO process is often the most frustrating category of work permits. It is the most difficult criteria to satisfy and has the longest processing requirements. In the past couple of years, LMOs have taken months to process, with BC and Alberta taking from 25-30 weeks in the past year. Recently, Service Canada has reduced this dramatically to 4-6 week processing times. However, there remains a question as to whether in the current economic and demographic climate the LMO remains valid and appropriate.

## Recommendations for Temporary Worker Entrance Program

### 1. *A Change in Departmental Culture*

In order to facilitate the entry of foreign workers into Canada, a change in the culture and mindset of the bureaucracy is essential. CIC (with overall responsibility for immigration), CBSA (which oversees border security) and HRSDC (Canada's national human resources agency) handle various aspects of the work permit process but may end up working at cross-purposes because of their different departmental priorities. Cultural change can be accomplished without any new legislation and with little or no budgetary implications. The key is to have the relevant players in the different departments focused on the same objective -- to address Canada's labour market shortage.

Specific changes are needed to reconsider the current approach which requires almost all employers to obtain a LMO whenever a foreign worker is needed. Obtaining an LMO (or its predecessor – a temporary confirmation of job offer) has historically been the primary mechanism for obtaining a work permit. It ensures opportunities for Canadian workers by requiring employers to demonstrate that they have tried to find Canadian workers before looking abroad. While this protectionist mechanism makes sense when there is relatively high unemployment, it is overly cumbersome in a full employment environment where labour shortages are unquestionable.

The lengthy processing times involved in obtaining a standard LMO has exacerbated Canada's regional labour shortage. The problem lies in the mindset of officers in all three of the departments involved. Their approach is to insist on an LMO in all cases, even when alternative approaches are available. Officers should be trained to seek other labour market entry options which, in turn, will take pressure off the backlog of applications under the LMO process.

### **The Provincial Nominee Program**

While immigration is generally a Federal process, all provinces retain some jurisdiction in the area. All provinces have signed an agreement with the Federal government (Ontario was the last to sign in June 2007), allowing them to select immigrants to their provinces in accordance with their own criteria to meet their unique regional needs. Programs vary by province, but they generally accept applicants as skilled workers, students and business people. The Provincial Nominee Program (PNP) is fast relative to the Federal programs. While LMOs have been taking 6-8 months to process in British Columbia and Alberta in the past year, and permanent residence applications taking several years, PNP applications are processed within weeks. The provinces have been able to allocate resources to enable officers to review applications quickly in order to bring these workers to Canada promptly.

Upon issuance of a provincial nomination, applicants can apply for work permits immediately and can come to Canada and start working for their employer while their permanent resident applications are finalized abroad through the Federal process. Agreements between the Federal Government and the provinces provide for expedited processing of these applications and most are finalized within 12 months or less, rather than the current 4-5 year processing times for Federal skilled worker applications. Given this expedited process the PNP is one of the best tools for employers to bring workers to Canada in a timely manner, while at the same time securing their permanent residence status and their long-term commitment both to their employer and to the province.

There are numerous candidates for LMO exemptions based on the size and impacts of these gateways, including these current processes:

- a) Inter-Company transferees C-12
- b) GATT
- c) NAFTA/CCFTA
- d) IT Workers Program
- e) Post Graduate Work Permits
- f) Off Campus Work Permits
- g) Provincial Nominee (PNP) Work Permits
- h) Significant Benefit to Canada – C-10
- i) Self-Employed or Entrepreneur Work permits C-11

Notwithstanding these numerous exemptions which have been in existence for many years, the practice in recent years has been to default all applicants to the LMO process which has led to staggering increases in processing times of up to 25-30 weeks in British Columbia and Alberta over the past year. The situation has improved recently but is still susceptible to a surge in applications leading to long processing times.

What is the solution? Firstly, change the wording of the Foreign Worker Manual to be facilitative rather than restrictive. Canada is no longer in the 1980s with a labour surplus and high unemployment. Secondly, and most importantly, our three Ministers for Human Resources, Immigration, and Public Safety, need to jointly direct that all three departments are to be facilitative rather than restrictive in the consideration and processing of work permit applications. All applications will still have to be considered in keeping with statutory and processing guidelines. Nonetheless, the presumption of a positive decision rather than requiring the unnecessarily slow LMO process in all cases would expedite entry of temporary foreign workers.

A more dramatic change would be to eliminate this tri-partite arrangement between CIC, HRSDC and CBSA altogether and create a single unified Immigration Department to oversee all three

functions: immigration program delivery, human resources management, and visa permit issuance at ports of entry such as existed in the 1970s under the then-Department of Manpower and Immigration.

### **Expedited Labour Market Opinions**

In September 2007, Human Resources Minister Monty Solberg introduced a new initiative, the Electronic Labour Market Opinion (E-LMO). The E-LMO allows employers to submit applications for workers in specifically identified occupations and to have those opinions issued in approximately five business days. At the introduction of this program there were 12 occupations listed; however, this was expanded to 33 occupations in January 2008. The E-LMO occupations list reflects the dire need for workers in the trades sector; retail services; food, beverage, and hotel industries; as well as in some professional occupations. Employers applying for staff must have been in business for more than one year, have 12 months of continuous Revenue Canada payroll remittance forms (PD7A forms) and must agree to pay current local salary levels to foreign workers.

In theory, this process is to allow for speedy registration of employers in these specific occupations so that E-LMOs can be issued to employees within 5-10 business days. Even if the process is somewhat longer in reality, it is a great improvement from the recent LMO processing time of 6-8 months. However, of the 33 occupations, 13 rank as low skilled and these low-skilled workers face a much higher rate of refusal for work permit applications. Without a mechanism for enabling lower skilled workers to come to Canada with greater certainty, Canada may not only fail to meet certain labour market needs but also risk employers losing confidence with yet another Federal government immigration program.

It should be noted that ad hoc changes across the concerned ministries have occurred in an attempt to address regional labour market shortages. For example, the Minister of Human Resources in recent years has been innovatively creating the Regional Occupations Under Pressure Lists (November 2006), expanding the low-skilled worker program (2007), and creating the E-LMO process (September 2007). However these actions have only begun to improve the timeframes for bringing foreign workers to Canada. Inherent obstacles still exist. Even with the E-LMO process, the Minister of Human Resources cannot control visa or work permit issuance by his colleague Ministers in Immigration or Public Safety. CIC officers are still refusing to issue work permits for the majority of LMOs for low-skilled workers. If an employer can not get low skilled but vitally needed workers to Canada because of a blockage at the department of immigration, the whole process to expedite entry through an E-LMO program is rendered meaningless. Even where HRSDC and CIC manage to get together and approve the LMO and the required visa, it is the CBSA border official who makes the final determination. Many CBSA officers have a critical view of CIC Temporary Foreign Worker Unit opinions and also take a restrictive view of policy guidelines for all of the nine exemption processes mentioned above. CBSA officers have been encouraged to use a restrictive gatekeeper approach rather than a facilitative approach. Rather than taking a few minutes to assess an application and see whether they can find an exemption that fits, they are encouraged to simply refer cases for an LMO.

Until all three teams are able to co-operate on a common agenda and decide that it is in Canada's best interests to facilitate the entry of foreign workers, the current processes will have a negative impact on our economy. A shift to a coordinated, pro-active approach is long overdue.

### **Low-Skilled Worker Program**

The LMO process was previously restricted to skilled occupations. However, persistent and chronic shortages in the low-skilled occupations forced the government to respond initially with a low-skilled workers pilot project. The Low Skilled Worker Program allows for people without post-secondary training to come to Canada to fill labour shortages. The National Occupation Classification (NOC) grades occupations according to skill levels -- level O (managerial), A (professional) and B (skilled trades and administration). The lesser skilled occupation levels are C and D. Employees can obtain work permits of up to two years for such occupations as fast food workers, cleaners, kitchen help, warehouse personnel and truck drivers. In order to bring people under this program, employers must demonstrate they have gone through much more extensive efforts in order to fill these jobs with Canadian workers such as advertisements with both federal and provincial employment programs for disadvantaged or minority applicants.

This program does not have a permanent component to it. Employers are now able to bring low-skilled labour into Canada for up to 24 months and then workers must return to their home country for a minimum of four months before they will be able to return on another 24-month work permit. This process, while satisfying the temporary nature of the program, leads to large 'churning' costs for both workers and employers. As in the other HRSDC process, the issuance of a labour market opinion for a low-skilled worker does not ensure they will be allowed entry into Canada. Canada Immigration scrutinizes applicants for work permits under this category very closely to be satisfied that they are likely to return home. Given the perceived strong attraction of temporary migrants to Canadian employment opportunities compared to those in their home countries, many applicants are denied work permits to Canada notwithstanding obtaining a labour market opinion for a low-skilled worker.



## 2. Create a Low-Skilled Worker Category for Permanent Residence

Other more fundamental changes in regulations can address the growing need for unskilled temporary foreign workers. Currently, the low-skilled worker program allows an employer to obtain a person to work in Canada for up to 24 months. After 24 months, the worker must leave Canada for four months even if they are to be able to obtain another work permit. The expenses that the employer faces in obtaining a work permit under this category are significant. They must demonstrate considerable efforts at advertising to hire workers locally; they must cover all recruitment costs; they must assist in finding accommodation and they must pay all travel and medical costs. In short, there is considerable expenditure for the employer in bringing a worker to Canada and yet there is no way for an employer under this program to be able to keep an employee on a permanent basis. Furthermore, once employers successfully complete the LMO process, workers may still be refused work permits. The rate of refusal of work permits in the low-skilled occupations occurs at a much higher rate than for occupations in the higher skilled categories. Low-skilled workers do not have the opportunity to obtain permanent residence in Canada. As a result, visa officers have to consider the risk that these workers will not return to their home countries. Given the risk-averse nature of many government officials, there is, we believe, a bias toward denial of visas.

Given the very onerous requirements for the employer to bring low-skilled workers to Canada, there should be a component in the program for permanent residence in Canada. Otherwise the employer must go through the same extensive and expensive efforts each two years that the person is brought to Canada. It is recommended that the model of the Live-In Caregiver program be used as the basis for a permanent low-skilled worker program. An employer would still have to go through the extensive recruitment requirements, but the employee would be eligible for permanent

## Free Trade Agreements

Canada's free trade agreements with the United States and Mexico -- the North American Free Trade Agreement (NAFTA) -- and with Chile -- Canada Chile Free Trade Agreement (CCFTA) -- are among the most facilitative ways to bring workers into Canada. The process for applying for work permits is speedy with applicants from all countries able to apply for work permits directly at the port of entry rather than at a visa office abroad. Both trade agreements list a schedule of professionals, scientists and academics who are approved for mobility between the participatory states. Accordingly, employees from these countries who meet the professional profiles of the Schedule have an expeditious way to bring their talents into Canada. Applicants must demonstrate a job offer from a Canadian employer as well as proof of academic qualifications or minimum levels of employment experience. The positive immigration effect can be seen in the statistics for temporary entry to Canada with both the US and Mexico being the top two source countries of temporary workers to Canada consistently for the 10 year period 1996-2006.



▲ Canada faces serious challenges in facilitating the entry of people to meet its projected demand for workers. The backlog of skilled worker applicants has been building for years and the government has yet to overcome the problem.



residence from within Canada after working for two years. CIC could add the same requirements as the Live-In Caregiver program, namely that an applicant has a minimum of a Grade 12 education and that they demonstrate basic proficiency in English or French. Such a program would create a “path to Permanent Residence” which would assist employers in obtaining valuable low-skilled employees. This program could easily be built into the new Canadian Experience Class.

### *3. Development of FTAs that include mobility provisions*

Canada has free trade agreements with the United States, Mexico, Chile, Europe, Israel, Costa Rica, Peru and Columbia and is currently working on further bilateral trade agreements with South Korea and Singapore. NAFTA and the Canada-Chile agreement are the only trade deals that have meaningful labour mobility provisions. Even so, agreements are only in the professional, scientific or academic areas. These agreements so far have not contemplated the movement of labour at the tradesperson or low-skilled level. It is interesting to note that of the occupations that are most sought after in Canada, namely the E-LMO list, the majority of the occupations cover low-skilled labourers and trades people. With the collapse of the WTO multilateral trade negotiations, many countries will be looking to sign bilateral and regional free trade agreements. Ottawa should consider more robust labour mobility provisions in any future negotiations, covering skilled and low-skilled workers.

### *4. International Social Responsibility in our Temporary Immigration Program*

Within the international exchange of labour, there tends to be a general movement from weaker economies to stronger economies. Advanced countries tend to drain poorer nations of their

### **The Canadian Experience Class**

In October 2007, the Minister of Immigration announced the creation of a new Canadian Experience Class, which would facilitate the processing of immigrants from within Canada who had either been working or studying in Canada. Consultations for development of this class started in January 2008 and the program came into full operation on September 17, 2008. The Government recognized that people who have been working and studying in Canada integrate into Canadian society more readily than others and accordingly it has created a system that will allow them to apply for immigration from within Canada rather than having to submit their applications overseas, as is generally the process. This program provides that people who have either worked or studied in Canada for a minimum of two years are eligible to apply for permanent residence. The Canadian Experience Class program also offers an opportunity to increase immigration outside the largest urban centres of Toronto, Montreal and Vancouver. Foreign workers and international students come to many different parts of Canada that are facing labour shortages or offer academic facilities and once there, many develop cultural familiarity with the area and would likely choose to remain. However, issues have arisen whether this gateway will apply to unskilled workers and those with language difficulties.

skilled or unskilled energetic talent, either retaining them permanently or often returning the unskilled immigrant flow with no or little value added to the individual worker.

Canada should emulate such countries as Germany and the Netherlands by modifying its low-skilled worker program to allow for training. For example, many low-skilled occupations in the hotel and hospitality industry do not require any basic training. Canada could establish an educational component to the two-year work period so that in addition to fulfilling their work schedules, workers could attend school part-time and gain hotel or hospitality management skills. At the end of their 24-month period, they would have a certificate testifying to a higher level of skills, ultimately providing the opportunity for employment at a higher skill level. Similarly, construction workers could have a two-year educational period concurrent with their employment in Canada, allowing them to obtain extended training in a particular trade. At the end of the 24 months, Canada would have a more highly skilled worker pool to draw from if these putatively unskilled temporary workers choose to remain in Canada. For those who return to their home countries, there is a net benefit as workers are bringing back new skills. Low-skilled workers participating in this program should be able to attend Canadian schools at regular costs rather

than at foreign student rates. This would address the perceived imbalance and undue benefit that stronger economies receive in attracting workers from weaker economies.



▲ Temporary workers in low-skilled occupations like agriculture are refused work permits at a much higher rate than higher skilled workers, in part because there is no potential for these temporary workers to ever obtain permanent residence.

### Inter-Company Transferees

Both the free trade agreements as well as the General Agreement on Tariffs and Trade (GATT) allow for the exchange of personnel between corporate entities in member nations, so long as the source country is a member of the World Trade Organization (with 150 member nations, most countries are signatory to the GATT) and must have a corporate entity both in their originating country and in Canada. Frequently, a corporation can be quickly established in Canada to allow for the smooth and easy transition of personnel between the source country and Canada. The provisions allow for the transfer of executives, managers or specialized knowledge workers. To be a specialized knowledge worker, the employee must have worked for at least 12 months for the business in the originating country such that they have obtained specialized knowledge of the company's operations and that the knowledge is required to further corporate objectives in Canada.

## Other Work Permit Exemption Options

### 1. IT Workers Program

This program was implemented in 1995 to facilitate the entry of certain information technology workers in response to critical shortages in the software industry and covers seven the specific IT job titles. Under this program, the requirement for job-specific job confirmation (LMO) was replaced by a national confirmation letter for workers who meet the requirements of these positions. The specific criteria for each position, the minimum educational requirements, previous work experience requirements, familiarity with specific software technology, as well as minimum salary levels are outlined on the Citizenship and Immigration website, <http://www.cic.gc.ca/english/work/itw-jobs.html>. So long as these basic criteria are established, it is very straightforward and quick to obtain a work permit under the IT Workers Program. The program was found to be successful and continues. This program is an excellent model for facilitating work permit issuance in other specific labour sectors.

### 2. Off Campus Work Program

In addition to studying, students are now able to work off campus while going to school and are able to obtain a work permit after graduating from school. The Off Campus Work Program allows students to work part time up to 20 hours a week while they are going to school and full time during school breaks. Students must attend a school registered with the province for the Off Campus Work Program and they must attend school in Canada for six months prior to being eligible for a work permit. The permit is generally issued for the period that a student permit is valid. There is no requirement that the type of work correspond to the area of study.

### 3. Post Graduate Permits

Up until recently, students have also been eligible for Post Graduate Work Permits allowing them to work, following graduation from a Canadian college or university, for one to two years in a field of study related to their education. A two-year permit was only available to those students who attend registered schools outside major urban areas (i.e. outside of Vancouver, Calgary, Edmonton, Toronto, Ottawa and Montreal) and must have completed at least two years of full time study. In April 2008, this program was expanded to allow for a three-year open work permit. This program provides benefits to the student and Canada. Under this program students obtain skills and work experience in Canada, which may make them eligible for permanent residence after completing their work experience. Studies have consistently demonstrated that students educated in Canada integrate easily into the Canadian labour force and many Provincial Nominee Programs have student programs in recognition of this.

### 4. Agricultural Worker Program

The seasonal agricultural work program (SAWP) is an HRSDC program that allows the entry of foreign workers in agricultural labour occupations. This program is a joint HRSDC and CIC initiative and allows entry of workers from Mexico and several Commonwealth Caribbean countries. Nine of Canada's ten provinces participate in the program. In order for an employer to hire a foreign worker under SAWP, he must demonstrate that he has made significant efforts to hire Canadian agricultural workers at least eight weeks before the starting date of their work in Canada and that the employer has tried to hire unemployed Canadians through HRSDC and provincial work programs at comparable wages of Canadian farm workers. Employers must also be prepared to pay for the foreign worker's airfare to and from Canada and provide free seasonal housing as well as the immigration processing fees. Employers must also ensure that the workers are covered by Worker's Compensation and provide private or provincial health care during their stay in Canada. Workers are able to stay in Canada for up to eight months at a time. There may be further provincial requirements covering the employment standards of a particular province.



## Conclusion

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The current labour shortages that Canadian employers and businesses are experiencing across the country are projected to remain for many years. While many on the West Coast attribute the recent spurt in the demands for labour to the needs of the 2010 Olympics and expanded oil production in Alberta, demographic projections suggest that the need for workers will remain for the foreseeable future. This is a long-term, not a short-term projection. Many of the processes for bringing skilled workers to Canada have been in place for many years and were adopted at a time when Canada had a severe surplus of labour and jobs were scarce. Our economic environment today is very different. Our temporary migration systems have to reflect the current economic climate and facilitate the entry of workers at every level of the spectrum, both unskilled and skilled, to ensure that Canada has the talent it needs to keep the economy running smoothly. The guarded and restrictive approach of the 1970s, 1980s and 1990s is no longer relevant and applicable in today's world.

At the same time, Canada's permanent migration process has slowly been stagnating and creating a huge backlog of applicants. As a result, temporary migration has risen in prominence and many individuals who are brought to Canada on a short-term basis ultimately obtain their permanent resident status while remaining here and working. This has shifted the goal of prospective immigrants to locating an employer so that they can come to Canada in a working relationship first and subsequently acquire their permanent status. This has also placed greater emphasis on Provincial Nominee Programs where applicants can obtain

not only expedited processing compared to the Federal program, but also simultaneously qualify for work permits and permanent residency.

Canada's immigration delivery process is a combined effort of services from three different departments, the CIC, CBSA and HRSDC. The goals, objectives, policies, and procedures of these departments are not uniform, often overlap, and/or conflict. If amalgamation of the agencies is not feasible, Ottawa could designate a lead agency to provide the direction of our immigration program and delivery.

Beyond structure, Ottawa would be well-served to examine those parts of the temporary worker programs that work effectively, such as the IT worker program, NAFTA and CCFTA and inter-company transfers, and use them as a basis for developing a responsive and facilitative temporary worker program. We should further examine our use of free-trade agreements as a mechanism for the speedy exchange of labour between member nations with a view to expanding the scope of services provided under such agreements.

Finally, Canada should take the lead in demonstrating ways to not only meet its complete labour market needs from skilled workers to low-skilled labourers, but to enhance the position of low-skilled talent, both to the benefit of Canada and ultimately for the temporary immigrant. Combining low-skilled worker programs with the ability to acquire further training in Canada will yield benefits to both Canadian businesses and employers as well as to the foreign workers themselves.

Underlying these issues is the fundamental question whether the shift from permanent to temporary entry streams, from national to provincial priorities, is the right direction for Canada's immigration program to be heading, or are we losing something in the process? In our

view, for Canada to remain competitive in the world immigration marketplace, it needs to overhaul its permanent immigration delivery system and streamline its temporary admission system so that Canada remains relevant on a world scale.

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