

Hiring Foreign Workers: Facts for Canadian Employers

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■ Introduction

Canada's policy permits employers to recruit foreign workers needed for the effective functioning of the Canadian labour market. At the same time, it ensures employers have made every reasonable effort to locate or train Canadian citizens and permanent residents so the entry of foreign nationals will not adversely affect employment or career opportunities for Canadian citizens and permanent residents.

In general, the offer of employment to a foreign worker requires confirmation by Service Canada (see pg. 106). In order to determine whether to confirm an offer of employment to a foreign worker, Service Canada assesses the potential effect of hiring the foreign national may have on the Canadian's access to jobs. The wages, working conditions, employer's recruitment efforts to consider Canadian citizens and permanent residents, and employer's human resource planning in terms of training the domestic workforce and the transfer of knowledge to Canadian citizens and permanent residents are also examined.

Some foreign workers can be admitted to Canada to work without the employer having to go through the confirmation process. It is the responsibility of Citizenship and Immigration Canada to determine whether a foreign worker falls under an exemption category. Unless the foreign worker is exempt through an international agreement or falls within one of Citizenship and Immigration Canada's specific exemption categories, employers require a confirmation for any offer of employment to a foreign worker.

People who are neither Canadian citizens nor permanent residents require written permission from Citizenship and Immigration Canada before they begin working or continue working in Canada. This written permission is called a work permit. Once the employer has received a confirmation of an

offer of employment, it is up to the employee to apply for a work permit. Contact Citizenship and Immigration Canada for further information.

■ Before You Recruit Foreign Workers

If qualified Canadian citizens or permanent residents are not available or cannot be trained in a reasonable time to meet your human resource needs and you want to hire a foreign worker, contact Service Canada for advice and guidance.

A temporary foreign worker can be considered if the job:

- Is temporary but, full-time; or
- Is permanent but, an employee is needed to bridge the gap until a Canadian citizen or permanent resident worker can be recruited or trained.

A permanent foreign worker can be considered if:

- A Canadian citizen or permanent resident worker cannot be trained in time to meet your need; and
- The job offers reasonable prospects of continuity.

Government of Canada offices abroad can help you recruit foreign workers. Their help may include: advertising, providing interview facilities, and giving advice on the local laws and conditions which may affect your recruitment. They can also give you an estimate on how long Citizenship and Immigration Canada processing may take.

■ Foreign Worker Program Information & Applications

Temporary Employment

Labour Market Opinion

A positive HRSDC Labour Market Opinion supports the hiring of a foreign worker for a temporary position in Canada, and is one requirement that Citizenship and Immigration Canada considers when deciding to issue a Work Permit to the foreign worker. (usually occupation requiring post-secondary training)

Program Information: www.hrsdc.gc.ca/en/epb/lmd/fw/tempoffers.shtml

Application: www.hrsdc.gc.ca/en/epb/lmd/fw/emp5239e.pdf

Extension to a Labour Market Opinion

If you wish to extend your current foreign worker already working in Canada, please submit the LMO extension form.)

Program Information: www.hrsdc.gc.ca/en/epb/lmd/fw/tempoffers.shtml

Application: www.hrsdc.gc.ca/en/epb/lmd/fw/emp5354e.pdf

Pilot Project

A new program is in pilot for occupations that usually require at most a high school diploma or job-specific training (Skill Levels C and D of the National Occupational Classification system).

Program Information: www.hrsdc.gc.ca/en/epb/lmd/fw/lowskill.shtml

Application: www.hrsdc.gc.ca/en/epb/lmd/fw/emp5239e.pdf

Foreign Live-In Caregiver

A positive HRSDC Labour Market Opinion supports the hiring of a foreign live-in caregiver for a temporary position in Canada and is one requirement that Citizenship and Immigration Canada considers when deciding to issue a Work Permit to the foreign live-in caregiver.

Program Information: www.hrsdc.gc.ca/en/epb/lmd/fw/lcp.shtml

Application: www.hrsdc.gc.ca/en/epb/lmd/fw/EMP5093e.pdf

Seasonal Agriculture Worker

Please use the Labour Market Opinion Application form. Note, only applicants from approved commodity sectors are eligible for this program.

Program Information: www.hrsdc.gc.ca/en/epb/lmd/fw/seasagri.shtml

Application: www.hrsdc.gc.ca/en/epb/lmd/fw/emp5239e.pdf

Permanent Employment

Arranged Employment Opinion

Program Information: www.hrsdc.gc.ca/en/epb/lmd/fw/supperimm.shtml

Application: www.hrsdc.gc.ca/en/epb/lmd/fw/emp5275e.pdf

A positive HRSDC Arranged Employment Opinion supports the permanent immigration of a Skilled Worker and is one factor that Citizenship and Immigration Canada considers when reviewing a Skilled Worker application for permanent residency. Please note that a positive HRSDC Arranged Employment decision only supports the Skilled Workers application for

permanent residency, but will not result in CIC issuing a Work Permit and does not authorize the person to work in Canada before becoming a permanent resident.

■ **Recruitment of Canadian Citizens and Permanent Residents**

Before submitting an application to Service Canada for a foreign worker, you must ensure qualified Canadian citizens and permanent residents are not available. This requires you advertise the job using appropriate methods of advertising and allowing sufficient time for Canadian citizens and permanent residents to apply and to be considered for the job.

Appropriate methods of advertising include, at a minimum, newspaper advertising which can be supplemented by Internet advertising and / or trade, union, or association publication advertising. Your advertisement is to include the following information:

- Job title
- Wages
- Job duties
- Job requirements (experience, training, certification, licenses, etc)
- Working conditions (hours of work, days of work, etc)
- Contact name and phone number

The information contained in your recruitment effort should be sufficient to attract Canadian citizens and permanent residents and must be the same as submitted on your application for a foreign worker. Suitably qualified Canadian citizens and permanent residents must be considered first for all available work in Canada.

If applicable to your sector of the labour market, the appropriate union / association must be contacted as part of your assessment to determine whether qualified Canadian citizens and permanent residents are available.

■ **Application Process**

Once you have completed your assessment of the availability of qualified Canadian citizens and permanent residents, an application for a foreign worker can be submitted to Service Canada. Your complete application includes the following:

- Application form: All of our applications can be found on our Internet Site at: www.hrsdc.gc.ca/en/epb/lmd/fw/forms.shtml
- Copy of your recruitment effort and invoice: These copies must clearly indicate the name of the publication and the dates of insertion
- Letter from the appropriate union / association, if applicable

Service Canada uses this information to determine whether the job can be filled from within Canada, if the foreign worker will help maintain or increase employment and training opportunities, or if other employment programs and services could help meet your labour requirements. You may be asked to develop a human resource plan to ensure suitable Canadian citizens and permanent residents can fill future job vacancies.

Service Canada will consider your request for a foreign worker once satisfied:

- Job and career opportunities for Canadian citizens and permanent residents will not be adversely affected by the entry of a foreign worker; and / or
- There will be benefits if a foreign worker is recruited.

Service Canada may confirm an offer of employment if:

- The wage and working conditions offered would attract and retain Canadian citizens and permanent residents;
- Employing a foreign worker would not affect the settlement of any labour dispute, nor the employment of any person involved in such a dispute, at the place or intended place of employment;
- The job is defined so as to make it accessible to Canadian citizens and permanent residents; and
- The wage offered is based on a salary, not a commission.

Depending on the program under which you submit your application for a foreign worker, additional information may be required as part of your complete application. Our goal for processing complete applications is 3 weeks. However, due to overwhelming volumes processing times have increased to 4-5 weeks. Applicants need to carefully review the program information and application to ensure all required information is submitted.

■ Some Important Words to Know

Service Canada

Service Canada is the federal government department, which assists Canadian employers in meeting their human resource requirements by facilitating the entry of foreign workers. Service Canada offices are listed in the Blue Pages of the telephone directory under Government of Canada and on our Internet Site at: www.hrsdc.gc.ca/en/epb/lmd/fw/listhrcc.shtml

Work

An activity for which wages or commission is earned, or competes directly with activities of Canadian citizens or permanent residents in the Canadian labour market.

Foreign worker

A person working legally in Canada who is neither a Canadian citizen nor a permanent resident.

Job offer confirmation

A document issued by Service Canada which advises an applicant / employer the employment of a foreign worker would not adversely affect the Canadian labour market.

Work permit

A document issued by Citizenship and Immigration Canada which entitles a foreign worker to work in Canada. Usually, it is valid only for the specified job and length of time.

Citizenship and Immigration Canada

The federal government department which is responsible for the entry of foreign national to Canada. Citizenship and Immigration Canada offices are listed in the Blue Pages of the telephone directory under Government of Canada.

■ Contact Information

Service Canada

Alberta / Northwest Territories / Nunavut Region
 Foreign Worker Recruitment Branch
 Suite 1440 Canada Place
 9700 Jasper Avenue
 Edmonton, Alberta T5J 4C1

Enquires from:	Contact:
Within Alberta, Northwest Territories, and Nunavut	1.800.418.4446
Northwest Territories	May also contact the Yellowknife Office: 867.669.5002
From other areas	780.495.7972 (to leave a message)

Facsimile: 780.495.2738

Internet: www.hrsdc.gc.ca/en/gateways/nav/top_nav/program/fw.shtml

Citizenship and Immigration Canada

Enquiries: 1.888.242.2100

Internet: www.cic.gc.ca/english/work/index.html