



THE ONTARIO PORK INDUSTRY

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Temporary Foreign Worker Program

High Skill and Low Skill Employment
Opportunities

Labour Shortages...

- Canadian Swine industry employs **14,000** people (2014)
- With current targets, Swine industry will need to employ **15,400** by 2025
- On- farm job vacancies are at **7%**, whereas national average is **2.8%**

“ 68% of pork producers expect employment opportunities to increase over next five years ”

Labour Gap Widens - Agriculture

2000 - 2025: The Labour Gap Widens for Ontario's Agriculture Sector

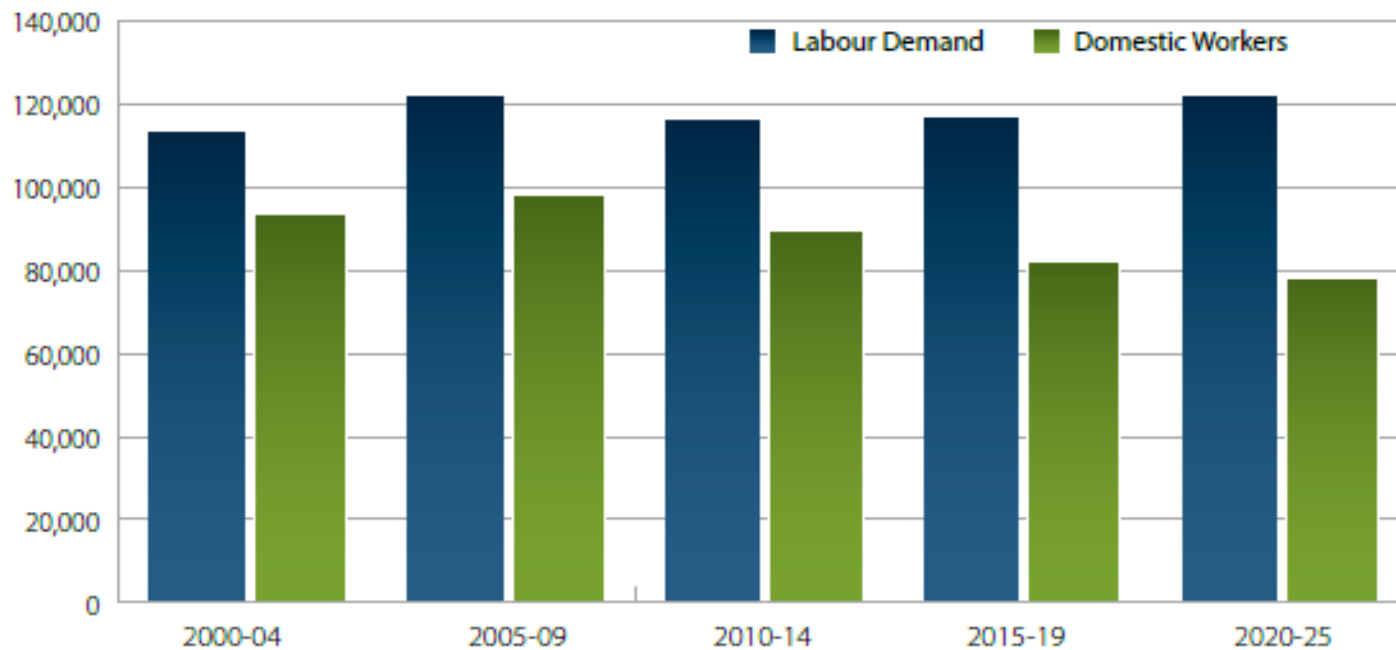


Figure 1: Ontario Agricultural Labour Market Forecast to 2025 (CAHRC, 2014)

What is the Temporary Foreign Worker Program?

- **Needs based program** – only accepted into program once lack of Canadian labour is shown to be unavailable
- Governed by **ESDC (Employment and Social Development Canada)** and **Service Canada** administers program
- Specialized agriculture “streams” divided into 2 categories
 - Seasonal Agriculture Worker Program (SAWP)
 - Agriculture Stream

TFW and SAWP

- 2017 – 60,578 temporary foreign workers employed in Canada represented **12%** of the work force in agriculture
 - SAWP – 45,742 employees
 - Agriculture Stream – 14,608 employees
 - High and Low Skilled – 1,228 employees



Primary Agriculture Stream

Agriculture Stream

- 2 year contracts
- Must provide flights/transportation
- Must provide housing dependent on stream based (high and low skilled workers)
- **High skilled** – NOC's – 0821 (Manager), and 0852 (Ag service contractor, supervisors, specialized livestock workers)
- **Low Skill** – NOC – 8431 (General farm workers)

***NOC – National Occupation Classification

Levels of Government

International Government - Embassy, and government offices

Canadian National - EDSC, Service Canada, IRCC

Provincial - Health care, employee regulations

Municipal - Housing Inspections



What is a LMIA- Labour Market Impact Assessment

LMIA is the “back bone” of the Temporary Foreign Worker Program

- Formal application to Service Canada to determine whether you can hire a temporary foreign worker
- A positive LMIA shows that there is a job vacancy – proceed with the TWF
- A negative LMIA means that you have not met all of the criteria required.
- LMIA will be referenced for Service Canada audits

What to include in LMIA?

- Service Canada LMIA application
- Employment contract
- Proof of business legitimacy
- Proof of Advertisement
- Copy of signed off-site housing contract (if applicable) AND housing inspection report
- Required documents: copies of advertisements, any applications from Canadians (specific details)



LMIA Application

- Service Canada form (always use the latest form)
- Critical to be detailed in completion of application, and provide honest and specific answers based on individual operation
- Wages – Low skilled NCL is currently set at \$14.00 per hour, and High skilled is set at \$14.97 per hour

***Please note that the provincial minimum wage will require these rates to increase to match regulated minimum wages .



Recruitment and Advertising

- Job posting required for minimum of 14 calendar days (within 3 months prior to applying for LMIA) and USE EXACT SAME ADVERTISEMENT
- Job Posting must be posted on Job bank and at least 1 other site (local paper, internet sites, regional employment centers)
- All advertisements- keep copies of the advertisements to support where and when and how long the positions was advertised and on what sites.

Recruitment and Advertising

- **Be specific and consistent**
 - ✓ Company name and location of business
 - ✓ Title of position and list of job duties
 - ✓ Terms of employment
 - ✓ Starting wage & benefits
 - ✓ Location of work
 - ✓ Skills required and experience required



Housing

- Housing inspection is completed by municipal health unit
- Housing inspection needs to be completed in order to submit LMIA (Every 12 months, and within 8 months for application)
 - ✓ Employers must provide adequate and affordable housing
 - ✓ On-site farm house (required housing inspection)
 - ✓ Off-site house (required rental contract and housing inspection)

Housing Costs

- Low skilled can deduct a maximum of \$30.00 per week
- High skilled is to a max of 30% of gross monthly earnings. (On-site house is to be \$30.00 per week same as low skilled TFW)
- Housing costs must be divided evening between TFW's in the same house regardless of High and Low skill employees
- For high skilled TFW, monthly rental charges need to be reflective of standard market rate

Housing Requirements

- ✓ Basic furniture includes – table, chairs, beds with maximum occupancy rate
- ✓ Washroom must not open directly to a food preparation area, toilet must be in good working order, toilet paper must be provided, and disposal must be in compliance with building codes
- ✓ Hot and cold running water
- ✓ Supply of potable water
- ✓ Laundry - either provide facilities for laundry onsite, or provide access to laundry once per week
- ✓ Kitchen – food in fridge that is maintained at 4C, if occupant are preparing own food, must provide pots/pans, utensils, and garbage that controls pests



Transportation

- Employers must always pay for round-trip transportation costs. These costs must be paid up front, and no negotiations related to employment contract
- Employers must keep all receipts for **6 years**
- Employers must provide all day to day transportation and between housing and work location

Employment Contract

- Employers name and company name
- Business address
- Title of Position and Job Duties
- Terms of employment and Wage
- Benefits package being offered
- Location of work
- Contact Information





Employer Obligations

- ✓ Payment at NOC Wage rates
- ✓ Coverage of all hiring costs (no cost to employee)
- ✓ Round trip transportation, and day to day transportation
- ✓ Safe working conditions
- ✓ Medical coverage (register with OHIP after 3 months, employers must pay first 3 month basic health care coverage)
- ✓ Employee assistance in suitable accommodations and adhere to the housing deduction schedule

High or low skilled TFW....

- Reflect on operation's needs, current employee compliment?
- What are your expectations and needs for TFW?
- What is your housing availability?
- Is permanent residency an goal for your operation for the TFW?
- Language Barriers?



LMIA Best practices

- Service Canada administers the program - each LMIA have case worker to adjudicate the application (Recommended to check off email communication)
- **Consistency** – same information throughout the application, advertisement, employer contract
- Keep documents – essential to maintain documentation for each worker for 6 years (advertisements, legal agreements, changes to employment contracts, flight details)

Helping TWF settle into Canada



- New county, new language, new job, new climate
- Translator may be necessary to help explain daily words and help get settled into Canada
- Employers should provide employees with
 - Cash advance upon arrival
 - Photocopy of work visa and passports for employees files



Helping TFW settle into Canada

- Employers should help with:
 - Bank accounts (help access transfers to home)
 - Health Cards and initial 3 months health coverage
 - Letter of employment
 - Explain how pay cheques are paid (what are taxes, how are they deducted)

Consultants – TFW and LMIA

- Consultants are 3rd party representatives that assist with entire LMIA process (speak to Service Canada and assist with locating TFW from foreign country).
 - Some consultants provide contacts to translators, and assist with travel and airport customs at arrival.
- Employers are still required to provide information and understand process.
- Costs vary from \$ 1,500 - \$ 9,000 per LMIA



What you need to know about hiring
Temporary Foreign Workers

*Employment Options and
Labour Market Impact Assessment*

Reference guide
available:
Created by OPIC and
Ontario Pork

Quality AgriWorkforce
Management Program –
International Phase
CAHRC



**FOREIGN WORKER
GUIDE BOOKLET**



APPLICATION
PROCESS

HOUSING
REQUIREMENTS

EMPLOYMENT
CONTRACT

RECORD KEEPING

EMPLOYER
RESOURCES



THANK YOU!!

Questions???

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