



Government  
of Canada

Gouvernement  
du Canada

**OVERHAULING THE**  
**TEMPORARY FOREIGN WORKER**  
**PROGRAM**

**PUTTING CANADIANS FIRST**

# Contents

<b>Improving Clarity, Transparency and Accountability of the Temporary Foreign Worker Program</b> .....	<b>1</b>
Publicly Reporting More Data .....	6
<b>Reforming the Temporary Foreign Worker Program</b> .....	<b>7</b>
Ensuring Canadian Workers Come First: Restricting Access to the Temporary Foreign Worker Program .....	7
Using Wage Instead of National Occupation Classification .....	7
New Labour Market Impact Assessment .....	9
Cap on Low-Wage Temporary Foreign Workers .....	9
Refusing Applications in Areas of High Unemployment .....	11
Reducing the Duration of Work Permits set out in Labour Market Impact Assessments .....	12
Reducing the Length of Time a Temporary Foreign Worker Can Work in Canada .....	12
Changing the Provincial/Territorial Temporary Foreign Worker Annexes .....	13
Transition Plans for High-Wage Positions .....	13
Highest-Demand, Highest-Paid and Shortest-Duration Occupations .....	14
Foreign Pilots in Canada .....	14
Better and More Labour Market Information .....	15
New Job Matching Service .....	15
Statistics Canada Quarterly Job Vacancy Survey .....	16
Statistics Canada Annual National Wage Survey .....	16
Better Use of Existing Government Data .....	16
Stronger Enforcement and Tougher Penalties .....	17
Increasing the Number and Scope of Inspections .....	17
Increased Detection of Abuse .....	19
More Criminal Investigations .....	20
Improved Information Sharing .....	20
Blacklist, Suspension and Revocation .....	22
Monetary Fines for Employers Who Break the Rules .....	24
Raising the Fee .....	25
Labour Market Impact Assessment Fee of \$1,000 .....	25
Protection of Temporary Foreign Workers .....	25
On-Farm Primary Agriculture and Live-in Caregiver Exemptions .....	26

<b>Reforming the International Mobility Programs</b> .....	<b>27</b>
International Mobility Programs .....	27
New Fee and Employer Compliance System for the International Mobility Programs .....	27
New Privilege Fee for Open Work Permit Applicants .....	28
Changes to Specific Exemptions .....	28
Canada-Quebec Accord .....	29
<b>Timeline of Measures Coming into Force</b> .....	<b>30</b>
<b>Past Reforms to the Temporary Foreign Worker Program</b> .....	<b>31</b>
Flexibility on Prevailing Wage Ended .....	31
Advertising .....	31
Language Requirement .....	33
Preventing Outsourcing of Canadian Jobs .....	33
Protecting Temporary Foreign Workers from Abuse and Human Trafficking .....	34
<b>Glossary</b> .....	<b>35</b>

# Improving Clarity, Transparency and Accountability of the Temporary Foreign Worker Program

To offer greater clarity and transparency, the Temporary Foreign Worker Program (TFWP) is being re-organized into two distinct programs. This will reduce confusion and better reflect the major differences between the various streams.

The TFWP will now refer to only those streams under which foreign workers enter Canada at the request of employers following approval through a new Labour Market Impact Assessment (LMIA). The new International Mobility Programs (IMP) will include those streams in which foreign nationals are not subject to an LMIA, and whose primary objective is to advance Canada's broad economic and cultural national interest, rather than filling particular jobs. These new categories will improve accountability, with Employment and Social Development Canada being the lead department for the TFWP, and Citizenship and Immigration Canada the lead department for the IMP.

<b>Temporary Foreign Worker Program Objective: Last resort for employers to fill jobs for which qualified Canadians are not available</b>	<b>International Mobility Programs Objective: To advance Canada's broad economic and cultural national interest</b>
<ul style="list-style-type: none"> <li>• Based on employer demand to fill specific jobs</li> </ul>	<ul style="list-style-type: none"> <li>• Not based on employer demand</li> </ul>
<ul style="list-style-type: none"> <li>• Unilateral and discretionary</li> </ul>	<ul style="list-style-type: none"> <li>• Base largely on multilateral/bilateral agreements with other countries (e.g. NAFTA, GATS)</li> </ul>
<ul style="list-style-type: none"> <li>• Employer must pass Labour Market Impact Assessment (formerly LMO)</li> </ul>	<ul style="list-style-type: none"> <li>• No Labour Market Impact Assessment required</li> </ul>
<ul style="list-style-type: none"> <li>• Lead department ESDC</li> </ul>	<ul style="list-style-type: none"> <li>• Lead department CIC</li> </ul>
<ul style="list-style-type: none"> <li>• No reciprocity</li> </ul>	<ul style="list-style-type: none"> <li>• Based largely on reciprocity</li> </ul>
<ul style="list-style-type: none"> <li>• Employer-specific work permits (TFWs tied to one employer)</li> </ul>	<ul style="list-style-type: none"> <li>• Generally open permits (participants have greater mobility)</li> </ul>
<ul style="list-style-type: none"> <li>• Majority are low-skilled (i.e. farm workers)</li> </ul>	<ul style="list-style-type: none"> <li>• Majority are high skill / high wage</li> </ul>
<ul style="list-style-type: none"> <li>• Last and limited resort because no Canadians are available</li> </ul>	<ul style="list-style-type: none"> <li>• Workers &amp; reciprocity are deemed to be in the national economic and cultural interest</li> </ul>
<ul style="list-style-type: none"> <li>• Main source countries are developing countries</li> </ul>	<ul style="list-style-type: none"> <li>• Main source countries are highly developed</li> </ul>

In the interest of greater transparency and accountability, data for the TFWP and IMP have been re-organized so that Canadians can accurately compare statistics on the two distinct programs going back 10 years. Of the 221,273 foreign nationals entering Canada in 2013, 62 percent (137,533) came in under the IMP, the other 38 percent, or (83,740), came in under the TFWP.

The following tables provide historical data (2003-2013) on overall numbers of foreign nationals working in Canada by program stream.

**TABLE 1: Canada - Entries\* of Temporary residents\*\* not subject to Labour Market Impact Assessment by sub-status 2002-2013\*\*\***

Yearly sub-status	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<b>International Mobility Programs</b>												
NAFTA	13,422	11,680	11,517	11,877	13,359	14,083	15,567	14,986	17,500	18,557	19,868	19,806
Other FTA	385	265	288	308	357	375	517	469	507	657	735	777
International agreements	2,829	3,189	4,871	1,461	1,698	2,108	2,681	2,312	1,313	972	841	776
Provincial agreements	0	0	0	0	0	0	0	359	1,571	2,519	4,353	6,429
GATS	1,684	617	502	434	521	636	602	370	358	326	282	285
<b>Workers - International arrangements subtotal</b>	<b>18,320</b>	<b>15,751</b>	<b>17,178</b>	<b>14,080</b>	<b>15,935</b>	<b>17,202</b>	<b>19,367</b>	<b>18,496</b>	<b>21,249</b>	<b>23,031</b>	<b>26,079</b>	<b>28,073</b>
Reciprocal employment	19,100	20,944	24,790	31,413	34,173	35,964	44,623	48,944	54,275	59,208	63,586	58,939
Employment benefit	7,643	7,882	7,841	8,173	9,951	10,113	10,850	10,074	13,405	14,514	15,453	15,730
Spouse/common law partner	2,804	3,491	4,389	5,194	6,314	8,158	9,856	9,249	9,130	10,776	12,253	15,251
Research and studies related	3,465	3,373	3,460	3,650	4,017	5,171	6,221	6,626	7,022	9,712	11,294	15,791
Other Canadian interests <sup>1</sup>	4,716	1,311	1,135	1,778	1,624	1,486	1,436	1,536	1,808	1,959	2,231	2,145
<b>Workers - Canadian interests subtotal</b>	<b>37,728</b>	<b>37,001</b>	<b>41,615</b>	<b>50,208</b>	<b>56,079</b>	<b>60,892</b>	<b>72,986</b>	<b>76,429</b>	<b>85,640</b>	<b>96,169</b>	<b>104,817</b>	<b>107,856</b>
<b>Other work permit holders without LMO subtotal<sup>2</sup></b>	<b>4,734</b>	<b>985</b>	<b>1,064</b>	<b>886</b>	<b>945</b>	<b>1,302</b>	<b>1,149</b>	<b>1,344</b>	<b>1,025</b>	<b>875</b>	<b>1,522</b>	<b>1,604</b>
<b>International Mobility Program Total</b>	<b>60,782</b>	<b>53,737</b>	<b>59,857</b>	<b>65,174</b>	<b>72,959</b>	<b>79,396</b>	<b>93,502</b>	<b>96,269</b>	<b>107,914</b>	<b>120,075</b>	<b>132,418</b>	<b>137,533</b>
<b>International students Total</b>	<b>76,290</b>	<b>69,215</b>	<b>65,512</b>	<b>67,404</b>	<b>71,379</b>	<b>73,770</b>	<b>79,264</b>	<b>84,870</b>	<b>95,257</b>	<b>98,394</b>	<b>104,829</b>	<b>111,841</b>
<b>Humanitarian population Total</b>	<b>34,696</b>	<b>32,607</b>	<b>26,138</b>	<b>20,427</b>	<b>23,798</b>	<b>29,592</b>	<b>37,953</b>	<b>34,194</b>	<b>24,965</b>	<b>26,547</b>	<b>21,417</b>	<b>10,992</b>
<b>Total</b>	<b>171,768</b>	<b>155,559</b>	<b>151,507</b>	<b>153,005</b>	<b>168,136</b>	<b>182,758</b>	<b>210,719</b>	<b>215,333</b>	<b>228,136</b>	<b>245,016</b>	<b>258,664</b>	<b>260,366</b>

<sup>1</sup> Persons in the Canadian Interests category are temporary residents with work permits without LMO. The term "Canadian interests" is used to describe certain categories of workers who are deemed to provide a social, cultural or economic benefit to Canada.

<sup>2</sup> Data group under this category includes Permanent resident applicants in Canada. This category includes an increasing number of individuals with open work permits awaiting final PR approval through the LCP category and Bridging Open Work Permits.

**TABLE 2: Canada - Entries\* of Temporary Foreign Worker work permit holders by sub-status 2002-2013\*\*\***

Yearly sub-status	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<b>Temporary Foreign Worker Program</b>												
Information Technology Workers	830	1,050	1,298	1,760	2,130	2,971	3,190	2,687	2,867	612	213	29
Other high-skilled workers with LMO <sup>3</sup>	23,254	21,969	22,453	24,049	26,201	30,042	31,992	26,414	22,471	23,889	28,084	27,643
<b>High-skilled workers Total</b>	<b>24,084</b>	<b>23,019</b>	<b>23,751</b>	<b>25,809</b>	<b>28,331</b>	<b>33,013</b>	<b>35,182</b>	<b>29,101</b>	<b>25,338</b>	<b>24,501</b>	<b>28,297</b>	<b>27,672</b>
Live-in Caregiver Program	4,664	5,007	6,624	7,103	9,050	12,930	11,848	8,740	7,521	5,878	6,242	4,671
Seasonal Agricultural Worker Program	18,622	18,698	19,049	20,282	21,253	22,571	24,188	23,386	23,933	24,693	25,710	27,566
<i>Low Skill Pilot Program - Primary agriculture<sup>4</sup></i>	123	341	430	877	2,231	3,170	4,513	4,844	5,161	6,209	6,632	7,099
<i>Low Skill Pilot Program - Other</i>	2,145	1,985	2,355	2,892	4,298	12,139	21,147	14,167	8,961	8,763	13,709	16,315
Low Skill Pilot Program subtotal	2,268	2,326	2,785	3,769	6,529	15,309	25,660	19,011	14,122	14,972	20,341	23,414
Other low-skilled workers with LMO <sup>5</sup>	1	2	0	2	1	6	4	1	3	2	1	0
<b>Low-skilled workers Total</b>	<b>25,555</b>	<b>26,033</b>	<b>28,458</b>	<b>31,156</b>	<b>36,833</b>	<b>50,816</b>	<b>61,700</b>	<b>51,138</b>	<b>45,579</b>	<b>45,545</b>	<b>52,294</b>	<b>55,651</b>
<b>Other Total<sup>6</sup></b>	<b>192</b>	<b>142</b>	<b>161</b>	<b>223</b>	<b>323</b>	<b>299</b>	<b>349</b>	<b>225</b>	<b>222</b>	<b>345</b>	<b>373</b>	<b>417</b>
<b>Temporary Foreign Worker Program Total</b>	<b>49,831</b>	<b>49,194</b>	<b>52,370</b>	<b>57,188</b>	<b>65,487</b>	<b>84,128</b>	<b>97,231</b>	<b>80,464</b>	<b>71,139</b>	<b>70,391</b>	<b>80,964</b>	<b>83,740</b>

<sup>3</sup> Other high-skilled workers with LMO include some Live-in Caregiver Program and Seasonal Agricultural Worker Program

<sup>4</sup> Intended occupation: NOC 8431, 8432, 8611, 8251, 8252, 8254, 8256

<sup>5</sup> Other low-skilled workers with LMO include some Information Technology Workers

<sup>6</sup> This group includes workers that do not fall into the high skill or low skill occupation categories

Source: Citizenship & Immigration Canada, RDM Preliminary 2013 Data

\* Entries includes both initial entries and re-entries

\*\* This chart does not include data on general visitors or on any work-permit exempt foreign nationals who can work in Canada (e.g., business visitors, diplomats, visiting military, clergy, etc.) and who have not been issued a visitor record upon entering Canada.

\*\*\* Data for 2013 are preliminary estimates and are subject to change. For 2002-2012, these are updated numbers and different from those of Facts and Figures 2012.

A temporary resident who has been granted permanent resident status on or before the observation date (December 1) is excluded from the count from their grant date onwards. Temporary residents are grouped according to the principal reason for residing in Canada during the calendar year.

**TABLE 3: Canada - Temporary residents\* not subject to Labour Market Impact Assessment present\*\* on December 1<sup>st</sup> by sub-status 2002-2013\*\*\***

Yearly sub-status	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<b>International Mobility Program</b>												
NAFTA	11,532	11,161	11,462	12,172	13,224	14,229	15,974	16,318	19,251	21,748	23,927	25,192
Other FTA	341	314	308	356	412	452	603	628	632	786	959	1,059
International agreements	2,014	2,337	3,125	1,828	2,209	3,124	4,053	3,973	2,100	1,417	1,078	1,022
Provincial agreements	0	0	0	0	0	0	0	1,120	5,417	9,935	11,502	12,985
GATS	2,328	1,219	629	448	448	532	511	414	334	263	246	229
<b>Workers - International arrangements subtotal</b>	<b>16,215</b>	<b>15,031</b>	<b>15,524</b>	<b>14,804</b>	<b>16,293</b>	<b>18,337</b>	<b>21,141</b>	<b>22,453</b>	<b>27,734</b>	<b>34,149</b>	<b>37,712</b>	<b>40,487</b>
Reciprocal employment	16,377	18,635	23,544	28,457	30,854	32,747	40,941	52,837	59,690	64,892	68,121	68,298
Employment benefit	6,563	7,215	8,111	9,122	11,045	11,765	12,709	13,325	15,325	24,494	37,557	48,961
Spouse/common law partner	5,484	8,126	10,544	12,682	14,767	17,974	21,178	23,310	23,520	26,014	29,424	35,647
Research and studies related	5,321	5,838	6,648	7,817	9,625	12,015	15,764	22,835	28,719	36,202	44,761	58,106
Other Canadian interests <sup>1</sup>	1,882	1,130	1,076	1,190	1,405	1,518	1,429	1,438	1,408	1,490	1,820	1,925
<b>Workers - Canadian interests subtotal</b>	<b>35,627</b>	<b>40,944</b>	<b>49,923</b>	<b>59,268</b>	<b>67,696</b>	<b>76,019</b>	<b>92,021</b>	<b>113,745</b>	<b>128,662</b>	<b>153,092</b>	<b>181,683</b>	<b>212,937</b>
<b>Other work permit holders without LMO subtotal<sup>2</sup></b>	<b>735</b>	<b>1,487</b>	<b>1,919</b>	<b>1,962</b>	<b>1,976</b>	<b>2,507</b>	<b>2,149</b>	<b>2,239</b>	<b>2,305</b>	<b>3,551</b>	<b>5,491</b>	<b>6,166</b>
<b>International Mobility Program Total</b>	<b>52,577</b>	<b>57,462</b>	<b>67,366</b>	<b>76,034</b>	<b>85,965</b>	<b>96,863</b>	<b>115,311</b>	<b>138,437</b>	<b>158,701</b>	<b>190,792</b>	<b>224,886</b>	<b>259,590</b>
<b>International students Total</b>	<b>150,287</b>	<b>159,419</b>	<b>164,506</b>	<b>166,846</b>	<b>169,812</b>	<b>175,642</b>	<b>177,645</b>	<b>195,760</b>	<b>217,882</b>	<b>239,044</b>	<b>265,414</b>	<b>293,503</b>
<b>Humanitarian population Total</b>	<b>120,866</b>	<b>126,231</b>	<b>117,887</b>	<b>102,629</b>	<b>92,601</b>	<b>90,729</b>	<b>103,916</b>	<b>113,087</b>	<b>108,911</b>	<b>103,717</b>	<b>95,875</b>	<b>79,013</b>
<b>Total</b>	<b>323,730</b>	<b>343,112</b>	<b>349,759</b>	<b>345,509</b>	<b>348,378</b>	<b>363,234</b>	<b>396,872</b>	<b>447,284</b>	<b>485,494</b>	<b>533,553</b>	<b>586,175</b>	<b>632,106</b>

<sup>1</sup> Persons in the Canadian Interests category are temporary residents with work permits without LMO. The term "Canadian interests" is used to describe certain categories of workers who are deemed to provide a social, cultural or economic benefit to Canada.

<sup>2</sup> Data group under this category includes Permanent resident applicants in Canada. This category includes an increasing number of individuals with open work permits awaiting final PR approval through the LCP category and Bridging Open Work Permits.

**TABLE 4: Canada - Temporary Foreign Worker work permit holders present\*\*  
on December 1<sup>st</sup> by sub-status 2002-2013\*\*\***

Yearly sub-status	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<b>Temporary Foreign Worker Program</b>												
Information Technology Workers	1,310	1,391	1,652	1,981	2,327	3,064	3,571	3,557	3,889	1,777	761	218
Other high-skilled workers with LMO <sup>3</sup>	15,018	16,566	17,713	19,552	22,222	29,374	38,199	38,102	29,420	27,383	32,652	41,488
<b>High-skilled workers Total</b>	<b>16,328</b>	<b>17,957</b>	<b>19,365</b>	<b>21,533</b>	<b>24,549</b>	<b>32,438</b>	<b>41,770</b>	<b>41,659</b>	<b>33,309</b>	<b>29,160</b>	<b>33,413</b>	<b>41,706</b>
Live-in Caregiver Program	11,972	13,854	17,372	20,350	24,379	33,675	38,423	39,559	36,364	28,519	23,109	16,927
Seasonal Agricultural Worker Program	18,594	18,696	18,909	20,250	21,259	22,454	24,070	23,442	23,969	24,669	25,789	27,889
<i>Low Skill Pilot Program -     Primary agriculture<sup>4</sup></i>	112	339	422	405	1,075	1,849	2,826	3,414	3,722	4,448	5,430	6,056
<i>Low Skill Pilot Program - Other</i>	1,192	1,239	1,443	1,872	3,232	11,488	26,730	33,813	25,317	21,209	24,539	33,757
Low Skill Pilot Program subtotal	1,304	1,578	1,865	2,277	4,307	13,337	29,556	37,227	29,039	25,657	29,969	39,813
Other low-skilled workers with LMO <sup>5</sup>	159	12	1	1	0	3	3	3	5	5	2	1
<b>Low-skilled workers Total</b>	<b>32,029</b>	<b>34,140</b>	<b>38,147</b>	<b>42,878</b>	<b>49,945</b>	<b>69,469</b>	<b>92,052</b>	<b>100,231</b>	<b>89,377</b>	<b>78,850</b>	<b>78,869</b>	<b>84,630</b>
<b>Other Total<sup>6</sup></b>	<b>152</b>	<b>103</b>	<b>128</b>	<b>199</b>	<b>265</b>	<b>260</b>	<b>334</b>	<b>319</b>	<b>277</b>	<b>303</b>	<b>368</b>	<b>480</b>
<b>Temporary Foreign Worker Program Total</b>	<b>48,509</b>	<b>52,200</b>	<b>57,640</b>	<b>64,610</b>	<b>74,759</b>	<b>102,167</b>	<b>134,156</b>	<b>142,209</b>	<b>122,963</b>	<b>108,313</b>	<b>112,650</b>	<b>126,816</b>

<sup>3</sup> Other high-skilled workers with LMO include some Live-in Caregiver Program and Seasonal Agricultural Worker Program

<sup>4</sup> Intended occupation: NOC 8431, 8432, 8611, 8251, 8252, 8254, 8256

<sup>5</sup> Other low-skilled workers with LMO include some Information Technology Workers

<sup>6</sup> This group includes workers that do not fall into the high skill or low skill occupation categories

Source: Citizenship & Immigration Canada, RDM Preliminary 2013 Data

\* This chart does not include data on general visitors or on any work-permit exempt foreign nationals who can work in Canada (e.g., business visitors, diplomats, visiting military, clergy, etc.) and who have not been issued a visitor record upon entering Canada.

\*\* Present statistic measures the number of temporary residents with a valid document on December 1st of the observation year.

\*\*\* Data for 2013 are preliminary estimates and are subject to change. For 2002-2012, these are updated numbers and different from those of Facts and Figures 2012.

A temporary resident who has been granted permanent resident status on or before the observation date (December 1) is excluded from the count from their grant date onwards. Temporary residents are grouped according to the principal reason for residing in Canada during the calendar year.



In 2013, temporary foreign workers (who required an LMIA) that entered Canada numbered 83,740, or about 0.44 percent of the national Labour Force, which is approximately 19 million.

<b>TABLE 5: Entries of Foreign Workers as a Percentage of Canada's Workforce</b>		
<b>Yearly Status</b>	<b>2013</b>	<b>% of Canadian workforce (19m)</b>
<b>LMO Exempt</b>		
<b>NAFTA</b>	19,806	0.10
<b>Other FTA</b>	777	0.004
<b>International agreements</b>	776	0.004
<b>Provincial agreements</b>	6,429	0.03
<b>GATS</b>	285	0.001
<b>Reciprocal employment</b>	58,939	0.31
<b>Employment benefit</b>	15,730	0.08
<b>Spouse/common law partner</b>	15,251	0.08
<b>Research and studies related</b>	15,791	0.31
<b>Other Canadian interests</b>	2,145	0.01
<b>Other workers without LMO</b>	1,604	0.008
<b>LMO Exempt Workers Total</b>	<b>137,533</b>	<b>0.72</b>
<b>LMO Required</b>		
<b>Live-in caregiver program</b>	4,671	0.02
<b>Seasonal agricultural worker program</b>	27,566	0.14
<b>Low skill</b>	23,414	0.12
<b>High skill</b>	27,672	0.14
<b>LMO Required Total</b>	<b>83,740</b>	<b>0.44</b>
<b>Foreign workers Total</b>	<b>221,273</b>	<b>1.16</b>

## Publicly Reporting More Data

To further increase transparency and accountability beginning in fall 2014, EDSC will publicly post data on the number of temporary foreign workers approved through the TFWP on a quarterly basis and will post the names of corporations that receive positive LMIA's.

# Reforming the Temporary Foreign Worker Program

## Ensuring Canadian Workers Come First: Restricting Access to the Temporary Foreign Worker Program

### Using Wage Instead of National Occupation Classification

The TFWP will now be administered based on wage instead of the National Occupational Classification (NOC). Wage is a more objective and accurate reflection of skill level and labour need in a given area. Temporary foreign workers being paid under the provincial/territorial median wage will be considered low-wage, while those being paid at or above will be considered high-wage.

**TABLE 6: Median Hourly Wages by Province/Territory**

Province/Territory	Wage (\$/hr)
Newfoundland and Labrador	\$20.19
Prince Edward Island	\$17.26
Nova Scotia	\$18.00
New Brunswick	\$17.79
Quebec	\$20.00
Ontario	\$21.00
Manitoba	\$19.00
Saskatchewan	\$21.63
Alberta	\$24.23
British Columbia	\$21.79
Yukon	\$27.93
Northwest Territories	\$32.53
Nunavut	\$29.96

Source: Labour Force Survey, 2013

### The primary categories under the former TFWP were:

- **High-skilled workers:** includes occupations that typically require post-secondary education and/or formal certification, specifically managerial, scientific, professional and technical positions as well as the skilled trades. These occupations are coded at NOC skill type 0 or NOC skill level A or B.
- **Low-skilled workers:** includes occupations that usually require lower levels of formal training, such as a high school diploma or a maximum of two years of job-specific training, such as general labourers, food counter attendants, and sales and service personnel. These occupations are coded at the NOC C or D skill level. It is important to note that not all low-skilled occupations classified according to NOC codes are low-paying (e.g. oil and gas drilling workers).
- **Seasonal Agricultural Worker Program:** allows for the entry of foreign workers from Mexico and a number of Caribbean countries to meet the temporary, seasonal needs of agricultural producers when there are shortages of available Canadians.
- **Agricultural Stream:** allows employers to hire temporary foreign workers from any country for on-farm primary agricultural positions for a maximum of 24 months when Canadian citizens are not available. Many of the requirements of the Agricultural Stream mirror the Seasonal Agricultural Workers Program since working conditions for the temporary foreign workers are similar.
- **Live-in Caregiver Program:** enables qualified temporary foreign workers to come to Canada when Canadians are not available to provide unsupervised and full-time care for children, seniors or people with disabilities in the private residence of those persons for whom they are hired to care.

### The primary categories under the new TFWP are:

- **High-wage:** positions at or above the provincial/territorial median wage; examples of high-wage occupations include managerial, scientific, professional and technical positions as well as the skilled trades.
- **Low-wage:** positions below the provincial/territorial median wage; examples of low-wage occupations include general labourers, food counter attendants, and sales and service personnel.
- **Primary Agricultural Stream:** includes positions related to on-farm primary agriculture such as general farm workers, nursery and greenhouse workers, feed lot workers and harvesting labourers, including under the Seasonal Agricultural Workers Program, which enables the entry of foreign workers from Mexico and a number of Caribbean countries to meet the temporary, seasonal needs of agricultural producers.
- **Highest-demand, highest-paid or shortest-duration:** Labour Market Impact Assessments for in-demand occupations (skilled trades), highly paid occupations (top 10%) or short-duration (120 days or less) entries will be provided within a 10 business day service standard. As for all requests to hire temporary foreign workers, LMIs would only be granted after a rigorous review of all of the elements of the employer's application in each of these cases.
- **Live-in Caregiver Program:** no change.

## New Labour Market Impact Assessment

The labour market test that allows employers to bring temporary foreign workers to Canada is being transformed from a Labour Market Opinion (LMO) to a new Labour Market Impact Assessment (LMIA) process that is more comprehensive and rigorous. Employers must provide additional information, including the number of Canadians that applied for their available job, the number of Canadians the employer interviewed, and explain why those Canadians were not hired. Employers must now also attest they are aware of the rule that Canadians cannot be laid-off or have their hours reduced at a worksite that employs temporary foreign workers.

New and better sources of labour market information will be used to determine if there are Canadians who could fill these positions (see pages 15-16 for more information).

LMIA's are conducted and processed by Employment and Social Development Canada (ESDC). ESDC will refuse to process applications when there are concerns that temporary foreign workers may or will have a negative effect on the Canadian labour market.

## Cap on Low-Wage Temporary Foreign Workers

The Temporary Foreign Worker Program (TFWP) was created as a last and limited resort to allow employers to bring foreign workers to Canada on a temporary basis to fill jobs for which qualified Canadians are not available. However, since there was no specific limit on the number of temporary foreign workers that a company could hire, over time many employers built their business model on the program.

For example, of the 12,162 employers who used the TFWP in 2013, 2,578 employers have a workforce of over 30 percent temporary foreign workers. Perhaps most striking, 1,123 employers have a workforce composed of 50 percent or more temporary foreign workers.

<b>TABLE 7: Percentage of Employer Workforce that is Temporary Foreign Workers</b>		
Number of employers <sup>1</sup> by percentage of workforce made up of temporary foreign workers in 2013 <sup>2</sup>		
<b>TFW %</b>	<b>Number of employers</b>	<b>Estimated TFW entries</b>
<b>All</b>	12,162	20,235
<b>&gt;=10%</b>	6,097	16,278
<b>&gt;=30%</b>	2,578	9,678
<b>&gt;=50%</b>	1,123	4,522

<sup>1</sup> This data table shows the percentage of employers' total workforce that is made up of temporary foreign workers. It is not broken down by work site. The cap will be applied by work site.

<sup>2</sup> Excluding primary agriculture, live-in caregivers and employers with a total workforce of fewer than 10 workers.

These numbers clearly show that the TFWP is no longer being used as it was intended to be used – as a last and limited resort to allow employers to bring foreign workers to Canada on a temporary basis to fill jobs for which qualified Canadians are not available. Reforms are needed to end the growing practice of employers building their business model on access to the TFWP.

Accordingly, the Government of Canada is introducing a cap to limit the proportion of low-wage temporary foreign workers that a business can employ. The cap will significantly restrict access to the TFWP, while ensuring that Canadians are always considered first for available jobs, reducing employer reliance on the program and increasing wages offered to Canadians. It is expected that this measure alone will cut in half the number of low-wage temporary foreign workers once fully implemented.

Employers with 10 or more employees applying for a new LMIA are subject to a cap of 10 percent on the proportion of their workforce that can consist of low-wage temporary foreign workers. This cap will be applied per worksite of an employer and is based on total hours worked at that worksite.

To provide employers who are above the 10 percent cap time to transition and adjust to this new cap, it will be phased in over the next couple of years. For those employers that currently have a low-wage temporary foreign worker workforce that is above the cap, effective immediately, when those employers apply for a new LMIA they will be limited at 30 percent or frozen at their current level, whichever is lower. The Government may consider lowering the cap further in the future.

This transition measure will be further reduced to 20 percent beginning July 1, 2015 and reduced again to 10 percent on July 1, 2016. Temporary foreign workers currently working at work sites over the cap will be allowed to continue working at those sites until their existing work permits expire.

This ensures that large employers with multiple locations cannot be over their limit for low-wage temporary foreign workers at any one of their locations. For example, a large employer with an overall national workforce comprised of 5 percent temporary foreign workers cannot justify bringing in larger volumes of foreign workers at specific locations and having the temporary foreign worker staff at those locations exceed the cap.

The cap sends an important message – temporary foreign workers cannot be used as a business model and employers must do more to recruit, hire and train Canadians. This measure will help drive down the overall number of low-wage temporary foreign workers in Canada and end the distortion in the labour market caused by their prevalence in some sectors and regions.

**TABLE 8: Expected Reduction in Temporary Foreign Workers**

Province/Territory	2013 Total Low Wage Entries	30% cap Year 1	20% cap Year 2	10% cap Year 3
Newfoundland and Labrador	673	174	232	254
Prince Edward Island	396	358	372	377
Nova Scotia	680	173	234	327
New Brunswick	938	621	682	775
Quebec	2,211	565	747	1,155
Ontario	4,419	684	989	1,369
Manitoba	735	142	420	481
Saskatchewan	1,388	455	565	704
Alberta	14,307	5,247	7,160	8,407
British Columbia	5,227	1,217	1,819	2,362
Nunavut	11	–	5	5
Northwest Territories	73	32	44	47
Yukon Territory	41	10	15	15
<b>Canada Total</b>	<b>31,099</b>	<b>9,678</b> (31% reduction from 2013)	<b>13,284</b> (43% reduction from 2013)	<b>16,278</b> (52% reduction from 2013)

\* Does not include primary agriculture, live-in caregiving and employers with a total workforce of fewer than 10 workers

### Refusing Applications in Areas of High Unemployment

Effective immediately, Employment and Social Development Canada will refuse to process certain Labour Market Impact Assessment applications in the Accommodation, Food Services and Retail Trade sectors. Specifically, any applications for positions that require little or no education or training will not be processed in economic regions with an unemployment rate at or above six percent.

For many youth, these jobs are their first opportunity to participate in the labour market and each time an employer hires a temporary foreign worker in one of these jobs it potentially deprives a Canadian from that all-important first job. This measure will reduce the number of TFWs by approximately 1,000 each year.

Employer applications will not be processed if they meet **all** of the following criteria:

- applying for an LMIA in a Statistics Canada economic region with an annual unemployment rate over 6%;
- seeking an LMIA in a specific occupation identified under North American Industry Classification System as Accommodations & Food Service or Retail Sales (NAIC 72, 44, 45); and
- seeking an LMIA in an occupation in one of the selected National Occupational Classification Codes (see below table) skill level "D" occupations.

<b>NOC Code</b>	<b>Title</b>
<b>6641</b>	Food Counter Attendants, Kitchen Helpers and Related Occupations
<b>6661</b>	Light Duty Cleaners
<b>6611</b>	Cashiers
<b>6622</b>	Grocery Clerks and Store Shelf Stockers
<b>7611</b>	Construction Trades Helpers and Labourers
<b>8612</b>	Landscaping and Grounds Maintenance Labourers
<b>6672</b>	Other Attendants in Accommodation and Travel
<b>6663</b>	Janitors, Caretakers and Building Superintendents
<b>6662</b>	Specialized Cleaners
<b>6651</b>	Security Guards and Related Occupations

The labour market information used to identify unemployment rates in economic regions is based on annual data from the Labour Force Survey (LFS) from Statistics Canada and will be posted on the Temporary Foreign Worker Program website.

### **Reducing the Duration of Work Permits set out in Labour Market Impact Assessments**

Effective immediately, the duration of work permits set out in Labour Market Impact Assessments (LMIAs) will be limited to a maximum of one year for all low-wage positions, rather than the 2-year duration that existed previously. Employers of low-wage temporary foreign workers must reapply every year for an LMIA, better accommodating for changes in labour market conditions that might have occurred.

### **Reducing the Length of Time a Temporary Foreign Worker Can Work in Canada**

To ensure foreign workers are coming in on a truly temporary basis and that the program is used as a last and limited resort, and to encourage employers to make even greater efforts to hire and train Canadian workers before seeking temporary foreign workers, the Government will reduce how long a temporary foreign worker in the low-wage stream can work in Canada. This measure will not apply to temporary foreign workers currently in Canada on valid work permits.

## **Changing the Provincial/Territorial Temporary Foreign Worker Annexes**

Five provincial/territorial governments (Alberta, British Columbia, Ontario, Nova Scotia and Yukon) currently have annexes to their immigration agreements with the Government that establish Labour Market Impact Assessment (LMIA) exemptions in their jurisdiction. In these cases, the provinces and territories may propose LMIA exemptions for certain occupations and pilot projects involving exemptions to the LMIA process can be initiated.

The purpose of these annexes was never to create a scenario where employers could hire temporary foreign workers without seeking to hire Canadians first. However, over time there has been a significant increase in the number of temporary foreign workers coming to Canada through these agreements and a number of cases have come to light where companies have used these provisions to bring in temporary foreign workers without giving Canadians the first chance at available jobs.

Accordingly, the Government has given notice that it is changing the existing agreements. As a result, more employers will be subject to the new, more rigorous LMIA before being able to hire TFWs. Any new agreements with provinces and territories will be much more limited in scope and better ensure that Canadians are always given first chance at available jobs.

## **Transition Plans for High-Wage Positions**

Employers who want to hire temporary foreign workers in high-wage occupations will be required (with limited exceptions) to submit transition plans with their Labour Market Impact Assessment (LMIA) application to ensure that they are taking steps to reduce their reliance on temporary foreign workers over time. This underscores the purpose of the program – which is to operate as a last and limited resort to address immediate labour needs on a temporary basis when qualified Canadians are not available.

The transition plans are in addition to the existing recruitment and advertising requirements that employers must meet to ensure that Canadians are given the first chance at available jobs. Transition plans will oblige employers of high-wage temporary foreign workers to help Canadians obtain in-demand skills through activities like investing in skills training or taking on more apprentices, or an employer can provide proof that they are helping a high-skilled temporary foreign worker transition to becoming a permanent resident of Canada.

Employers will also be required to undertake additional recruitment activities, including reaching out to organizations serving groups traditionally underrepresented in the workforce (e.g. new immigrants, Aboriginal people, youth, Canadians with disabilities) to fill available jobs. Employment and Social Development Canada will assist employers by providing them with contacts at these organizations.

Employers will need to report on the success of their transition plan should they ever reapply to hire high-wage temporary foreign workers. Employers must also report on the results of their transition plan if they are selected for an inspection.



By requiring employers to undertake measures that go above and beyond previous requirements to hire Canadians, the number of high-wage temporary foreign workers is expected to decrease.

### **Highest-Demand, Highest-Paid and Shortest-Duration Occupations**

LMIA for highest-demand occupations (skilled trades), highest-paid occupations (top 10 percent) or short-duration work periods (120 days or less) will now be provided within a 10-business-day service standard. As is the case for all requests to hire temporary foreign workers, LMIA would only be granted after a rigorous review of all of the elements of the employer's application in each of these cases. This service standard will be met by processing these applications first, not by reducing the thoroughness of these LMIA.

#### *Highest-demand occupations*

Initially, the 10-day service standard for highest-demand occupations will be limited to the skilled trades where the wage offered is at or above the provincial/territorial median wage. Positions in the skilled trades are essential to the development of major infrastructure and natural resource extraction projects, which are vital to Canada's economic growth. Over time, other occupations may be added based on evidence from more and better labour market information.

#### *Highest-paid occupations*

The 10-day service standard will also be available to employers requesting temporary foreign workers in the highest-paid occupations that offer wages in the top 10 percent of wages earned by Canadians in a given province or territory such as Physicians. This wage level indicates that a temporary foreign worker is the highest-skilled in their occupation and that those skills are not easily found in the Canadian labour market.

#### *Shortest-duration occupations*

Finally, the 10-day service standard will also be available for employers seeking temporary foreign workers for a short duration, defined as 120 calendar days or less in any occupation where the wage offered is at or above the provincial or territorial median wage. Positions falling under this category include those related to repairs to manufacturing equipment and warranty work. Renewal of short-duration LMIA will not be permitted, except in exceptional circumstances.

### **Foreign Pilots in Canada**

In recent years, concerns have been raised that some airlines are excluding Canadian pilots from seasonal jobs by requiring job applicants to already be trained on specific types of planes (type rating) before they are hired, which is counter to general industry standards of airlines paying for and ensuring pilots obtain their training on the specific airline's planes after they have been hired.

The Government of Canada consulted widely on this issue, and most stakeholders agreed that seasonal variations in fleet capacity should not stop airlines from training pilots for specific aircraft. It was noted that many airlines successfully contract flight time, pilot training and other training elements, such as

flight simulator time, with other airlines or with aircraft manufacturers in order to meet their training requirements. There was a consensus that there is no shortage of Canadian commercial pilots who could be trained to fly specific types of aircraft.

Based on stakeholder consultations, the following changes are being made for airlines requesting foreign pilots through the Labour Market Impact Assessment (LMIA) process.

Effective July 1, 2014, airlines must:

- meet the minimum advertising requirements for high-wage occupations; and
  - › specify the following criteria in their job postings:
  - › no more than a maximum of 4,000 flight hours for a First Officer and 5,000 hours for a Captain as required experience;
  - › possess a valid commercial pilots' licence;
  - › require English and/or French language proficiency;
  - › include industry standard medical testing requirements for commercial flight;
  - › state both the legal and common names of the airline operating in Canada;
- not include as an essential or asset requirement the necessity of holding a type rating for a specific type of aircraft. However, requiring applicants to have experience flying equipment that is similar in configuration and complexity to the airline's fleet is considered acceptable;
- indicate when training bonds will be applied and they must cover a minimum of two years employment;
- negotiate a transition plan with ESDC documenting the airline's future efforts and commitment to decrease the reliance on foreign pilots while increasing its complement of Canadian/permanent resident pilots. The transition plan will be reviewed by ESDC for progress and can affect the outcome of future LMIA applications; and
- submit LMIA applications a minimum of three months before the first day of work to ensure Program officers can thoroughly review the application. Any exception to this timeline must be requested prior to the LMIA being submitted.

## Better and More Labour Market Information

The new Labour Market Impact Assessment will be made more effective with the introduction of more and better labour market information.

### **New Job Matching Service**

A new enhanced Job Matching Service will allow Canadians to apply directly through the Canada Job Bank for jobs that match their skills and experience. As employers applying for temporary foreign workers must post their jobs on the Job Bank website, the new Job Matching Service will be able to match unemployed

Canadians with employers offering available jobs that match their skills in their region. Furthermore, program officers will be better aware of the number of potential applicants and how closely their skills align with the available job, which will allow for more rigorous assessment of LMIA applications.

### **Statistics Canada Quarterly Job Vacancy Survey**

To provide better information on job vacancies in Canada, Statistics Canada will conduct a new Quarterly Job Vacancy Survey at a cost of \$8 million per year. This survey will collect information on occupations in-demand, job openings, the duration of job vacancies, educational requirements for occupations and other pertinent data.

The data will be collected from up to 100,000 employers, compared to 56,000 households previously. The previous survey's information is only accurate at the provincial level; however, the new Wage Survey will include a sample size large enough to provide reliable data broken down by province/territory and by Statistics Canada Economic Region.

This information will contribute to research on emerging skills shortages. This survey will be launched in spring 2015.

### **Statistics Canada Annual National Wage Survey**

Statistics Canada will also conduct a new annual National Wage Survey at a cost of \$6 million per year. The data will be collected from up to 100,000 employers, and will provide reliable data broken down by province/territory and by Statistics Canada Economic Region. There are no data sources currently available that provide this level of detail.

The new Wage Survey will help program officers better assess whether wages being advertised to Canadians are consistent with the prevailing wage for that occupation. This will ensure that the position is offered to Canadians at a wage that is attractive to Canadians. The annual National Wage Survey will be launched in spring 2015.

### **Better Use of Existing Government Data**

The survey data will be supplemented by information from the Employment Insurance (EI) program and other internal sources to accurately determine the availability of qualified Canadian workers. For example, program officers will know if employers requesting temporary foreign workers have recently laid-off Canadian workers. Additionally, program officers will be able to determine if employers are requesting temporary foreign workers in regions where there are unemployed Canadians with the appropriate skills. Furthermore, EI data can be used to help match unemployed workers with available jobs.

# Stronger Enforcement and Tougher Penalties

## Increasing the Number and Scope of Inspections

Given concerns over abuse of the Temporary Foreign Worker Program (TFWP), the Government is making a significant investment in its TFWP inspection regime.

Despite the fact that the Low Skill TFW Pilot Project was created in 2002, no inspections were done at that time. In recent years, the Government began conducting inspections, and there is now a dedicated team of inspectors for the TFWP at Employment and Social Development Canada (ESDC). Nevertheless, an additional investment into the TFWP inspection regime is required to ensure stronger enforcement.

Effective immediately, the Government is massively increasing the number of inspections so that one in four employers using temporary foreign workers will be inspected each year. These inspections will be as a result of tips, employers being deemed high-risk and random audits.

In addition to massively increasing the number of inspections, the Government has recently significantly expanded the authority of inspectors to better catch employers who are breaking the rules. As of December 31, 2013, ESDC and Citizenship and Immigration Canada (CIC) were granted additional inspection powers to:

- immediately inspect complaints of possible rule breaking;
- conduct warrantless on-site visits;
- interview temporary foreign workers and other employees with their consent;
- strengthen the criteria as part of the Labour Market Impact Assessment (LMIA) process by, for example:
  - › extending from two to six years the period during which ESDC and CIC can verify the wages, working conditions and occupations provided to previously employed temporary foreign workers at the time of a new LMIA or work permit application;
- compel employers to provide documents for the purposes of verifying their compliance with the rules of the program;
- impose a new condition on employers to make reasonable efforts to provide a workplace free from abuse; and
- ban employers who break the rules.

Under these expanded and strengthened authorities, employers must also keep all documents related to their applications, including recruitment documents like résumés, for six years. This allows the Government to verify whether the employer followed the rules of the program both at the time they applied and after the temporary foreign worker arrived. Furthermore, as of fall 2014, ESDC will be able to compel banks and payroll companies to provide bank records and payroll documents to help inspectors verify that employers are complying with the rules of the TFWP.

The Government has also recently significantly increased the scope of its inspections. In the past inspectors were only able to review whether employers were compliant with 3 of the 21 program requirements. Since December 31, 2013, inspectors can now review all 21 program requirements when conducting their inspections.

The three program requirements inspected prior to December 31, 2013, were:

1. Have provided each foreign worker with employment in substantially the same occupation as stated in the offer of employment.
2. Have provided each foreign worker with wages that are substantially the same as those in the offer of employment.
3. Have provided each foreign worker with working conditions that are substantially the same as those in the offer of employment.

The additional 18 program requirements being inspected since December 31, 2013, are:

1. Have provided accurate information in the context of an LMIA application.
  - › This means that if employers are found to have provided false or misleading information on any part of the LMIA application they will be found non-compliant. This includes all the answers to questions provided on the form as well as more than a dozen attestations.
2. Are actively engaged in the business for which the offer of employment was made, unless the offer was made for employment as a live-in caregiver.
3. Are in compliance with federal and provincial/territorial laws that regulate employment and recruitment in the province/territory in which the foreign worker is employed.
4. Have met any specific agreed-to commitments, as set out on the positive LMIA, made at the time the LMIA was issued in relation to job creation for Canadians and permanent residents.
5. Have met any specific agreed-to commitments, as set out on the positive LMIA, made at the time the LMIA was issued in relation to job retention for Canadians and permanent residents.
6. Have met any specific agreed-to commitments, as set out on the positive LMIA, made at the time the LMIA was issued in relation to hiring Canadians and permanent residents.
7. Have met any specific agreed-to commitments, as set out on the positive LMIA, made at the time the LMIA was issued in relation to training Canadians and permanent residents.
8. Have met any specific agreed-to commitments, as set out on the positive LMIA, made at the time the LMIA was issued in relation to development of skills and knowledge for the benefit of Canadians or permanent residents.
9. Have met any specific agreed-to commitments, as set out on the positive LMIA, made at the time the LMIA was issued in relation to transfer of skills and knowledge for the benefit of Canadians or permanent residents.
10. Have made reasonable efforts to provide a workplace that is free of abuse which includes:
  - › physical abuse;
  - › sexual abuse;
  - › psychological abuse; and
  - › financial abuse.

11. Retain any document that relates to compliance with these conditions for a period of six years, beginning on the first day of employment of the foreign national.
12. Report at any specified time and place to answer questions and provide documents.
13. Provide any documents required as part of an inspection.
14. Attend any inspection that is on premises.
15. Give all reasonable assistance to the person conducting the inspection and provide that person with any document or information the person requires.
16. Employers of live-in caregivers must also ensure the foreign worker resides in a private household and provides child care, senior home support care or care of a disabled person in that household without supervision.
17. Employers of live-in caregivers must also provide the foreign worker with adequate furnished and private accommodations in the household.
18. Employers of live-in caregivers must also have sufficient financial resources to pay the foreign worker the wages offered.

### **Increased Detection of Abuse**

The Government launched a Confidential Tip Line in April 2014 for Canadians to report abuse of the Temporary Foreign Worker Program (TFWP). More than 1,000 tips had been received to date.

In addition to the tip line, a new *Complaints* Web page has been launched to allow the public to submit tips easily and securely online.

The Government will continue to follow up on each and every complaint to make sure that employers who are breaking the rules are caught and face the consequences.

We encourage all Canadians who have concerns or information to call our anonymous and confidential tip line. Any allegation of abuse will be investigated.

To report abuse of the Temporary Foreign Worker Program, contact:

Service Canada Confidential Tip Line  
1-866-602-9448 or  
visit [www.esdc.gc.ca/tfwp](http://www.esdc.gc.ca/tfwp)

## More Criminal Investigations

Employers suspected of criminal activities under the *Immigration and Refugee Protection Act* (IRPA) are referred to the Canada Border Services Agency (CBSA). Investigations in the Temporary Foreign Worker Program could lead to charges under the following sections of the IRPA:

- s. 124 - employing a foreign national that is not authorized to work in Canada;
- s. 126 - counselling misrepresentation; and
- s. 127 - misrepresentation.

The CBSA is receiving new financial resources to increase its capacity to investigate suspected cases of offenses by employers under the IRPA. The new financial resources for the CBSA will allow additional criminal investigations to be conducted every year. This will better ensure that employers suspected of criminal activities under the IRPA face the full legal consequences of their actions. There are very serious criminal sanctions including fines and jail time for employers found to be in violation of the IRPA. For example:

- Employers who employ “a foreign national in a capacity in which the foreign national is not authorized ... to be employed (s. 124)” can be fined up to \$50,000 and imprisoned for up to two years or both.
- Employers who intentionally misrepresent or withhold information or provide false information to contravene the IRPA (i.e. lie on their Labour Market Impact Assessment application about their efforts to hire Canadians) can be fined up to \$100,000 and imprisoned for up to five years or both.

Furthermore, employers found guilty of human trafficking can be fined up to \$1 million and imprisoned for up to life, or both. These penalties are not only applicable to the employer, but also may be applied to persons who aid or abet individuals in coming into Canada in contravention with the Act.

An example of a case that resulted in a conviction occurred after a CBSA investigation revealed that an individual produced fraudulent employment offers and worked as an immigration consultant without a licence between September 2008 and June 2009. He continued to commit immigration fraud between October 2011 and June 2012 by using several aliases. He purported himself as a representative for a number of Winnipeg-based companies, made fraudulent job offers to foreign nationals and issued forged Government of Canada documents. In October 2012, he was sentenced to four years and six months in prison and also ordered to pay more than \$380,000 in restitution.

## Improved Information Sharing

The Government will improve its ability to collect and share information between government departments and other levels of government to make sure that employers who break the rules are caught.

The Minister of Employment and Social Development has written to all provincial and territorial governments requesting that existing information sharing agreements be strengthened, or that new information sharing agreements are quickly concluded where none currently exist.

Better information sharing between the Canada Border Services Agency and other federal government departments will help ensure that EDSC is aware of employers that are not complying with the ***Immigration and Refugee Protection Act or related Regulations (IRPR)***, for example are under investigation by a law enforcement agency. Employment and Social Development Canada will not process any LMAs for employers that are under investigation until the investigation is complete and the employer is found to have not broken any rules.

The federal government is also taking steps to significantly improve the level of information sharing between different levels of government. While the federal government is responsible for determining whether an employer is facing a legitimate labour shortage and is justified in hiring a temporary foreign worker, the provinces and territories have primary responsibility for establishing and enforcing health and labour standards, such as safe working conditions, for all workers, including temporary foreign workers. Provinces also have primary responsibility for laws governing recruiting of workers.

The benefits of information sharing agreements between the federal government and the provinces and territories are clear. For example, employers who violate provincial labour laws, health and safety standards or recruiting laws will face greater scrutiny and oversight from Temporary Foreign Worker Program (TFWP) inspectors as these would be considered high-risk employers. Likewise, the federal government will share information with the provinces and territories on employers who break the rules of the TFWP to allow provinces and territories to follow up and prioritize their investigations on matters, namely labour laws, health and safety standards and laws governing recruiting.

Further, in order to be allowed to employ temporary foreign workers, employers must comply with provincial laws that regulate employment, and the recruiting of employees, in the province in which the foreign national works. Better information sharing between the federal government and the provinces/territories will result in the federal government being better informed when employers are in violation of provincial/territorial laws and prevent them from accessing temporary foreign workers.

Currently, ESDC has information sharing agreements with Alberta, Manitoba, British Columbia and Saskatchewan. These existing agreements will be strengthened and new agreements will be put in place with the remaining provinces and territories.



### TFWP roles and responsibilities:

ESDC	CIC	CBSA	Province/Territories
<ul style="list-style-type: none"><li>• Issues Labour Market Impact Assessment to employers and conducts investigations.</li></ul>	<ul style="list-style-type: none"><li>• Assesses applications for work permits submitted by temporary foreign workers, which if granted, authorizes them to work in Canada and can also conduct investigations of employers.</li></ul>	<ul style="list-style-type: none"><li>• Determines eligibility and admissibility at the port of entry when temporary foreign workers arrive in Canada and issues work permits.</li><li>• Also conducts investigations and executes removal orders, as required, under the <i>Immigration and Refugee Protection Act</i>.</li></ul>	<ul style="list-style-type: none"><li>• Establish and enforce health and labour standards.</li><li>• Establish and enforce laws on recruitment.</li></ul>

### Blacklist, Suspension and Revocation

If an employer breaks the rules, or is suspected of breaking the rules, of the Temporary Foreign Worker Program (TFWP), Employment and Social Development Canada has the authority to suspend or revoke the employer's Labour Market Impact Assessment (LMIA). LMIAs are suspended when an employer is suspected of breaking the rules and LMIAs are revoked when, following an investigation, an employer is in fact found to have broken the rules.

Employment and Social Development Canada (ESDC) will not process any LMIAs for employers that are under investigation until the investigation is complete and the employer is found to have not broken any rules.

In addition to revocation, if an employer breaks the rules of the program, they will be banned from the TFWP and fined.

### Rationale for suspending or revoking a Labour Market Impact Assessment:

<b>Suspended LMIA</b>	<ul style="list-style-type: none"><li>• LMIA is suspended pending a thorough investigation of the employer.</li><li>• Unused positions tied to a suspended LMIA will be put on hold.</li><li>• Processing of applications for new or extended work permits based on the LMIA is also suspended until the LMIA suspension is lifted.</li><li>• Foreign nationals already working for the employer may continue working.</li></ul>
<b>Revoked LMIA</b>	<ul style="list-style-type: none"><li>• LMIA is permanently canceled.</li><li>• LMIA cannot be used by any temporary foreign worker to obtain a work permit from CIC.</li><li>• CIC will revoke work permits tied to the LMIA.</li></ul>

### What does this mean?

<b>Suspended LMIA</b>	<ul style="list-style-type: none"><li>• LMIA is suspended pending a thorough investigation of the employer.</li><li>• Unused positions tied to a suspended LMIA will be put on hold.</li><li>• Processing of applications for new or extended work permits based on the LMIA is also suspended until the LMIA suspension is lifted.</li><li>• Foreign nationals already working for the employer may continue working.</li></ul>
<b>Revoked LMIA</b>	<ul style="list-style-type: none"><li>• LMIA is permanently canceled.</li><li>• LMIA cannot be used by any temporary foreign worker to obtain a work permit from CIC.</li><li>• CIC will revoke work permits tied to the LMIA.</li></ul>

Since early 2014, the names of employers whose LMIA's are suspended or revoked are being added to a public **Blacklist website**. Beginning in fall 2014, the Blacklist will include the names of any employer who has been suspended as well as any employers who has been found in violation of the TFWP rules and what consequences they face.

In addition, employers found to have broken the rules as a result of investigations conducted by Citizenship and Immigration Canada will now be disclosed on the employer Blacklist. This is another part of the Government's efforts to improve the clarity, transparency and accountability of the TFWP.

## Monetary Fines for Employers Who Break the Rules

Beginning in fall 2014, the Government will impose fines of up to \$100,000 (depending on the severity of the offence) on employers who break the rules of the Temporary Foreign Worker Program (TFWP). As part of the Government's efforts to improve the transparency and accountability of the TFWP, the Government will publicly disclose the names of employers who have been fined and the amount of that fine on the Blacklist.

These new significant fines will help ensure that the TFWP is used as intended – as a last and limited resort when Canadians are not available. These new fines would be in addition to fines that can already be imposed on employers convicted of offences under the *Immigration and Refugee Protection Act* (IRPA).

The following chart provides examples of the penalties that can be applied based on the nature and severity of the offence; this is not an exhaustive list:

Offence	Potential Sanctions(s)
<b>Breaking the rules of the TFWP</b>	<ul style="list-style-type: none"> <li>• LMIA suspended</li> <li>• LMIA revoked</li> <li>• Name of employer published on the "Blacklist"</li> <li>• Fine</li> <li>• Banned from the TFWP</li> </ul>
<b>Criminal offence under IRPA</b>	<ul style="list-style-type: none"> <li>• LMIA suspended</li> <li>• LMIA revoked</li> <li>• Name of employer published on the "Blacklist"</li> <li>• Fine</li> <li>• Banned from the TFWP</li> <li>• Referred to CBSA for further investigation, could face fines and jail time</li> </ul>
<b>Criminal offence under <i>Criminal Code</i></b>	<ul style="list-style-type: none"> <li>• LMIA suspended</li> <li>• LMIA revoked</li> <li>• Name of employer published on the "Blacklist"</li> <li>• Fine</li> <li>• Banned from the TFWP</li> <li>• Referred to the appropriate law enforcement agency, such as the RCMP, for further investigation, could face fines and jail time.</li> </ul>

## Raising the Fee

### Labour Market Impact Assessment Fee of \$1,000

Employment and Social Development Canada is making significant changes to the Temporary Foreign Worker Program (TFWP), which will substantially increase the cost of delivering the program. The costs for administering the TFWP, including all of the reforms outlined above, will be borne entirely by employers who use the program, not by taxpayers. As a result, the LMIA fee is increasing from \$275 to \$1,000 for every temporary foreign worker position requested by an employer.

The following chart illustrates the increase of the fee over the past few years:

Year	Assessment Fee
1973 - 2013	\$0
April 2013	\$275
June 2014	\$1,000

The fee will be evaluated on an ongoing basis, and necessary adjustments will be made to ensure that it continues to fully cover the costs of the TFWP.

Additionally, Employment and Social Development will be seeking the authority to impose an estimated \$100 privilege fee on employers applying for LMIAs to offset the costs of Government of Canada investments in skills and job training.

## Protection of Temporary Foreign Workers

While in Canada, temporary foreign workers have the same rights and protections as Canadian workers under applicable federal/provincial/territorial employment standards and occupational health and safety laws. The Temporary Foreign Worker Program (TFWP) has a number of provisions to ensure the well-being of temporary foreign workers during their stay in Canada.

Temporary foreign workers need to know their rights and where to go for help if they are facing exploitation or abuse. All temporary foreign workers coming into Canada will receive an information package from the Canada Border Services Agency at their port of entry. This package will outline their rights and responsibilities and will provide information on whom to contact should they believe their rights are being violated. Under these reforms, information will also be made available to temporary foreign workers at convenient locations, such as ports of entry, Service Canada offices, visa offices and application centres and non-governmental organizations that support foreign workers.

The issue of legal recruitment is primarily a matter of provincial jurisdiction and passing on recruitment fees to temporary foreign workers is a violation of labour laws in some provinces. To improve protections for temporary foreign workers, the Minister of Employment and Social Development has written to all provincial and territorial governments encouraging provinces with laws governing unscrupulous recruiters to strengthen them, and encourage provinces without laws governing unscrupulous recruiters to implement them as quickly as possible.

The provinces and territories also have primary responsibility for establishing and enforcing health and labour standards, such as safe working conditions for all workers, including temporary foreign workers. These rules and regulations govern areas including work hours, overtime pay, sick or vacation leave and health and safety standards. All temporary foreign workers have the same rights as Canadian citizens in filing a complaint against an employer under provincial labour standards codes.

The countries of temporary foreign workers participating in the Seasonal Agricultural Workers Program station government representatives in their consulates across the country so that they can assist the workers in a variety of situations and serve as interpreters when needed. Before the workers' departure to Canada, these foreign governments organize information sessions to ensure that workers understand the program and their rights and responsibilities.

We encourage all temporary foreign workers who have concerns or information to call our tip line at 1-866-602-9448 or to visit the Complaints Web page at [www.esdc.gc.ca/tfwp](http://www.esdc.gc.ca/tfwp).

## On-Farm Primary Agriculture and Live-in Caregiver Exemptions

On-farm primary agriculture, including the Seasonal Agricultural Worker Program (SAWP), is exempt from the following measures, as there are proven acute labour shortages in this industry and the unfilled jobs are truly temporary:

- LMIA fee
- Cap on low-wage temporary foreign workers
- 1-year LMIA duration
- Reduction in the period that a low-wage temporary foreign worker will be allowed to remain in Canada (SAWP only)

Live-in Caregiver Program (LCP) is exempt from the following measures:

- Cap on low-wage temporary foreign workers
- 1-year LMIA duration
- Reduction in the period that a low-wage temporary foreign worker will be allowed to remain in Canada

All other measures including stronger enforcement and tougher penalties apply to on-farm primary agriculture, SAWP and LCP.

# Reforming the International Mobility Programs

## International Mobility Programs

The International Mobility Programs (IMP) include all streams of work permit applications that are LMIA-exempt under one umbrella. By exempting some foreign nationals from needing a Labour Market Impact Assessment (LMIA) before being able to work in Canada, the IMP aims to provide competitive advantages to Canada and reciprocal benefits to Canadians.

For example, labour mobility is a key part of the North American Free Trade Agreement (NAFTA). NAFTA provides reciprocal benefits, allowing foreign nationals in certain occupations from partner countries to work in Canada without the requirement of a labour market test like the LMIA, but also allow Canadians to work abroad with similar privileges. While about 12,000 Americans worked in Canada through the NAFTA professional occupation provision in 2011, the number of Canadians working in the United States through the same provision more than tripled that, with about 39,000 in all.

As part of the review of the Temporary Foreign Worker Program, the Government of Canada committed to introducing a series of reforms for those workers who are exempt from the LMIA process to ensure these exemptions continue to promote Canada's economic and labour market interests.

The renamed International Mobility Programs (IMP) will include a new fee for work permits through IMP, a new employer compliance system on par with the system being put in place for the TFWP, and additional changes to specific IMP streams.

### **New Fee and Employer Compliance System for the International Mobility Programs**

Many foreign nationals can apply for work permits without requiring an assessment of the labour market. However, employers are not required to submit any information directly to the Government of Canada regarding job offers made to LMIA-exempt foreign workers, limiting CIC's ability to monitor employers.

Under the reforms, employers hiring through IMP will be required to submit the job offer and other relevant information to CIC. Foreign nationals will not be able to apply for a work permit until their employer has done so.

A robust compliance system, featuring inspections of thousands of employers hiring LMIA-exempt foreign workers each year, will also be put in place to monitor employers. Inspections could lead to penalties being levied against employers who are not following the rules, as well as bans from hiring foreign nationals and even criminal investigation when warranted.

This system will be made possible by the collection of a new compliance fee of \$230 per work permit, once authorities are in place. The fee will apply in cases where the work permit is employer specific and LMIA-exempt. This ensures that those using the program will pay its costs, rather than Canadian taxpayers.

## **New Privilege Fee for Open Work Permit Applicants**

Some LMIA exemptions allow for foreign nationals to apply for open work permits. This includes, for example, young people entering Canada through the International Experience Canada (IEC) initiative, international students who have graduated and received a post-graduation work permit, and some foreign nationals who are working in Canada while they wait for their application for permanent residence to be finalized. Having an open work permit is a unique privilege, as it does not tie the foreign national to one specific employer in Canada.

There is, however, often inadequate information available about the types of jobs open work permit holders take while in Canada and what effect they may have on the labour market.

To respond to this, Citizenship and Immigration Canada will be imposing a \$100 privilege fee on holders of open work permits as soon as possible. These fees will allow for improved data collection on the employment of open work permit holders. In addition, the funds collected will be used to increase awareness among and promote participation of Canadians in opportunities to live and work abroad, and to provide information to foreign nationals with open work permits and their employers to promote the transition to permanent residence through the new Express Entry system that is coming online in 2015.

With these measures, the Government of Canada will be able to compile better information and develop an improved understanding of the role of open work permit holders in the Canadian labour market. Increased awareness and participation of Canadians in reciprocal opportunities will enhance the economic and social benefits of the International Mobility Programs.

## **Changes to Specific Exemptions**

The Government of Canada is undertaking a comprehensive review of the IMP, with a view to ensuring that all streams under this program should remain LMIA-exempt. Streams that do not warrant an exemption will be reclassified under the Temporary Foreign Worker Program and workers will require an LMIA. Additionally, the Government is making the below changes to specific exemptions; these changes involve adjusting several specific exemptions to ensure they continue to operate as intended and in Canada's best interests.

### *International Experience Canada (IEC)*

International Experience Canada consists of 32 agreements with partner countries that allow young Canadians to live and work abroad for up to two years without meeting labour market or many of the other strict requirements to work and travel in other countries, while providing reciprocal opportunities for youth from those countries to do the same in Canada. It is the largest sub-category of the International Mobility Programs, with about 54,000 young people entering Canada in 2013. The number of spots available for each country is negotiated each year.

However, the imbalance between the number of young people from partner countries participating in IEC and the number of young Canadians participating is the most serious concern for this initiative. IEC agreements are based on providing reciprocal opportunities for young people coming to Canada and for young Canadians going abroad. However, the number of young Canadians going abroad has been stagnant in recent years, and there are several countries to which virtually no Canadians apply to go.

To remedy this, CIC will enhance its efforts through increased promotion of the program to make young Canadians aware of the opportunities it presents, and by working with partner countries to reduce administrative barriers to Canadian participants. At the same time, we will review each mobility agreement on a country-by-country basis to ensure the rate of reciprocity is improved.

### *Intra-company transferees with specialized knowledge*

Companies are able to transfer Canadians to overseas branches and foreign nationals to their Canadian branch without a labour market impact assessment. Exemptions for intra-company transferees are also explicitly stated in some trade agreements that Canada is a party to, such as the North American Free Trade Agreement and the General Agreement on Trade in Services. There is some evidence, though, that these provisions have been misused. For example, in some situations, foreign nationals were able to enter Canada for jobs that may not have been as specialized as the program intends, as suggested by providing wages lower than the Canadian prevailing wage for their occupation.

To address this, guidelines have been put in place to better define “specialized knowledge” and officers will compare an applicant’s intended salary to the prevailing Canadian wage for that job to ensure that the applicant is truly specialized in his or her field. The new guidelines also clearly state that these types of workers cannot receive training in Canada that would result in the displacement of Canadian workers. A wage floor has been imposed for foreign nationals from countries that Canada does not have a free trade agreement with, set at the prevailing wage for the worker’s occupation and region of destination.

As a result, foreign nationals entering Canada using this labour market test exemption will be highly-skilled and truly bring specialized knowledge to Canada. Some may be candidates to apply for permanent residence here. These provisions will continue to greatly benefit Canadian companies with operations abroad, allowing them to compete globally and to provide jobs in Canada.

### **Canada-Quebec Accord**

The Canada-Quebec Accord has governed Quebec’s role in the selection of foreign nationals destined for the province since 1991. The Accord states, “Québec’s consent is required in order to admit into the province any temporary foreign worker whose admission is subject to Canada’s requirements relating to the availability of Canadian workers.” These reforms will be implemented in Quebec; however, as the TFWP is jointly administered, it may take longer to implement some of the reforms.



## Timeline of Measures Coming into Force

Activity	Implementation Date
LMIA Fee	Effective immediately
Introduction of Cap	Effective immediately
High-Wage Transition Plans	Effective immediately
Launch enhanced Tip Website	Effective immediately
New guidelines for intra-company transferees with specialized knowledge	Effective immediately
10-day Processing Times for certain occupations	Effective immediately
Information Sharing Agreements between CIC, CBSA, and ESDC to be completed	Autumn 2014
Monetary fine regime to come into force	Autumn 2014
Criminal Investigations	Autumn 2014
Negotiate and implement all other Information Sharing Agreements with provinces	March 2015
Implement expanded inspection regime	March 2015
Begin data collection for the Wage and Vacancy surveys	Spring 2015
Limit Duration for low-wage TFWs	Summer 2015
Begin utilizing administrative data as part of the LMIA evaluation process	Summer 2015
Compliance fee for employer-specific work-permits	Summer 2015
Fee for open WP holders	Summer 2015
Strengthening compliance system for employers of LMIA-exempt foreign workers	Summer 2015
Measures Compelling Documents from third parties	Late 2015

# Past Reforms to the Temporary Foreign Worker Program

## Flexibility on Prevailing Wage Ended

Beginning in April 2012, employers were given the flexibility to pay temporary foreign workers up to 15 percent below the prevailing wage for a high-skilled occupation, and 5 percent below the prevailing wage for a low-skilled occupation, provided they could demonstrate that the wage being paid to a temporary foreign worker was the same as that being paid to their Canadian employees in the same job and in the same location. This flexibility was ended in April 2013.

The prevailing wage flexibility was introduced to ensure that temporary foreign workers were compensated at the same wage as Canadians working in the same occupation in the same location. The wage flexibility was ended and employers are now required to always pay temporary foreign workers at or above the prevailing wage for that occupation in that region.

## Advertising

As of July 2013, employers have been required to make greater efforts to recruit Canadians first before requesting to hire temporary foreign workers. The new advertising requirements doubled the length and reach of employers' advertising efforts, increasing Canadians awareness of and ability to apply for available jobs.

All employers are now required to advertise their positions in Canada for a minimum of four weeks, rather than the previous two weeks. The four-week requirement applies to all advertising methods used by the employer. Employers are required to continue actively seeking qualified Canadians to fill the advertised position(s) from the time their application is submitted to when it is approved.

Employers are also required to conduct additional recruitment activities. Prior to July 2013, employers were required to advertise on the Government of Canada's national Job Bank website or an equivalent provincial/territorial website, plus one additional method of recruitment consistent with the advertising practices for the occupation.

Now, employers are required to use two additional methods of recruitment beyond the national Job Bank. One of these methods needs to be national in scope if hiring for a high-wage occupation. Employers hiring for low-wage occupations need to demonstrate that they have made efforts to hire Canadians from under-represented groups in the work force, such as youth or Canadians with disabilities.

Over the years, the Temporary Foreign Worker Program's advertising requirements have increased and expanded:

	Low-Skill Stream		High-Skill Stream	
	Recruitment method	Length of time	Recruitment method	Length of time
<b>2006</b>	<ul style="list-style-type: none"> <li>• Job Bank or equivalent provincial/territorial site</li> <li>• one additional method</li> </ul>	14 days	<ul style="list-style-type: none"> <li>• Job Bank or equivalent provincial/territorial site</li> <li>• one additional method</li> </ul>	14 days
<b>2013*</b>	<ul style="list-style-type: none"> <li>• Job Bank</li> <li>• two additional methods</li> <li>• demonstrate efforts made to hire Canadians from under-represented groups (e.g. Aboriginal people, Canadians with disabilities, new immigrants)</li> </ul>	Minimum of 4 weeks	<ul style="list-style-type: none"> <li>• Job Bank</li> <li>• two additional methods (one of which needs to be national in scope)</li> </ul>	Minimum of 4 weeks

\* The 2013 requirements apply to new low-wage and high-wage streams.

To meet advertising requirements, employers must conduct recruitment activities consistent with the normal practice for the occupation.

For example, employers can advertise:

- on recognized employment websites such as Monster or Workopolis;
- on the website of a professional association;
- in national newspapers, professional journals or newsletters; and
- in local and regional employment centres.

Employers who wish to use the program must comply with strict criteria to ensure that Canadians have first chance at available jobs. Before seeking to hire temporary foreign workers, employers must clearly demonstrate that they made significant and genuine efforts to recruit or train Canadians and they could not find Canadians to meet their labour and skills needs.

If an employer breaks the rules of the program, they will face significant consequences, including fines and being banned from the program. There are also serious criminal sanctions, including additional fines and jail time, if employers lie on their Labour Market Impact Assessment applications about their efforts to hire Canadians.

## Language Requirement

Since April 2013, English and French are the only languages that can be identified as a job requirement, both in advertisements by employers intending to hire temporary foreign workers and in Labour Market Impact Assessment applications.

This measure was introduced to prevent employers from advertising a position where the applicant's skills in a foreign language are not linked to a genuine job requirement. This ensures that language cannot be used by an employer to exclude qualified Canadians from being able to apply because they would prefer to hire temporary foreign workers.

The language restriction ensures that Canadians are given every opportunity to apply for available jobs. Exceptions can be made in rare and specialized circumstances, notably when the employer can demonstrate that another language is essential for the job, such as for a tour guide or translator.

## Preventing Outsourcing of Canadian Jobs

As of July 2013, all employers applying for a Labour Market Impact Assessment (LMIA) are required to respond to additional questions on their use of temporary foreign workers to ensure that the Temporary Foreign Worker Program (TFWP) is not used to facilitate the outsourcing of Canadian jobs. This new measure was introduced as a result of concerns in spring 2013 about a situation where temporary foreign workers were alleged to be displacing Canadian workers whose positions were ultimately being transferred to another country.

The following questions were added to the LMIA application form:

1. Will the entry of these temporary foreign workers lead to job losses, now or in the foreseeable future, for Canadians and/or permanent residents as a result of layoffs, outsourcing, offshoring or other factors related to utilizing temporary foreign workers?
2. Is this job offer related to an activity, contract or a subcontract that will facilitate outsourcing or offshoring?

These questions help ensure that no Canadian workers are displaced as a result of outsourcing. Employers are also required to sign a declaration attesting that hiring temporary foreign workers will not result in outsourcing or offshoring.

For all LMIA applications, the TFWP assesses the impact that hiring a temporary foreign worker will have on Canada's labour market based on available labour market information for the region and occupation. These additional questions ensure that program officers have the information they need to make decisions regarding LMIA applications.

An LMIA application is rejected if hiring a temporary foreign worker would result in the outsourcing of Canadian jobs. An LMIA application is also rejected if the assessment indicates that hiring a temporary foreign worker will have a negative impact on the Canadian labour market or if an employer has not complied with the program requirements.

If an employer does outsource or offshore Canadian jobs following the hiring of a temporary foreign worker, they will be found to have broken the rules and face consequences, including fines and being banned from the program. There are also serious criminal sanctions, including additional fines and jail time, if the employer is found to have lied on their Labour Market Impact Assessment application.

## Protecting Temporary Foreign Workers from Abuse and Human Trafficking

The Government has taken action to protect vulnerable foreign workers from the risk of abuse and exploitation in sex trade related businesses. Launched in 2012, the National Action Plan to Combat Human Trafficking includes measures to improve the protection of vulnerable foreign nationals through better prevention and detection at an early stage. These measures include preventing sex trade related businesses from accessing the Temporary Foreign Worker Program, recognizing that temporary foreign workers in sex trade related jobs faced a high risk of exploitation and abuse.

Since July 2012, Employment and Social Development Canada no longer processes Labour Market Impact Assessments from employers linked to the sex trade to prevent them from hiring temporary foreign workers. Also, Citizenship and Immigration Canada no longer processes work permit applications from temporary foreign workers intending to work for sex trade related businesses.

The restrictions apply to strip clubs, escort services and massage parlours as well as other businesses linked to the sex trade. Through collaborative partnerships and preventative action, these measures strengthen Canada's National Action Plan to Combat Human Trafficking.

### *Live-in caregivers*

Measures currently in place to protect vulnerable workers under the Live-in Caregiver Program (LCP) include:

- assessing of the genuineness of the job offer to foreign live-in caregivers related to the employer's ability to pay the wages offered, the need for caregiving and the suitability of accommodations;
- putting in place a standardized LCP employment contract with mandatory clauses and more scrutiny of non-standard LCP employment contracts;
- establishing program requirements through the LMIA process related to hours of work, overtime and maximum deductions for room and board;
- requiring employers to pay foreign live-in caregivers' one-way airfare to Canada;
- requiring employers to review and adjust foreign live-in caregivers' wages at least annually to ensure they continue to meet the prevailing wage for the occupation; and
- urgent LMIA and WPs processing for foreign live-in caregivers who are working in abusive and/or exploitive situations.

# Glossary

**Accelerated-Labour Market Opinion (A-LMO):** a streamlined approach to processing Labour Market Opinions for high-skilled occupations. This process has been terminated.

**Blacklist:** a public list containing the names of employers who have had a Labour Market Impact Assessment suspended or revoked, or who have been fined under the Temporary Foreign Worker Program.

**Food Services Sector:** as classified under **North American Industry Classification System (NAICS 722)**, which is defined as establishments primarily engaged in preparing meals, snacks and beverages, to customer order, for immediate consumption on and off the premises.

**Free-Trade Agreements:** an agreement between two or more countries to establish a free trade area where commerce in goods and services, and occasionally capital and labour, can be conducted across their common borders, without tariffs or hindrances.

**High-wage:** wages that are at or above than the provincial/territorial median wage.

**Human trafficking:** the recruitment, transportation, harbouring and/or exercising control, direction or influence over the movements of a person in order to exploit that person, typically through sexual exploitation or forced labour.

**Inspection:** an investigation of an employer under the Temporary Foreign Worker Program to verify employer compliance with the Program.

**Job Bank:** is the Government of Canada's one-stop **job listing website** which assists the Government in gathering labour market information.

**Labour Market Impact Assessment (LMIA):** a more comprehensive test of the impact that hiring temporary foreign workers would have on the labour market and Canadian workers using more and better labour market information. The LMIA is replacing the Labour Market Opinion.

**Labour Market Opinion (LMO):** an assessment of the impact that hiring a temporary foreign worker is likely to have on the Canadian labour market. The LMO is being replaced with the Labour Market Impact Assessment.

**Low-wage:** wages that are less than the provincial/territorial median wage.

**P/T Median-wage:** the rate above which half a province's or territory's workers are paid and below which the other half are paid.

**National Occupational Classification (NOC):** nationally accepted reference on occupations in Canada, which organizes over 40,000 job titles into 500 occupational group descriptions. Previously, the Temporary Foreign Worker Program used the **NOC** coding system to determine the specific skill level of an occupation. [[hyperlink to NOC website](#)]

**Primary agriculture:** Work in the primary agriculture sector means work that is performed within the boundaries of a farm, nursery or greenhouse and involves:

- the operation of agricultural machinery;
- the boarding, care, breeding, sanitation or other handling of animals, other than fish, for the purpose of obtaining animal products for market, or activities relating to the collection, handling and assessment of those products; or
- the planting, care, harvesting or preparation of crops, trees, sod or other plants for market.
- the provision of feed lot services;

Work in the primary agriculture sector does not include work involving

- the activities of agronomists or agricultural economists;
- landscape architecture;
- the preparation of vegetable fibres for textile use;
- activities related to commercial hunting and trapping; or
- veterinary activities.

The below table provides a full list of valid NOC codes for primary agricultural occupations:

NOC 2006	Occupational Title
8251	Farmers and Farm Managers
8252	Agricultural and Related Service Contractors and Managers
8253	Farm Supervisors and Specialized Livestock Workers
8254	Nursery and Greenhouse Operators and Managers
8256	Supervisors, Landscape and Horticulture
8431	General Farm Workers
8432	Nursery and Greenhouse Workers
8611	Harvesting Labourers

**Offshoring:** shifting a business function from one country to another country.

**Outsourcing:** involves moving production outside of a company.

**Prevailing wage:** identified as the median hourly wage for an NOC in a specified geographical area.

**Revocation:** A Labour Market Impact Assessment can be revoked when an employer is proven to have broken the rules of the Temporary Foreign Worker Program.

**Skilled Trade:** The below table provides a full list of valid NOC codes for skilled trade occupations:

<b>NOC 2006</b>	<b>NOC 2011</b>	<b>Occupation Title</b>
<b>7212</b>	<b>7202</b>	Contractors and supervisors, electrical trades and telecommunications occupations
<b>7215</b>	<b>7204</b>	Contractors and supervisors, carpentry trades
<b>7219</b>	<b>7205</b>	Contractors and supervisors, other construction trades, installers, repairers and servicers
<b>7271</b>	<b>7271</b>	Carpenters
<b>7216</b>	<b>7301</b>	Contractors and supervisors, mechanic trades
<b>7217</b>	<b>7302</b>	Contractors and supervisors, heavy equipment operator crews
<b>8211</b>	<b>8211</b>	Supervisors, logging and forestry
<b>8221</b>	<b>8221</b>	Supervisors, mining and quarrying
<b>8222</b>	<b>8222</b>	Contractors and supervisors, oil and gas drilling services
<b>8241</b>	<b>8241</b>	Logging machinery operators
<b>8252/8253</b>	<b>8252</b>	Agricultural service contractors, farm supervisors and specialized livestock workers
<b>9211</b>	<b>9211</b>	Supervisors, mineral and metal processing
<b>9212</b>	<b>9212</b>	Supervisors, petroleum, gas and chemical processing and utilities
<b>9214</b>	<b>9214</b>	Supervisors, plastic and rubber products manufacturing
<b>9231</b>	<b>9231</b>	Central control and process operators, mineral and metal processing
<b>7351/7352</b>	<b>9241</b>	Power engineers and power systems operators
<b>9424</b>	<b>9243</b>	Water and waste treatment plant operators
<b>7231</b>	<b>7231</b>	Machinists and machining and tooling inspectors
<b>7261</b>	<b>7233</b>	Sheet metal workers
<b>7263</b>	<b>7235</b>	Structural metal and plate work fabricators and fitters
<b>7264</b>	<b>7236</b>	Ironworkers
<b>7265</b>	<b>7237</b>	Welders and related machine operators
<b>7241</b>	<b>7241</b>	Electricians (except industrial and power system)
<b>7242</b>	<b>7242</b>	Industrial electricians
<b>7243</b>	<b>7243</b>	Power system electricians



<b>7244</b>	<b>7244</b>	Electrical power line and cable workers
<b>7245</b>	<b>7245</b>	Telecommunications line and cable workers
<b>7246</b>	<b>7246</b>	Telecommunications installation and repair workers
<b>7251</b>	<b>7251</b>	Plumbers
<b>7252</b>	<b>7252</b>	Steamfitters, pipefitters and sprinkler system installers
<b>7253</b>	<b>7253</b>	Gas fitters
<b>7311/7317</b>	<b>7311</b>	Construction millwrights and industrial mechanics
<b>7312</b>	<b>7312</b>	Heavy-duty equipment mechanics
<b>7313</b>	<b>7313</b>	Refrigeration and air conditioning mechanics
<b>7314</b>	<b>7314</b>	Railway carmen/women
<b>7315</b>	<b>7315</b>	Aircraft mechanics and aircraft inspectors
<b>7318</b>	<b>7318</b>	Elevator constructors and mechanics
<b>7371</b>	<b>7371</b>	Crane operators
<b>7372</b>	<b>7372</b>	Drillers and blasters - surface, mining, quarrying and construction
<b>7373</b>	<b>7373</b>	Water well drillers
<b>8231</b>	<b>8231</b>	Underground production and development miners
<b>8232</b>	<b>8232</b>	Oil and gas well drillers, servicers, testers and related workers
<b>9232</b>	<b>9232</b>	Petroleum, gas and chemical process operators

**Stream:** stream is a sub-category or program, which has specific requirements that must be met by the employer.

**Suspension:** A Labour Market Impact Assessment can be suspended when an employer is alleged or suspected of having broken the rules of the Temporary Foreign Worker Program.

**Temporary Foreign Worker:** a foreign national allowed into a country to work for a limited period of time.

**Work permit:** if granted, authorizes a temporary foreign worker to work in Canada. It sets out conditions for the worker, such as the type of work they can do, where they can work and how long they may work in Canada. Work permits can be employer-specific or open.

- An employer-specific work permit names the specific employer the worker may work for and it may require an LMIA.
- An open work permit does not tie the worker to a specific job offer or employer in Canada and does not require an LMIA.