



# **Entry of Foreign Workers into Canada**

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Presentation to the Federal-Provincial-Territorial Meeting  
of Deputy Ministers of Labour  
May 17, 2006**



# ***Purpose***

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To provide an overview of the general process and relevant information on the entry of foreign workers into Canada:

- Federal/Provincial context
- General information and profile of temporary foreign workers
- Labour-specific issues
- Possible areas of Federal/Provincial interest and cooperation



# ***Context***

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- **Employer demand for foreign workers is growing**
- **Provinces generally interested in facilitating entry**
- **Foreign workers increasingly seen as potential immigrants**
- **Growing area of federal/provincial collaboration**



# ***Overview on Entry of Foreign Workers***

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- **The *Immigration and Refugee Protection Act (IRPA)* regulates the entry of all temporary foreign workers into Canada**
- **Jointly managed between Citizenship and Immigration Canada with support from Human Resources and Social Development Canada**
- **The entry of foreign workers in Canada is driven strictly by employer demand**

# Employer demand increasing across the country

- **Number of foreign workers in Canada has increased in recent years**

- From 71,390 in 1996 to 90,668 in 2004

- **Foreign workers are demanded in all provinces**

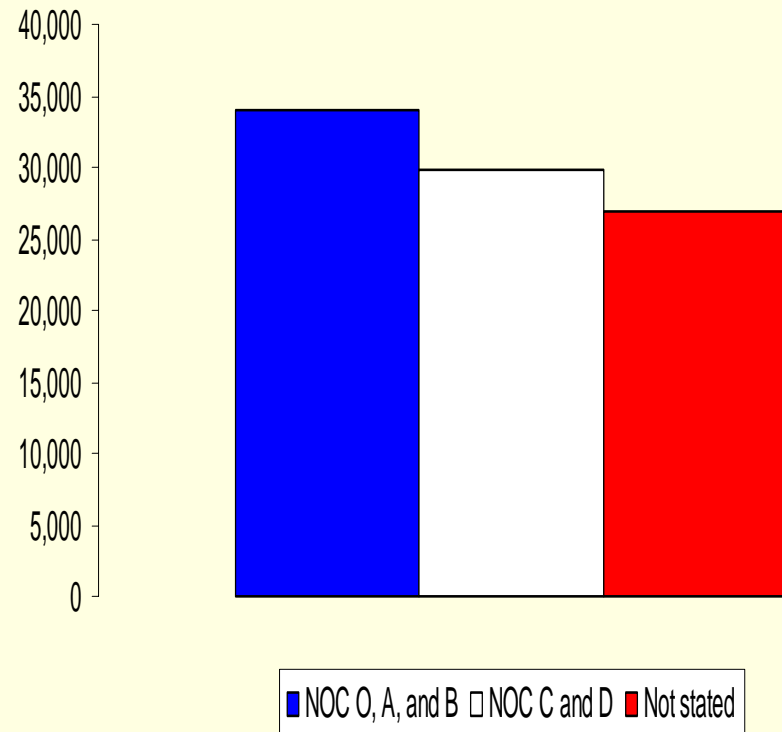
- 60% of foreign workers work outside Toronto, Montreal, or Vancouver
- High demand in provinces experiencing rapid economic growth (e.g. BC, Alberta)

Province	Flow in 2004	% of Total
NF	1,101	1.2
PEI	67	0.1
NS	1,351	1.5
NB	531	0.6
QC	14,599	16.1
ON	41,798	46.1
MB	1,505	1.7
SK	1,021	1.1
AB	8,129	9
BC	19,897	21.9
YK	67	0.1
NWT	102	0.1
NV	18	0.0002
Not stated	482	0.5
<b>Total</b>	<b>90,668</b>	<b>100</b>

# ***FWs fill all types of occupations***

- **Foreign workers in managerial, professional, and technical/trade occupations**
  - Represented approximately 55% of workers with known occupations in 2004 (33,992 FWs)
- **Foreign workers in lower-skilled occupations, including seasonal agricultural workers**
  - Represented approximately 45% of the total number of workers with known occupations in 2004 (29,853 FWs)

Flow of Foreign Workers by Skill Level, 2004



Source: Facts and Figures, Citizenship and Immigration Canada



# ***Federal Role***

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- **HRSDC is mandated to assess employers' applications against the following six factors:**
  - Wages and working conditions
  - Recruitment efforts
  - Existence of a labour dispute
  - Whether it is filling a labour shortage
  - Job creation or job retention
  - Transfer of skills and knowledge
- **CIC considers HRSD's opinion, determine admissibility (health, security issues) and decide whether to issue a work permit.**
- **Once employed in the country, many issues related to foreign workers also touch on other federal and provincial ministries (e.g. taxation, labour standards, health coverage)**



# ***Some occupations have specific processes***

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- **The following occupations have specific processes for employers planning to hire foreign workers in Canada, such as :**
  - Seasonal Agriculture
  - Live-in-caregivers
  - Pilot Project for Occupations requiring at most a High-school Diploma or Job-specific Training
  - Exotic Dancers
  
- **In these situations, employers are required to sign an employment contract.**



# ***Considerations related to Labour Standards***

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- **Foreign workers are covered by federal or provincial labour standards**
- **Communications with temporary foreign workers is key**
- **Examples of intergovernmental collaborative efforts**
  - ***Guide to Labour and Employment Laws for Migrant Workers in North America, NAALC***
  - **Proactive information sessions and question and answer kits on agriculture (e.g. Ontario, BC)**
  - **Information Sheet for Exotic Dancers on their rights**
  - **Anecdotally, it is known that foreign workers do take advantage of labour standards complaint mechanisms and have filed claims (e.g. agriculture, trucking, food services, live-in caregivers, etc.)**



## ***Considerations related to Labour Standards (cont'd)***

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- **Labour standard issues are not always clear to foreign workers:**

- Examples**

- Coverage of agricultural workers under provincial labour codes
    - Understanding labour rights, employment laws and protections available in their own language
    - Health and Safety rules (e.g. use of pesticides and other chemicals))
    - Hours of work and rest periods
    - Complaint mechanisms available to them

- **Additional issues specific to foreign workers:**

- Legal status of a foreign worker tied to a specific employer and location
  - Foreign workers may be less likely to file complaints
  - Foreign workers may be less aware of their rights and protections available



# ***Possible Next Steps***

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**Federal and provincial ministries could work together on a number of initiatives in the following areas:**

- **Communications to workers**
- **Communications between governments, including information sharing between HRSDC/CIC and Provinces**
- **Other areas for consideration?**