

Results of the Temporary Foreign Worker Program and Provincial Nominee Program Survey

According to the British Columbia Labour Market Outlook, in the near future labour demand will exceed supply, creating a projected shortage of 80,000 workers between 2009 and 2019. In order to ease this inevitable strain, one response is to increase the share of migration to the province. The Business Council of British Columbia recently released the *Temporary Foreign Worker Program and Provincial Nominee Program Survey* in an effort to review the success and ease of these selected migration tools used by employers.

Both the *Temporary Foreign Worker Program (TFWP)* and the *Provincial Nominee Program (PNP)* are operated at the federal level by Human Resources and Skills Development Canada and Citizenship and Immigration Canada. The TFWP is used to fill immediate skills and labour shortages when Canadians and permanent residents are not available. The PNP, on the other hand, is used to nominate immigrants who wish to settle in the province.

The survey was completed by 31 well-known employers across British Columbia, spanning from small to large in size. Approximately half of survey respondents did not use the TFWP. Some of the most commonly reported reasons for not using the program were that there simply wasn't any need or that they used other mechanisms to secure internationally trained/education professionals (i.e., NAFTA for U.S. citizens/applications, Open/Closed Temporary Work Permits via PNP, and Permanent Residency Applications supported by PNP/LMO).

The other half of survey respondents that did use the TFWP were only moderately satisfied with their experience. While many claim to be very satisfied with the foreign workers they hired (who ranged in skill from low to high and specialized), many seem dissatisfied and frustrated with the process. They claim the TFWP is slow, often expensive, and suffers from inconsistent reviews by immigration officers.

The PNP garnered slightly more positive remarks. Of the 40 per cent of respondents using the system, most claim the system is "good". The most common criticism of the PNP is that the processing can be slow and that applicants are restricted to living in the province where the PNP is filed. In light of these frustrations, the system is applauded for being relatively efficient, having transparent communication and good support and service. Overall, this system serves its purpose in helping employers to recruit qualified international workers.

Unlike the TFWP, the international workers recruited under the PNP program still range the full spectrum from low to high skill, but there appear to be a relatively higher number



of managers hired. The main reason cited for not using the PNP is there is no need, they are not familiar with the program, or there are economic pressures restricting hiring.

The most significant feedback from the survey is in regards to *Labour Market Opinion's* (LMO's). An employer must apply for a LMO before a foreign worker can be hired. HRSDC completes a LMO to show that there is a need for the foreign worker and no Canadian workers are available to do the job.

While there have been amendments to the LMO excluding certain occupations, many of the respondents that have had to obtain an LMO found the process long, pedantic, and a disincentive for employers and foreign candidates to immigrate to Canada. Of the 60 per cent of survey respondents that had obtained a LMO, most described the experience as poor or "uneven" and a few described it as "okay".

Given the projections of the B.C. labour market and the increasingly important role that migrants will play in the future, it is important that the tools we use are as user friendly as possible. Any disincentives to the hiring of foreign workers to employers or potential candidates should be reviewed.

Katie Fitzmaurice, Research Analyst

Appendixes – Sample Survey Responses

Temporary Foreign Worker Program:

17 respondents (48.6 per cent) use the TFWP

18 respondents (51.4 per cent) do not use the TFWP

1. Reasons why respondents do not use the Temporary Foreign Worker Program:

“There is not a real need at this time as our positions are highly technical and require licensing.”

“We are utilizing the following mechanisms to secure internationally trained/educated professionals:

- 1) NAFTA for US citizens/applications
- 2) Open/closed temporary work permits via PNP
- 3) Permanent Residency Applications supported by PNP/LMO process”

“Our operations in BC are not yet at the point that requires mass influx of workers and we have not had the need for foreign workers.”

“We hired a contract worker from an agency and later found out she was a Foreign worker on a working visa. She was originally only going to work for us maybe two months but a maternity leave & one employee quit which enabled us to keep her longer. Her working visa was good till March 2011. She approached the company and asked if we could hire her so she could apply for citizenship. We could use her as a *temporary employee* position that was open. We filled out the *Foreign Worker Application* for a Labour Market Opinion. We were basically turned down on two things 1] not demonstrated sufficient efforts to hire Canadians in the occupation 2] experience and asset requirements appear excessive. Both reasons given by Service Canada were their opinions only not ours. She was rated #2 out of 59 resumes & her qualifications would have helped us in training & we hired the #1 employee {Canadian} to a Full Time position.”

“When we need a USA employee to work in Canada we call a lawyer at Gowlings and he helps us get a work permit.”

“Clarification – we do hire citizens of other countries that are eligible to work in Canada on temporary work Visas. Not sure if this is the same as TFWP.”

“Lack of demand, ad the program doesn’t fit our industry.”

“We haven't used the program in the past year as the program does not allow an industry association to act on behalf of its membership. Until this program is amended (which we fell it can and should be to accommodate the unionized sector of the construction industry), it does opt work for small and medium sized businesses.”



2. Temporary Foreign Worker Program experience descriptions:

“Terribly slow, unresponsive to business needs, and overly bureaucratic.”

“Speaking about the Work Permit process we go through it becomes quite expensive when we involve lawyers.”

“Long and expensive process to get people to the job. They however have proven to be good workers.”

“Service Canada can be obstructive.”

“The TFWP is reasonably successful, although often far too slow. Decisions are often inconsistent and it is hard for employers to get answers to questions. There should be recognition of different types of work, the availability of qualified individuals in Canada and the differing levels of need to protect the workers. There are positions that are headhunted internationally and qualified individuals are not vulnerable. On the other hand, entry level workers on temporary work permits are vulnerable and are not protected. In my view, the answer is not to cap the time a temporary foreign worker can be in Canada to four years; it is to enable a temporary foreign worker working for an abusive employer to be able to seek alternate employment quickly. The current model requires the foreign worker to sue or go to Employment Standards; neither of which provides a timely response. To get another job, the worker must find another employer who will start the LMO process, obtain a LMO and then the worker may apply to change the terms and conditions of his or her work permit. That process takes several months, and is in all practical terms, not a viable option for the foreign workers.”

“We have hired a limited number of TFW's. My feedback would be more relevant to the skills of the workers than the program parameters. In general, we have been satisfied with those individuals we have engaged.”

“Fairly good experience but some inconsistency with immigration officers' reviews of applications. Many applications submitted for work permits in all categories and also the LMO Exemption Opinion Applications to the temporary foreign worker units of Citizenship & Immigration Canada.”

“Very positive. We have been able to recruit exceptionally strong candidates from various international locations. Being an international firm it is very beneficial to have the opportunity to recruit foreign workers which helps us to diversify our staff.”

“It has been positive, it speeds up the work permit and increase the pool of applicants”

“Extremely positive. With the shortage of labour in the Okanagan and Similkameen Valleys in 2008 we would have been unable to operate without them.”

“The SWAP program has worked very well for us. The staff we obtained from Mexico proved to be very hard working and reliable. They have returned for 3 years, therefore being more experienced and consistent with their decision making.”

“Not too bad as long as you prepare far enough in advance.”

“The accelerated programs, like the IT Workers, it is very effective to help fill areas with a skills shortage. The PNP program also works well to facilitate permanent residency applications. Our experience with the study and graduate related work permits have been the most positive. The Off Campus and Co-op work permits and three year Post Graduate work permit provide excellent vehicles to successfully fill gaps in the labour market and integrate new immigrants.”



3. Positions hired using the Temporary Foreign Worker Program:

“Primarily skilled workers across multiple sectors.”

“Upper Management positions as high as the President of the company.”

“Paving and Road Construction workers.”

“As Immigration lawyers we use the program for any employer seeking to import a foreign worker where there is no option but to obtain the Labour Market Opinion.”

“The TFWP is used to hire various positions - mostly senior, executive and specialized knowledge positions.”

“In the past 3 years, we have engaged TFW's as Planning Researchers, Parks support workers, and a Civil Engineer.”

“Primarily engineering positions requiring a minimum of a bachelors degree and sometimes a masters degree.”

“Difficult to recruit positions such as NEPTUNE Research Theme Integrators, Scientific Instrument Manager etc.”

“Vineyard work including pruning, suckering, picking etc.”

“Bilingual French roles, specialized industry roles”

“We are using it to bring specialized equipment manufacturers and installers from primarily the US, but also Germany and France, to Canada for capital upgrades to our manufacturing equipment.”

“Developers, Executives”



Provincial Nominee Program:

13 respondents (40.6 per cent) use the PNP

19 respondents (59.4 per cent) do not use the PNP

4. Reasons why respondents do not use the Provincial Nominee Program:

“Not familiar with the PN Program.”

“We have not yet used the Provincial Nominee Program. However, we have previously examined it, and it continues to provide an option that we may wish to pursue, especially in consideration of skilled engineering personnel, should we elect to recruit outside Canada and or the United States. We favour the continuation of this program.”

“We are currently in a contracted state due to the poor US lumber market. Several of our employees are layed off waiting to be recalled.”

“The PNP is not relevant to our needs.”

5. Provincial Nominee Program experience descriptions:

“Fairly positive. Some processing delay issues.”

“Reasonably satisfied but a little long in getting a response.”

“The PNP is very responsive and has helped our clients find solutions. It is a good program and we recommend it.”

“Good, but response time has slowed down.”

“Excellent experience. Our firm submitted over 100 BC PNP applications on behalf of clients last year under the ELSS and Strategic Occupation categories.”

“We have had extremely positive experiences with the BC PNP program. The representatives are very helpful. This program again allows us to recruit qualified international workers who help to diversify our staff.”

“Excellent, response time lines and support are working well with immediate confirmation, updates and final approval/support phases enabled in a transparent, expedited manner. PNP support has generally led to an approval at the HRDC/Federal level for the work permit or PR application, reflecting the trust in the process and the accountability the Province of BC has undertaken to secure skills, experience and human capital for our provincial economy and employer community (public and private).”

“Very positive, it speeds up both the work permit and permanent residence application processes.”

“Very long and somewhat confusing process.”

“In British Columbia the program is very efficient. The only deterrent to the PNP program is that the applicant is then restricted to the province where PNP is filed. As a national corporation, we cannot reassign applicant to support projects in other provinces until PR is approved.”



6. Positions hired using the Provincial Nominee Program:

“Both low and skilled workers. Strategic occupations.”

“Accounting”

“Technicians and Trades”

“Various, mostly senior management and specialized knowledge.”

“Wide spectrum: low skilled, specialized skills, manager, senior managers and executives.”

“Primarily engineering requiring a minimum of a bachelor’s degree.”

“Primarily engineering positions requiring a minimum of a bachelor’s degree and sometimes a master’s degree.”

“Faculty on tenure track.”

“I’ve only used it once in order to relocate a senior executive from the US to BC.”

“Management”



Labour Market Opinion

19 respondents (61.3 per cent) have had to obtain a LMO

12 respondents (38.7 per cent) have not had to obtain a LMO

7. Labour Market Opinion experience descriptions:

“Terrible. Unresponsive to business needs, overly pedantic. Often serves as a disincentive to bring foreign workers to Canada.”

“I am not impressed with Service Canada Employer Services.”

“Yes on numerous occasions; it has very often been a difficult process for our clients.”

“I am a lawyer, and have made numerous applications. Overall, the experience has been "uneven". Approaches to the minimum advertising guidelines are inconsistent. Some officer exercises common sense, but others apply the policies strictly and in a way that leads to absurd results. The policy of requiring contact with the employer directly is understandable, but in large organizations often the contact is not familiar with all aspects of the recruitment drive, etc. On the plus side, Service Canada has brought the processing time down from 6 months to 5 weeks.”

“Lots of applications. Difficulties depending on the occupation as some occupations are indicated as having a large unemployment rate - which is difficult for clients as they cannot find qualified individuals.”

“Long, cumbersome process.”

“For the most part successful. We often will struggle with the prevailing wage rate. The prevailing wage rate is very high for engineers because it does not take into account differences between junior and very senior level engineers. We have had no problem receiving positive LMO's for senior level employees but have had trouble for intermediate level employees.”

“As an association, we have tried. The process was cumbersome and did not address our members' needs. Our application was unsuccessful based on the extraordinary obligations (full wage, accommodation and medical coverage for periods of unemployment, greater than those provided to Canadian Citizens) the federal government put on an association LMO request.”

“Positive, our external legal consul has developed the packages and we have provided the LMO content. We have been very selective of the types of roles/vacancies that we are bringing forward for PNP/LMO approval.”

“Have done this when using the TFWU program for increased certainty that we will be able to get the people across the border when we need them.”

“The long processing times for a LMO can impact projects and the ability to hire in a timely way. Highly skilled & experienced foreign candidates are not willing to wait for months to confirm they are legally eligible to work in Canada and can begin their relocation.”