

The AMSSA Info Sheet series has been created to inform and support our members and community partners. The Info Sheets cover a wide range of topics and highlight important facts and trends from across Canada and BC. Our goal is to assist organizations in navigating the rapidly changing landscape of the BC settlement sector.*

Temporary Foreign Workers - Part 2: Policies and Analysis

Part 2 of the Temporary Foreign Workers Info Sheet looks at the policies, definitions and the different streams of the Temporary Foreign Worker Program (TFWP). This Info Sheet explores pathways to permanence for TFWs as well as recent policy changes.

Canada's **Temporary Foreign Worker Program (TFWP)** came into existence in January 1973 and was intended to attract people with highly specialized skills that were not available in Canada, such as academics, business executives and engineers.¹ As employer demand shifted to jobs requiring lower skill levels, notably in the oil and gas and construction sectors, the government introduced the Low Skill Pilot Project in 2002.² This pilot has now become a permanent part of the TFWP.

Today the program has four different streams, including: Agricultural Workers, Live-in Caregivers, Low skilled Occupations and High skilled Occupations (see text box below).

Work Permits and Labour Market Opinions (LMOs):

Not all TFWs arriving in Canada need a **work permit**, some jobs are exempt such as athletes, business visitors, students working on campus, etc.³

LMOs are issued by HRSDC and assess the likely impact that hiring a TFW will have on the Canadian labour market. However, only 38% of all TFWs admitted in 2012 required an LMO to work in Canada.⁴

Canada's TFW Program Streams:

Agricultural Workers: The Agricultural Stream allows employers to hire TFWs for a maximum period of 24 months from any country for on-farm agriculture activities. Within this stream falls the separate **Seasonal Agricultural Worker Program (SAWP)** which is a formal agreement with Mexico and Caribbean countries that allows employers to hire TFWs for up to eight months per year.⁵ The partner governments are committed to maintaining a pool of qualified workers and to provide assistance to their workers while in Canada.⁶

Live-in Caregiver Program: Established in 1981, this program institutionalized the entrance of temporary domestic workers in Canada. Workers under this program care for children, the elderly or people with limited abilities, and must live in the home where they work.⁷

Low-skilled Worker Pilot Program: Created in 2002, this program allows employers to hire workers for certain low-skill occupations (NOC C and D)* that usually require a high school diploma or two years of work experience. Employers can employ those in the low-skilled worker pilot program for up to 24 months. In order to renew their work permit under this program, the worker must return to his or her home country for at least four months between contracts.⁸

High-skilled workers: High-skilled workers in managerial and professional occupations (NOC 0 or A)* as well as technical occupations and skilled trades (NOC B)* can be hired to meet short-term labour shortages. Many aspects of this program provide benefits to TFWs, such as spousal work permits.⁹

Other TFWs: The majority of TFWs however do not fit into these four categories as they do not require a work permit or Labour Market Opinion. In 2012, 62% of TFWs entering Canada did not require an LMO (see footnote 4 below for a full list of LMO exempt jobs). Work permits in this category are granted for example through NAFTA, intra-company transfers, work and travel programs or to spouses of high skilled workers or international students.¹⁰

* **NOC: National Occupational Classification**—standardized classification of jobs performed by Canadians across all sectors of the labour market. High skilled occupations are listed as NOC 0, A or B; low skilled occupations are listed as NOC C and D.

1. R. Vineberg, 'Temporary Migration and Labour Market Responsiveness in the Prairie Provinces', page 37. June 2010, Canadian Issues. Available at: http://canada.metropolis.net/pdfs/cdn_issues_CITC_mar10.pdf.

2. D. Nakache, 'Temporary Workers: Permanent Rights?', page 47. June 2010, Canadian Issues. Available at: http://canada.metropolis.net/pdfs/cdn_issues_CITC_mar10.pdf.

3. CIC, 'Determine if you need a work permit'. Available at: <http://www.cic.gc.ca/english/work/apply-who-nopermit.asp>.

4. CIC, Facts and Figures 2012, 'Total entries of temporary residents by yearly sub-status'. Available at: <http://www.cic.gc.ca/english/resources/statistics/facts2012/temporary/03.asp>.

5. HRSDC, 'Seasonal Agricultural Worker Program'. Available at: http://www.hrsdc.gc.ca/eng/jobs/foreign_workers/agriculture/seasonal/index.shtml.

6, 7, 8, 9, 10. HRSDC Website, 'Temporary Foreign Worker Program'. Available at: http://www.hrsdc.gc.ca/eng/jobs/foreign_workers/; A. Sweetman, 'Canada's Temporary Foreign Workers Programs', page 19. June 2010, Canadian Issues. Available at: http://canada.metropolis.net/pdfs/cdn_issues_CITC_mar10.pdf.

* Disclaimer: The following summaries have been compiled by AMSSA. They have not been sanctioned by the Immigration Policy and Programs Branch (IPPB), Citizenship and Immigration Canada (CIC) or agency representatives, so the information should be confirmed as appropriate.

Pathways to Permanence:

In 2012, 37,801 temporary foreign workers made the transition to permanent status (including dependents) out of the over 300,000 TFWs present in Canada.¹¹ There are 4 ways to transition from temporary to permanent resident status from within Canada:

- ⇒ **Live-in Caregiver Program (LCP):** This is the only category of TFWs with a built-in pathway to permanent residency (PR). Applicants may apply for PR status after working in Canada for 2 years.¹²
- ⇒ **Provincial Nominee Program (PNP):** The PNP allows a province to nominate prospective immigrants on the basis of specific local labour needs. Nearly 1/3 of all TFW transitions to permanent residency in 2012 occurred through the PNP (see Fig. 3).¹³ It remains the only option for TFWs in the low skilled program to transition to permanent residency.¹⁴
- ⇒ **Canadian Experience Class (CEC):** Created in 2008, the CEC is targeted to attract foreign workers and international students with a degree and a minimum of 12 months Canadian work experience. This is the fastest growing pathway to permanence for TFWs, witnessing growth from 1,886 transitions in 2009 to 6,816 transitions in 2012.¹⁵
- ⇒ **Federal Skilled Worker Program (FSWP):** Highly skilled TFWs with 12 months work experience may qualify for permanent residency if they can satisfy the FSWP points requirement. The point system favors high language skills, young applicants, and certain high-skilled professions.¹⁶ In 2012, 8,695 TFWs made the transition under the FSWP.¹⁷

Figure 3– TFW Transitions to Permanent Residency by Category

Method of Transition	2003	2006	2012
Family Class	2,297	5,263	5,509
Federal Skilled Worker	3,230	6,990	8,695
Canadian Experience Class	-	-	6,816
Provincial Nominee	152	2,542	12,968
Live-in Caregiver	2,225	3,557	3,752
Other	57	110	61
TOTAL	8,133	18,462	37,801

Table created by AMSSA. Data Source: CIC.¹⁸

Major Policy Changes:

Due to concerns about abuses within the TFWP, the federal government has introduced two sets of reforms. First in 2011 and again in 2013. Key changes include:

- ⇒ On April 1, 2011, a four-year limit on the amount of time that certain streams of TFWs can work in Canada came into effect. As a result, a large number of TFWs will simultaneously lose their ability to legally work in Canada on April 1, 2015. (See footnote 19 for more details).
- ⇒ In February 2013, the BC pilot project which allowed spouses of TFWs in low skilled occupations to apply for open work permits expired. The pilot was extended for working-age dependent children (18-22) of high-skilled TFWs.²⁰
- ⇒ In April 2013, a number of changes were announced, including the revoking of a policy that allowed employers to pay TFWs up to 15% less than the prevailing wage rate.²¹
- ⇒ In July 2013, more changes came into effect, including that employers must provide a plan to transition from TFWs to a Canadian workforce as well as pay a \$275 LMO processing fee.²²

Resources on TFWs

- Canadian Council for Refugees—TFW Report Cards (2013): <http://ccrweb.ca/en/migrant-workers-report-cards>
- Report: Made in Canada: Migrant Workers' Insecurity (2012): <http://metcalfoundation.com/publications-resources/view/made-in-canada/>
- Fact Sheet: TFWs in Vancouver (2000-2009): http://mbc.metropolis.net/assets/uploads/files/TFWVancouver_factsheet2_final.pdf

Provincial Support for TFWs:

- ⇒ **Services for TFWs vary significantly across Canada.** Some BC municipalities have funded local pilot projects for TFWs.²³ Provincially funded settlement services in BC, however, are not available for temporary residents. The provincial governments of Alberta and Nova Scotia directly fund services for TFWs,²⁴ while Ontario and Manitoba have passed TFW protection laws in recent years.²⁵

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12. CIC, 'Become a Permanent Resident—Live-in Caregivers'. Available at: http://www.cic.gc.ca/english/work/caregiver/permanent_resident.asp.

14. R. Vineberg, 'Temporary Migration and Labour Market Responsiveness in the Prairie Provinces', page 39, June 2010, Canadian Issues. Available at: http://canada.metropolis.net/pdfs/cdn_issues_CITC_mar10.pdf.

16. CIC, 'Eligibility Criteria—Federal skilled workers'. Available at: <http://www.cic.gc.ca/english/immigrate/skilled/apply-who-instructions.asp?expand=jobs#jobs>.

19. CIC, 'Four-year limit for foreign nationals working in Canada'. Available at: <http://www.cic.gc.ca/english/department/media/backgrounders/2011/2011-03-24.asp>

20. CIC, 'Changes to the TFWP Pilot Project in British Columbia'. Available at: <http://www.cic.gc.ca/english/department/media/notices/2013-02-14.asp>.

21. Government of Canada, 'Harper Government Announces Reforms to the TFWP'. Available at: <http://news.gc.ca/web/article-eng.do?nid=736729>.

22. HRSDC, 'Changes to the TFWP'. Available at: http://www.hrsdc.gc.ca/eng/jobs/foreign_workers/changes.shtml.

23. MOSAIC, 'IM.POWER.ED Legal Education for TFWs'. Available at: <http://www.mosaicbc.com/settlement-services/community-development/impowered>.

24. Alberta Human Services, 'Temporary Foreign Workers'. Available at: <http://humanservices.alberta.ca/tfw>; Government of Nova Scotia, 'Foreign Workers—General Fact Sheet'. Available at: http://novascotia.ca/lae/employmentrights/FW/ForeignWorker_Fact_Sheet.asp#qhiring.

25. Ontario Ministry of Labour, 'Your Rights Under the Employment Protection for Foreign Nationals Act'. Available at: http://www.labour.gov.on.ca/english/es/pubs/is_fn_epfn.php; Government of Manitoba, 'Manitoba Worker Recruitment and Protection Act'. Available at: <http://news.gov.mb.ca/news/index.html?archive=&item=5214>.