



OCT 1 4 2014

Mr. Francis Valeriote, M.P.
Guelph
House of Commons
Ottawa ON K1A 0A6

Dear Colleague:

Thank you for your correspondence which outlined the concerns of your constituent, Mrs. Natasha Bauer, about the Temporary Foreign Worker Program (TFWP).

Since 2012, our Government has been reviewing all aspects of the TFWP to ensure that it is used only as a limited and temporary last resort when qualified Canadians are not available to fill available jobs in our labour market. Our Government strongly believes that Canadians should always have the first chance at available jobs.

As you may know, our reforms to the TFWP followed targeted consultations with the provinces, territories and stakeholders to seek their input on improvements to the program.

In addition, our Government's June 20, 2014, announcement made it clear that we are reforming the LMIA-exempt streams that authorize foreign nationals to work in Canada. As such, we are:

- making employers of LMIA-exempt foreign nationals more accountable by requiring them to submit their job offer directly to CIC;
- introducing a robust employer monitoring system at CIC that will see thousands of employers of LMIA-exempt foreign workers inspected each year;
- adding new fees for employer-specific work permits to cover the costs of the compliance regime, as well as a privilege fee for most open work permit applicants;
- re-naming the LMIA-exempt streams as the International Mobility Program (IMP), to differentiate from temporary foreign workers; and
- adjusting several specific exemptions.

With respect to the specific issues that you raise, our Government has already taken action to:

- impose conditions on employers who hire foreign workers to demonstrate that they are meeting the conditions of hiring foreign workers, such as paying them proper wages and providing safe and healthy working conditions consistent with Canadian standards;
- allow CIC and ESDC officials to conduct inspections of employers who hire foreign workers to ensure that they are meeting the conditions of employment;
- allow CIC to revoke or suspend processing of work permits and ESDC to revoke, suspend or refuse to process Labour Market Impact Assessments (LMIAs);
- require employers requesting LMIAs to pay temporary foreign workers at the prevailing wage by removing the existing wage flexibility;
- add questions to employer LMIA applications to ensure that the TFWP is not used to facilitate the outsourcing of Canadian jobs;
- introduce fees for employers for the processing of LMIAs and increase the fees for work permits so that the taxpayers are no longer subsidizing the costs;
- ensure employers who rely on temporary foreign workers have a firm plan in place to transition to a Canadian workforce over time through the LMIA process;
- suspend the Accelerated Labour Market Opinion process; and
- prohibit employers requesting an LMIA from requesting a non-official language as a requirement of the job, unless the employer can demonstrate that knowledge of the non-official language is essential to performing the duties of the job (e.g. translators).

With these TFWP reforms, our Government has taken a balanced approach that encourages the hiring and training of Canadians, limits the use of foreign workers in Canada to those situations where it is needed as a temporary last resort and ensures that abuses of the program or of foreign workers by employers will be detected, with consequences for those breaking the rules.

The majority of inspections of employers of LMIA-exempt foreign workers will be conducted by Service Canada, as they will also be conducting inspections on behalf of ESDC. If Service Canada finds no problems in the initial inspection, it ends there. If there is evidence that could lead to a finding of non-compliance, Service Canada will make a recommendation to CIC. CIC's new Integrity Unit will then take over the inspection, collect additional information if necessary, and make a finding.

If the employer is found to be breaking the rules, that finding could lead to an administrative monetary penalty, a ban from hiring foreign nationals, or in extreme cases, criminal investigation and prosecution, the same consequences that exist for employers through ESDC's compliance system for LMIA-required foreign workers.

Many of the same factors will be part of inspections of employers in the IMP, including that the employer is providing substantially the same wages, working conditions and occupation as stated in the job offer, and that the employer is adhering to all provincial/territorial labour laws, providing a workplace free of abuse, retaining records for six years after the worker has left their employment and providing assistance and all documentation as requested. In addition, CIC will seek to add additional factors for inspection related to adherence to the specific rules and guidelines that govern the LMIA-exemption that allowed the worker to enter Canada.

Our Government will put in place a robust inspection regime and undertake thousands of employer inspections hiring temporary foreign workers every year. Employers will be inspected when credible tips are received or some evidence comes to light that would suggest an inspection was warranted. Many employers will also be chosen randomly to be inspected each year. On-site inspections will be conducted when warranted by the findings of the initial document inspection. During an inspection, if there are concerns about serious violations of the *Immigration and Refugee Protection Act* or other criminal matters, cases will be referred to the Canada Border Services Agency for investigation.

With Service Canada conducting initial inspections for both CIC and ESDC, the inspection capacity and expertise of Service Canada will be used to avoid a significant amount of overlap. It is entirely appropriate that ESDC would strengthen its monitoring of employers using the TFWP, while CIC strengthens its monitoring of employers engaging foreign workers through the IMP. The new fees being charged to employers under the two programs will cover the costs of the increased compliance activities.

As the list of ineligible employers is now maintained on the ESDC Website, you may wish to refer your concerns to the Honourable Jason Kenney, Minister of Employment and Social Development, for his consideration.

Thank you for writing and bringing your interest in this matter to my attention.

Yours sincerely,



Chris Alexander, P.C., M.P.
Canada's Minister of Citizenship and Immigration