



# Temporary Foreign Worker Program - Overview

*Canadian Federation of Agriculture  
Ministerial Roundtable  
May 3, 2018*

# Program Overview

- The objective of the Temporary Foreign Worker (TFW) Program is to provide employers with access to foreign workers on a temporary basis when Canadians or Permanent Residents are not available, and ensures foreign workers are protected.
- Jointly administered by ESDC, IRCC and CBSA.
  - **ESDC** receives and reviews applications for LMIAs and administers a robust compliance regime to help maintain the integrity of the TFW Program and protect foreign workers. ESDC also sets the policy for the program.
  - **IRCC** determines the eligibility of a foreign national to enter Canada on a work permit. The positive/neutral LMIAs is one of several elements considered.
  - **CBSA** issues work permits at ports of entry on behalf of IRCC. CBSA also conducts investigations of suspected criminal activity under the *Immigration and Refugee Protection Act*.



# TFW Program Streams

- Primary Agriculture \*
  - Seasonal Agriculture Worker Program (SAWP)
  - Agricultural Stream
  - Primary Agriculture – Low-Wage
  - Primary Agriculture – High-Wage
- High-Wage
- Low-Wage
- Global Talent

\* **Exempt from:** \$1,000 per position processing fee; cap on low-wage TFWs; and transition plans for high-wage workers



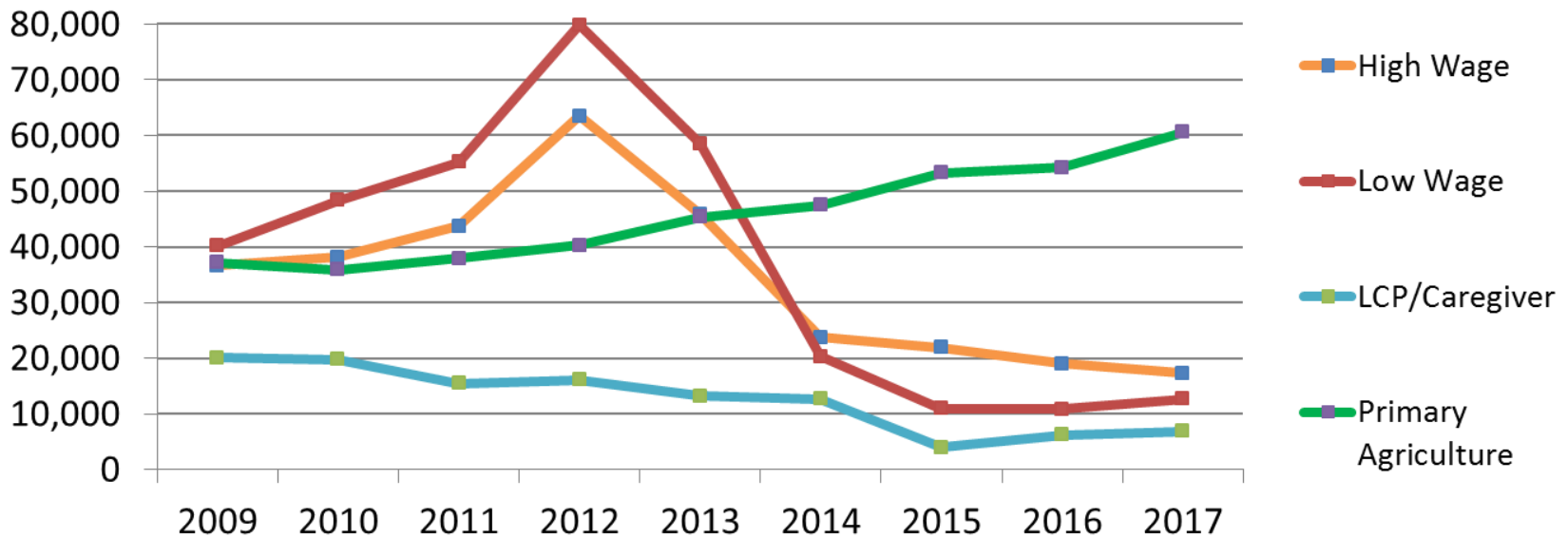
# Program Volumes

Approved TFW positions fell more than 48% between 2012 and 2017 from 199,730 to 97,053.

The number of approved Primary Agriculture continued to grow since 2014.

In 2017, Primary Agriculture accounted for 62% of approved positions of which 74% were in SAWP.

### Approved Positions by Program Stream, 2009 to 2017



# TFW Program Policy Context

- In 2016, the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities (or **HUMA**) conducted a review of the TFW Program.
  - The final report outlined 21 recommendations to ensure that the TFW Program is responsive to labour market needs while protecting the rights of foreign workers who use the Program.
  - In January 2017, the Government tabled its response to the HUMA report and in April 2017, announced its Path Forward Plan for the TFW Program.
- In May 2017, the **Office of the Auditor General** tabled its review of the TFW Program.
  - The audit focussed on ESDC management of the Temporary Foreign Worker Program and whether the Department ensured that employers complied with program requirements.
  - The Standing Committee on Public Accounts tabled its report on the Office of the Auditor General's audit on December 13, 2017.



# Key Measures that have been recently announced

- **Fostering Entry of Global Talent**
  - Launched the Global Talent Stream (June 2017, September 2017 in Québec)
- **Promoting Jobs for Canadians and Permanent Residents**
  - Introduced enhanced recruitment requirements to support employers to hire Canadians (August 2017)
  - Enhanced the use of Record of Employment (ROE) data to ensure employers are not laying off Canadians prior to seeking TFWs (March 2017)
- **Strengthening Worker Protections and Compliance Activities**

## Compliance Regime

- Implemented a risk-based model for inspections; significantly increased on-site inspections (April 2017)
- Implemented a new more robust housing policy for primary agriculture workers (January 2018)
- Budget 2018 announced \$15 million over three years to support unannounced inspections

## Work with Migrant Support Organizations

- Budget 2018 announced funding for a 2-year pilot to establish a network of Migrant Worker Support Organizations for TFWs while working in Canada. The pilot will run in British Columbia.



# Key Measures Recently Announced, cont'd

- **Enhancing Consistency and Efficiency of LMIA Processing**
  - Launched the TFW Program Quality Monitoring program (December 2017)
- **Other Initiatives**
  - Budget 2017 secured stable and ongoing funding for the TFW Program.
  - LMIA application fee for caregivers for medical needs and caregivers of children of middle-income families was eliminated (December 2017)
  - Extended the exemption on the cap for seasonal industries until June 2018.



# Key Activities in Progress

## Primary Agriculture Review

- Potential changes to the Primary Agriculture Stream to ensure it meets the changing needs and priorities of the agriculture sector in Canada
- Development of a national standard for employer-provided housing

## Targeted Sector Reviews

- Reviews launched in sectors making heavy use of the Program to identify actions to develop and support a domestic workforce. Sectors under review include fish and seafood processing, meat processing, tourism, construction, trucking, and academia
- Will inform next steps regarding approach to the TFW cap and Low-Wage stream

## LMIA Processing and Fee

- Development of an updated LMIA online/Web Services system
- Service Standard review
- Review of LMIA fee

## Pathways to Permanent Residence (PR) for TFWs

- Exploring options for increased pathways to PR for intermediate-skilled TFWs





# Primary Agriculture Review

## Objective

- ESDC with Agriculture and Agri-Food Canada (AAFC) is undertaking a three-stage review to work with key stakeholders to modernize the Program stream to meet the needs and priorities of the Canadian agricultural sector.

## The Review will focus on the following themes:

### Program Eligibility and Structure

- Explore the definition of Primary Agriculture and the use of the National Commodities List in the context of the TFW Program, as well as the structure of Primary Agriculture Stream.
- Wage and Deductions
- Discuss the current wage structure for the Primary Agriculture Stream and how it relates to the needs of the agricultural sector.

### Housing in Primary Agriculture

- Explore the current requirements for housing provided to temporary foreign workers and the impact of creating a national housing standard for the Primary Agriculture Stream.

### Labour Market Impact Assessment (LMIA) Processing

- Discuss the current system for processing of LMIA applications, including possible measures to improve efficiency and service standards; and the potential impacts of an LMIA fee.



# Stakeholders Consultations

- The stakeholder engagement strategy will include:
  1. In-person roundtable sessions – 12 cities;
  2. Virtual sessions (teleconference);
  3. Written submissions;
  4. On-line consultations.

## **The locations for the roundtables are confirmed:**

- Ottawa (May 4)
- Abbotsford (May 8), Kelowna (May 10) and Calgary (May 11)
- Regina (May 15) and Winnipeg (May 16)
- Halifax (May 23) and Charlottetown (May 24)
- Simcoe (June 4) and Chatham (June 6)
- St. John's (TBC) and Moncton (TBC)



# Post-Consultations

- A validation session with Provinces will be organized in August to review the recommendations and adjust based on feedback.
- Results will also be shared with key national associations and employer associations before recommendations are shared with the Minister.
- Recommendations are expected to be presented to the Minister in September 2018.

