



I M M I G R A F A I R E S



DIY GLOBAL RECRUITMENT

A Step-by-Step Guide to Hiring
Foreign Workers in Canada and
Quebec



Guide 1

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GUIDE 1

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A. Purpose of this DIY Guide to Hire globally.

This guide is crafted to offer essential insights for employers in Canada pondering over the idea of employing a foreign workforce without the aid of an international recruitment firm or legal expert. Drawing from our six years of focused experience in the Foreign Worker Program (FWP), this resource is comprehensive and user-friendly.

While this guide does not serve as a substitute for legal counsel, it does present practical pointers and suggestions, which can be instrumental for small businesses seeking to hire globally on a limited budget. It's noteworthy that international hiring can be a lengthy and risk-inherent process, so it's often beneficial to engage a recruitment agency with a resident legal expert for an efficient execution and to explore alternative solutions in case of immigration authorities' refusal.

Given the current labour shortage in Quebec, it becomes crucial for businesses, irrespective of their size, to view the FWP as a promising alternative for employing skilled and reliable manpower. For small business owners constrained by budget, who do not desire or can't simply afford to hire an agency, this DIY guide offers a roadmap to navigate the process with acceptable risks.

In the broader picture, hiring through the FWP not only addresses immediate labour needs but also contributes to the overall productivity and efficiency of Canada's economy. Candidates sourced through this program come with language proficiency and established work ethics, reducing the time and resources required for training and acclimation, as compared to hiring locally. This, in turn, makes the process more efficient and cost-effective for businesses.

Ultimately, this guide aims to be a beneficial tool for small businesses in Quebec grappling with a labour shortage and contemplating the hiring of foreign workers, offering a route towards enhanced efficiency and productivity for the Canadian economy.

The key objectives of this guide are:

- To equip employers with crucial understanding and resources to traverse on their own the complex labyrinth of Canadian immigration and labour market acquisition processes, with a focus on the Foreign Worker Program.
- Provide practical tips and strategies for preparing and submitting successful Labour Market Impact Assessment (LMIA) applications.
- This guide is designed to demystify the intricate nature of the international recruitment process by deconstructing it into digestible steps. This allows employers to make well-informed decisions while avoiding prevalent missteps.

- Moreover, the guide is committed to delivering information in a straightforward and succinct way, ensuring it remains accessible to everyone, including those who have no prior exposure or familiarity with Canadian immigration and labour market procedures.

B. Importance of Understanding Immigration and Labour Market Processes:

Understanding international recruitment, immigration, and labour market processes is of utmost importance in today's globalized economy. Businesses must continually strive to remain competitive and fulfill their operational requirements. One effective strategy employed by companies is the recruitment of foreign workers possessing unique skills or addressing specific labour shortages within particular industries. However, it is crucial for employers to navigate the intricacies of legal procedures associated with hiring foreign workers.

In Canada, employers seeking to hire foreign workers must comply with the country's immigration policies and obtain the necessary work permits and visas. A vital component of this process is the Labour Market Impact Assessment (LMIA), a regulatory measure administered by the federal government. The primary objective of the LMIA is to ensure that the employment of foreign workers does not detrimentally affect job opportunities or wages for Canadian citizens and permanent residents.

Benefits of Understanding international recruitment, Immigration and LMIA Process:

- Compliance with laws and regulations: Employers can avoid fines, penalties, and potential future restrictions by ensuring they comply with federal and provincial laws when hiring foreign workers.
- Addressing the needs of Francophone workers: Acquiring knowledge about language regulations, such as Quebec's Bill 101 or the Charter of the French Language, enables employers in Quebec to fulfill their obligation of establishing French as the primary language of the workplace. By hiring foreign workers fluent in French, employers not only meet this requirement but also contribute to linguistic and cultural diversity in Quebec. This approach ensures that employers fulfill their responsibilities while embracing the benefits of a diverse workforce.
- Accessing the right talent: Having a firm understanding of labor market dynamics and immigration processes is essential for businesses to effectively tap into the talent they need. When recruiting internationally, it is crucial to consider both the human resources and immigration dimensions. Ignoring either aspect can hinder the recruitment process. It is important to carefully evaluate the qualifications of skilled foreign workers, take into account their family situations, and conduct thorough background checks to ensure a successful hiring process.

- Reducing costs and risks: With a practical understanding of immigration and labour market processes, employers can source foreign candidates who are likely to successfully immigrate, avoid common hiring mistakes, and prevent delays in the immigration process. This saves time, money, and frustration, enabling foreign workers to start their jobs promptly.
- Protecting the rights of foreign workers: Understanding immigration and labour market processes is essential in creating a safe and supportive work environment for foreign workers. It ensures fair treatment, access to necessary resources and support, and prevents exploitation or mistreatment.
- Demonstrating social responsibility: Businesses committed to diversity and inclusion can make socially responsible and ethical choices by hiring foreign workers. Understanding immigration and labour market processes allows companies to demonstrate their commitment to these values and contribute to building a more inclusive and welcoming society.
- Supporting the Quebec economy: Hiring foreign workers addresses labour shortages and contributes to the growth and prosperity of the Quebec economy. By understanding and following immigration and labour market processes, employers play their part in maintaining Canada's attractiveness as a destination for skilled foreign workers.

2- Main Immigration programs for hiring foreign workers in Canada:

In Canada, there are multiple immigration programs available to support Canadian employers in their recruitment of international workers. These programs include the Foreign Worker Program, International Experience Canada (IEC), Francophone Mobility, Significant Benefit for Canada, and Free Trade Agreement programs.

Each program has its own unique requirements and restrictions that consider factors such as the candidate's country of origin, age, primary language, and the employer's industry. These factors play a crucial role in determining which program applies to your candidate and to your business.

However, it is important to note that there is a significant difference between the Foreign Worker Program and the other programs. The Foreign Worker Program requires the Labour Market Impact Assessment (LMIA), which is a lengthy process involving steps such as posting advertisements and offering the job to Canadian citizens or permanent residents before considering international candidates. This process aims to ensure that the employment of foreign workers does not negatively impact the Canadian labor market.

On the other hand, the other programs mentioned, such as International Experience Canada (IEC), Francophone Mobility, Significant Benefit for Canada, and Free Trade Agreement programs, offer exemptions from the general requirement of LMIA. These exemptions result in shorter processing times when hiring international workers.

A. International Experience Canada (IEC):

International Experience Canada (IEC) is a program that offers young individuals from specific countries, primarily in Europe with limited representation from Asia or Latin America, the opportunity to work and travel in Canada. The program aims to provide participants with valuable work experience, language skill enhancement, and exposure to Canadian culture.

IEC offers three different categories: Working Holiday, Young Professionals, and International Co-op. The Working Holiday category allows participants to work and travel in Canada for up to two years. The Young Professionals category is for candidates who want to gain professional work experience in Canada for up to 18 months. The International Co-op category is designed for students who wish to incorporate work experience in Canada as part of their academic curriculum.

This is to be retained.

- IEC is a popular program that facilitates the exchange of young individuals between partner countries and Canada.
- Participants typically receive an open work permit, which grants them the flexibility to work for any employer in Canada under the Working Holiday stream.
- The Working Holiday category enables participants to work and travel in Canada for up to two years.
- The Young Professionals category offers career-related work experience for up to 18 months with a specific employer.
- The International Co-op Internship category allows international students to gain practical work experience through internships with designated employers in Canada.

Eligibility criteria for working holiday, Young professional and International Co-op streams.

To participate in the International Experience Canada (IEC) program, applicants must meet specific eligibility criteria. These requirements ensure that individuals possess the necessary qualifications, skills, and experience to successfully engage in the program. The following are the eligibility criteria for each category of the IEC program:

Working Holiday

- Age: Must be between 18–35 years old (depending on the country of origin)
- Citizenship: Must hold a passport from a country that has a bilateral agreement with Canada for the Working Holiday category and reside in the said country.
- Funds: Must have enough funds to support themselves upon arrival in Canada
- Insurance: Must have health insurance for the entire duration of their stay in Canada
- Purpose: Must have the primary intention of travelling and working in Canada for up to 12 months (depending on the country of origin)

Example: A 24-year-old German citizen residing in Germany, who has saved enough money to support themselves during their stay in Canada, is eligible to apply for the Working Holiday category of IEC. However, if the candidate is already in Canada as a visitor, the work permit must be processed at the embassy level. Successful candidates in this category receive an open work permit, allowing them to change employers easily. It is important to note that this may result in less commitment to a specific employer.

Young Professionals

- Age: Must be between 18–35 years old (depending on the country of origin)
- Education: Must have a post-secondary degree or diploma (2-year minimum)
- Job offer: Must have a job offer from a Canadian employer in their field of expertise
- Language: Must have a high level of proficiency in English or French

❖ Example: 30-year-old Australian citizen who holds a master's degree in Marketing and has received a job offer for a marketing position in Toronto. This individual is eligible to apply for the Young Professionals category of the International Experience Canada (IEC) program. However, if the candidate is already in Canada as a visitor, the work permit application needs to be processed at the embassy level. If approved, they will obtain a closed work permit, allowing them to work exclusively for the employer who offered them the job. This arrangement may be more appealing to the employer from a human resources standpoint, as it ensures a dedicated commitment from the employee.

International Co-op (Internship)

- Education: Must be currently enrolled in a post-secondary institution in their home country
- Co-op or internship placement: Must have a job offer in Canada related to their field of study
- Duration: Internship must be a requirement for their academic program and cannot exceed 12 months

❖ Example: 21-year-old Japanese citizen who is currently studying business and has been offered a co-op job by a Canadian company that aligns with their field of study. This individual is eligible to apply for the International Co-op (Internship) category of the International Experience Canada (IEC) program. However, if the candidate is already in Canada as a visitor, the work permit application must be processed at the embassy level. If approved, they will receive a closed work permit, allowing them to work exclusively for the specific employer that offered them the co-op position. This arrangement may be more appealing to the employer from a human resources perspective, as it ensures a focused commitment from the employee.

Note :

Apart from fulfilling the eligibility criteria specific to their chosen category, all applicants must also meet Canada's admissibility requirements. This includes having a clean criminal record and, if necessary, passing a medical examination.

Moreover, it is crucial to acknowledge that the eligibility criteria for each category can vary depending on the applicant's country of origin. Additionally, the application process can be competitive. It is highly recommended to thoroughly review the eligibility requirements and ensure that all application materials are precise, complete, and up-to-date to maximize the chances of a successful application.

B. Francophone Mobility:

The Francophone Mobility Program is a Canadian initiative aimed at promoting the recruitment of French-speaking foreign nationals who are willing to reside within francophone communities outside the province of Quebec. This program is designed to support a diverse and bilingual society. One notable feature is that employers can hire French-speaking foreign nationals under this program without the need for a Labour Market Impact Assessment (LMIA). However, both employers and foreign nationals must meet specific legal requirements to participate in the program. Some of these requirements include:

❖ **Advanced English Proficiency:** Applicants must possess an advanced level of English proficiency, approaching native fluency. It is important to note that this program places a strong emphasis on language skills, ensuring that candidates have a high level of English language ability in addition to their French language proficiency. This requirement may exclude candidates who were primarily born in bilingual countries such as Morocco, Tunisia, or French-speaking Africa, even if they are fluent but have lesser writing skills.

❖ **Job Level:** The job offer should be full-time and require skills at a managerial, professional, or technician level. Low-skilled job offers are not eligible for this program.

❖ **Skill Match:** The candidate should be able to demonstrate that their skills align with the requirements of the job offer.

❖ **To be eligible to hire a French-speaking foreign national under the Francophone Mobility Program,** Canadian employers must meet the following requirements:

C. Significant Benefit to Canada:

The Significant Benefit to Canada program better known as C-10 work permit (after the code designating the LMIA exemption) is specifically designed for employers seeking to hire foreign workers for positions that provide substantial advantages to Canada. In order to participate in this program, employers must demonstrate that the job position is exceptional, specialized, or of high economic, social, or cultural value.

How to translate this to plain language: in certain circumstances the Government of Canada is ready to exempt you from the general LMIA process, if the employer can demonstrate that his situation is unique and that Canada will obtain significant advantages of this exemption;

During the application process, employers are required to submit a comprehensive rationale outlining the significant benefits that the foreign worker will bring to Canada. The assessment of the application takes into account various factors, including job creation, transfer of skills, investment, and the overall impact on the Canadian labor market.

This program aims to attract foreign workers who can make a significant and unique contribution to the country. By focusing on positions that offer notable benefits to Canada, this program facilitates the hiring of individuals who can bring valuable expertise, innovation, and growth to Canadian industries and communities.

The key requirements and processes:

- Employers must demonstrate the job is exceptional, specialized or of high value to Canada
- Submit a rationale explaining the benefits the worker will bring
- Factors considered include job creation, skills transfer, investment, and labour market impact
- Apply for a work permit directly (not LMIA is needed)

Example: Benefit to Canada program is utilized to address the issue promptly. A highly skilled foreign doctor specializing in family medicine, with extensive experience in rural areas, is identified. Recognizing the urgency, the application highlights the doctor's ability to provide immediate medical services and address the community's healthcare needs effectively. The government acknowledges the significant advantage the doctor would bring and expedites the processing time. Within just 2 to 6 weeks, the doctor is granted permission to work in Canada. This accelerated timeline allows the doctor to quickly join the small community, alleviating the doctor shortage and improving healthcare services for residents. The program's streamlined approach enables the community to benefit from the doctor's expertise and dedication, ensuring timely access to quality healthcare and enhancing the overall well-being of the community.

D. Free Trade Agreement (FTA) Stream;

The Free Trade Agreement (FTA) stream, which is a program that allows Canadian employers to hire foreign workers from countries with which Canada has a free trade agreement. This stream aims to facilitate the movement of skilled workers across borders to support economic growth and development. Under the FTA stream, certain occupations are eligible for expedited processing and are exempt from the Labour Market Impact Assessment (LMIA) requirement. Instead, employers must demonstrate that they meet specific criteria outlined in the free trade agreements with countries such as the United States, Europe, Mexico, Chile, Peru, Colombia, and South Korea, among others. These agreements provide opportunities for Canadian employers to access talent from partner countries more efficiently, contributing to a diverse and skilled workforce that enhances Canada's competitiveness in the global marketplace.

The key requirements and processes:

- Nationality: The candidate must hold citizenship from a country with which Canada has a free trade agreement in place, such as the United States, Mexico, Chile, Peru, Colombia, South Korea, and others.
- Occupation: The candidate must have a job offer in a specific occupation that is listed in the free trade agreement. Each agreement outlines eligible occupations, which may vary depending on the country involved.

- **Education and Qualifications:** The candidate should possess the necessary education, qualifications, and professional credentials required for the specific occupation. The qualifications may be outlined in the relevant free trade agreement.
- **Work Experience:** Depending on the occupation, the candidate may need to demonstrate a certain level of work experience in the field. The exact requirements can vary based on the specific occupation and the provisions of the free trade agreement.
- **Offer of Employment:** The candidate must have a valid job offer from a Canadian employer for a position that aligns with the eligible occupation under the free trade agreement. The offer should comply with relevant employment standards and provide fair compensation.
- **Language Proficiency:** Depending on the occupation and agreement, the candidate may need to demonstrate proficiency in English and/or French, the official languages of Canada. Language requirements can vary, so it is important to review the specific provisions of the free trade agreement.

Example: Let's consider the case of Sophie, a 40-year-old chemical engineer from France who is currently working in Germany. Due to her age and profession, Sophie is no longer eligible to participate in the International Experience Canada (IEC) program. However, Sophie can explore other options available under the European Canada agreement established through the European Union-Canada Comprehensive Economic and Trade Agreement (CETA).

Sophie, being an experienced chemical engineer, can apply for work opportunities in Canada under the CETA provisions as a "CETA Intra-Company Transferee (ICT)" or "CETA Contractual Service Supplier (CSS)". This agreement facilitates easier temporary entry and work permits for qualified individuals from EU member states.

Under the European Canada agreement, Sophie can be hired in the field of chemical engineering in Canada without the need for the Labour Market Impact Assessment (LMIA) process. This exemption streamlines the hiring process for employers and increases Sophie's chances of securing employment.

E. The Temporary Foreign Workers Program, Overview:

The Temporary Foreign Worker Program (TFWP) is a government initiative that allows employers to hire foreign workers for temporary positions that cannot be filled by Canadian citizens or permanent residents. The program is meant to address labor shortages in certain industries and regions of the country, while ensuring that foreign workers are treated fairly and have access to the same protections and benefits as Canadian workers.

The TFWP covers a wide range of occupations, including low-skilled and high-skilled jobs in sectors such as agriculture, hospitality, healthcare, and technology. The program has been in place for several decades and has undergone numerous changes over the years, reflecting changes in government policy and the needs of the Canadian economy.

- The Temporary Foreign Worker Program (TFWP) allows Canadian employers to hire foreign workers on a temporary basis.
- Employers typically need to obtain an LMIA, which verifies that hiring a foreign worker will not negatively impact the Canadian job market.
- The International Mobility Program (IMP) includes streams that do not require an LMIA, such as intra-company transfers or individuals covered under specific international agreements.

The key policies, requirements and processes:

1. Government Regulations for the Temporary Foreign Worker Program:

- The primary goal of the TFWP is to prioritize Canadian workers by giving them first access to job opportunities.
- Federal policies limit employer access to the TFWP to ensure Canadian workers have precedence in the job market.
- Employers can only utilize the TFWP as a last resort when they cannot find qualified Canadian candidates to fill positions.
- The TFWP is intended to allow temporary foreign hiring only as a solution for temporary labour and skills shortages that Canadian workers cannot meet.
- There are limits on the percentage of temporary foreign workers that companies in certain industries can hire. For example, some industries may only be allowed to have up to 10-20% of their workforce on temporary foreign work permits.

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- Some occupations or sectors may be exempt from these percentage limits and allowed to hire more temporary foreign workers if needed. The government determines which occupations qualify for exemptions.
- The overall goal is to balance the needs of employers with protections for the Canadian labor market. While temporary foreign hiring is permitted, it is tightly regulated to ensure priority for Canadian workers.

2. The Challenges and Obligations of Hiring Foreign Workers:

- Recruiting internationally under the Temporary Foreign Worker Program is a privilege granted to employers facing genuine labor shortages, not a right. In return for this privilege, employers must assume responsibilities like creating recruitment plans, investing in the Canadian workforce, and complying with government audits.
- However, gaining access to the program and utilizing it successfully is not easy. Employers must meet strict eligibility requirements, navigate a complex application process, and deal with long processing times. Restrictions on the number of foreign workers allowed, and ongoing compliance obligations also make utilizing the program challenging.
- Planning and Timing: It is crucial to plan in advance, as the processing time for the TFWP can range from 2 weeks to 7 months, depending on the program.

- Recruiting the Right Candidate: Candidates can be refused due to the privileged nature of the program. Ensure that the selected candidate aligns with the requirements and qualifications outlined in the job description. Refer to our section on the ideal candidate profile.
- It's important to remember that international recruitment under the TFWP is a privilege, not a right, which is why the government has the authority to reject applications and candidates. A rigorous process is required to qualify for and properly manage foreign workers under the program.

Provincial policies underpinning the TFWP in Quebec aim to optimize the program to meet regional labour needs.

The strategies include:

- Identifying and attracting immigrants with the right profile and professional training to meet the needs of Quebec's regions. This involves selecting individuals with skills and qualifications that match positions in areas experiencing labor shortages.
- Moving towards a better match between regional labor needs and temporary immigration programs. Quebec aims to align temporary foreign worker programs more closely with the specific expertise required by the labor market in different regions.

- Selecting candidates according to their area of professional expertise, not their national origin. Choosing individuals based on their field of specialization allows Quebec to fill positions most effectively.
- Prioritizing candidates likely to contribute to French vitality in the province. This helps maintain the French language in Quebec.
- Making the transition from temporary to permanent resident status easier, to encourage temporary workers to settle permanently. Facilitating this transition incentivizes foreign workers to remain in Quebec long-term.
- The overarching goals are to improve the fit between temporary foreign workers and regional job openings as well as long-term labour force need through a targeted selection process and incentives for retention of valuable talent. All the details you provided are important elements of Quebec's policies regarding the TFWP.

The direct consequences of Quebec's TFWP policies:

Service Canada and the Quebec Ministry of Immigration, Diversity, and Inclusion (MIDI) jointly decide whether to approve employers' applications for foreign workers based on job offers and candidates' skills.

Foreign workers in Quebec need an Quebec Acceptance Certificate (QAC) issued by MIDI to obtain a work permit.

Quebec prioritizes and expedites temporary workers for its Quebec Experience Program (QEP), which gives them permanent residency. The QEP requires fluency in French or completion of French studies.

Quebec recommends giving preference to French-speaking or French-friendly candidates because mastering French greatly increases chances of success in Quebec's immigration process.

In simpler terms:

- The Quebec government jointly approves applications for foreign workers with the Canadian government.
- Foreign workers in Quebec need a permit from the Quebec government.
- Quebec helps temporary workers get permanent residency through the QEP program if they know French.
- Knowing French greatly increases chances of immigrating successfully to Quebec, so employers should prefer Francophone candidates.

In our upcoming guide, we will discuss the ins and outs of understanding the LMIA application, which is a key component of the Temporary Foreign Worker Program (TFWP). We'll explore the main streams of foreign worker programs, help you determine the streams that apply to you, and provide guidance on preparing for the application processes. This includes advertising your job offer effectively, understanding the Canadian National Occupation Classification (NOC), identifying the appropriate NOC for your job, comparing your job offer to the NOC, and selecting a candidate with good immigration potential to avoid refusals.

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