

## **Canada's Temporary Foreign Worker Program: More Controversy, More Change**

*By Warren L. Creates and Jacqueline J. Bonisteel*

The Canadian federal government has wasted no time in responding to the controversy surrounding McDonalds' alleged abuse of the temporary foreign worker program. A moratorium on the food services sector's access to temporary foreign workers was swiftly imposed. Employment Minister Jason Kenney justified the sweeping move as a response to abuse of the program, and hinted that more changes would follow.

While criticism has focused on large-scale fast food operations, the moratorium applies much more broadly. All food service operations—everything from international hotel chains and top national restaurants to smaller ethnic restaurants—are now barred from hiring temporary foreign workers. The moratorium applies to lower-skilled front-line food service staff, but also to high-skilled and specialized cooks, chefs, and restaurant managers. Even occupations beyond food services, such as cleaning supervisors, sales representatives, and security guards, have now been caught by the ban.

The moratorium came into effect immediately upon its announcement on 22 April 2014. This drastic measure follows other recent changes that have limited access to the Temporary Foreign Worker Program. At the same time, employers who maintain the right to hire temporary foreign workers face higher fees and increasingly stringent compliance measures. Advertising requirements are being applied and enforced more strictly than ever. We can expect that this vigilance will continue. Further reforms are expected in the near future, which are likely making the Labour Market Opinion process more restrictive and onerous across the board.

Predictably, the Canadian restaurant industry has criticized the changes. Restaurants Canada warned that, without access to foreign chefs, cooks and other restaurant industry workers, many smaller restaurants will be forced to close. Workers already in Canada risk being forced out.

For those affected by the moratorium, there may be alternatives. Foreign workers in Canada on existing work permits may be eligible to apply for permanent residence. With permanent residence, the need to rely on the temporary foreign worker program is eliminated altogether.

The Immigration Law Group at Perley-Robertson, Hill & McDougall LLP/s.r.l. has the expertise to assist both employers and potential employees with evaluating eligibility for various immigration and temporary residence programs, preparing comprehensive application packages, addressing any potential complications, and advising on ongoing compliance requirements. Having accurate information and proper legal advice is key in this challenging environment. Please contact us to set up a consultation appointment.

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