



Reforming Canada's Temporary Foreign Worker Program

2022



CBTU SMCC

CANADA'S BUILDING TRADES UNIONS
LES SYNDICATS DES MÉTIERS DE LA CONSTRUCTION DU CANADA
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Canada's Building Trades Unions are leaders in apprenticeship and training to build Canada's skilled trades workforce. In conjunction with these efforts is the reality of the construction industry – that at different times, dependent on public and private investments, seasonal projects and other factors, the construction industry is required to source temporary workers to meet peak demands when Canadian skilled trades workers are not available primarily through Canada's Temporary Foreign Worker Program (TFWP). In its current form, issues including long processing times and abuse of temporary foreign workers need to be addressed.

Strengthening the Labour Market Impact Assessment Process

There have been several instances where temporary foreign workers were brought into Canada while there were, in fact, Canadian skilled trades workers who were unemployed and could have been hired instead. This is problematic as it not only allows construction companies to bring in workers at rates lower than the prevailing wage, but it also denies Canadians first opportunities for employment.

In order to resolve this issue, Immigration, Refugees and Citizenship Canada (IRCC) and Employment and Social Development Canada (ESDC) should be required to hold consultations with local building trades councils as part of the LMIA applications. Local unions that make up building trades councils, utilize a hiring-hall model. Union-sponsored hiring was developed to deal with the intermittent, temporary, and transitory nature of the industry, including labour shortages. The hiring hall is simply an arrangement by which a local union registers applicants for employment and then refers them, on request, to employers with which the union has a labour agreement.

CBTU Recommendation: Local building trades councils should be notified of any TFWP applications for construction and given the opportunity to weigh in on whether a labour shortage does in fact exist.

Ensuring Compliance

Due to their precarious status as a temporary worker tied to an employer specific work permit, temporary foreign workers are vulnerable to exploitation and abuse by employers. (i)(ii) Many temporary foreign workers are afraid to speak out or assert their rights to their employer due to the fear of being fired and deported. Canada's Building Trades Unions have been vocal about the need to reform the TFW program to safeguard the health and safety of temporary foreign workers, ensure they are paid proper wages, and are treated with dignity.

Currently, the penalties in place for breaching the provisions of the TFW program are not stringent enough.

CBTU Recommendation: Penalties for violating the terms of the TFW program need to be strengthened to better reinforce compliance to the program. This includes increasing monetary policies for breaching the program's rules and putting in place longer bans from the program for employers who have a record of exploiting temporary foreign workers.





Unions as Employers

Canada's Building Trades Unions have long prioritized building Canada's skilled trades workforce through skills training and apprenticeship programs, while working closely with employer partners to respond to labour market needs and creating job opportunities for our members. Unions have always made it a priority to protect workers' rights – from ensuring fair wages to protecting health and safety – and would be able to do so with temporary foreign workers. This positions Building Trades Unions to identify if and when temporary foreign workers are needed to meet market demands and ensure all workers' rights are protected. The hiring hall model utilized by Building Trades unions would also make it easier for temporary foreign workers to meet their obligation of continuous employment; when one job ends, a temporary foreign worker could be transferred to another project.

CBTU Recommendation: The Canadian Government can provide greater compliance to the TFW program; ensure workers' rights are protected and prioritize hiring of Canadians first by true labour market assessment, by recognizing unions as employers in order for unions to bring in temporary foreign workers themselves.

Processing Times and Fees

Currently, the fee for conducting an LMIA is prohibitively expensive.

CBTU Recommendation: If the Government enables unions to be recognized as employers, the LMIA fee should be lowered back to \$250 in order to make the program accessible to local unions.

Currently the processing times for the high-wage stream is 60 business days and 58 business days for the low-wage stream. [iii]_These long processing times could result in project delays, causing financial loss for the project owners. Projects are time sensitive and improving processing times will help provide greater certainty for the construction labour market.

CBTU Recommendation: We call upon the government to improve processing times.

Conclusion

The construction industry will continue to need temporary foreign workers when the domestic labour force is not available. However, by ensuring union input, the Temporary Foreign Worker program can be strengthened to safeguard the program from abuse and improve its overall efficiency.



Sources

- (i) [B.C. mine's temporary foreign workers case in Federal Court](#)
- (ii) [Kelowna contractor ordered to pay \\$90k in unpaid wages to temporary foreign workers](#)
- (iii) [Labour Market Impact Assessment application processing times](#)

FOR MORE INFORMATION

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