

Discussion Paper

Analysis of Foreign Worker Program Options to Address Labour Shortages in the Tourism Industry: *Applied to Kootenay Region's Housekeeper Labour Shortage*

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The resource for people in **Tourism**

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Purpose

The purpose of this discussion paper is to present and discuss programs that could be adapted to address current and anticipated future labour shortages related to housekeeping positions in the Kootenay Region's accommodation sector. Specifically, this paper focuses on a review of five existing immigrant worker programs. The paper is written for go2, an independent human resources organization that supports tourism employers, managers and entrepreneurs in BC in attracting and retaining a sufficient number of skilled individuals into the tourism workforce in order to meet their business needs.

This paper is intended to initiate and support discussions with key industry associations and government officials. The paper provides:

- An overview of how **labour shortage issues** are affecting the Kootenay Region's accommodation sector;
- A summary of **existing foreign worker programs** that potentially could be adapted to help address labour shortages in the accommodation sector;
- Potential **challenges** and **merits** related to adapting these programs for the accommodation sector; and,
- **Critical success factors** related to adapting programs or creating a new program to meet the needs of the accommodation sector.

The Issue

Recent research indicates that BC's tourism industry is facing a critical shortage of skilled seasonal workers, a shortage which, if not addressed, will rapidly escalate in severity leading up to and following the 2010 Olympics (the "Olympics"). Various tourism sectors and regions throughout BC (including the accommodation sector in the Kootenay Region) are already experiencing the impacts of the shortage.

According to the BC and Yukon Hotels' Association ("BCYHA"), hotel operators in the Kootenay Region are having difficulty attracting and retaining housekeeping employees, resulting in overworked staff, management having to perform housekeeping duties and/or degradation in room cleanliness and quality¹. A survey on the severity of the housekeeping labour shortage in the Kootenay Region was recently conducted with 33 of the BCYHA's 50 members². Given the small sample size, statistical significances were not quoted, however, results demonstrated that in 2004:

- 84% of the survey respondents had difficulty recruiting housekeepers;
- 24% of respondents were unable to fill all their housekeeping positions (i.e. the respondent had at least one vacancy for the entire period or season); and,
- 69% of respondents indicated that the staff they hired were partially not qualified for the position, while 24% of respondents indicated staff were not qualified at all.

¹ go2 – the resource people in tourism. 2005. Industry News Article: *Tourism Not a Career Option of Choice for BC Teens*

² *Housekeepers in Kootenays Hotels: Summary of Results of Survey of Region Hotels*. 2005. Conducted for go2 and the BCYHA.

Currently there is a strong government focus to increase BC's ability to compete with other tourism destinations and to successfully host and derive benefits from the Olympics. In 2004, Premier Gordon Campbell made a commitment to double Tourism BC's marketing budget from \$25 million to \$50 million. Tourism BC plans to allocate these resources to programs that work towards achieving two long-term outcomes:

- To double provincial tourism revenues by 2015 to \$19.6 billion; and,
- To maximize the long-term benefits of the 2010 Olympic Games for all of BC.

To accomplish these objectives, Tourism BC has set several goals, including:

1. Increase provincial tourism revenues by attracting visitors from "volume" markets (BC, Alberta and Washington) and "high-yield" markets (long haul North America, Asia/Pacific and Europe);
2. Optimize the BC visitors' experience through enhanced customer service; and,
3. Improve tourism market readiness of new and emerging tourism sectors and products³.

Labour shortages in the accommodation sector will compromise the industry's ability to attain targeted growth objectives. Some of the possible implications for the tourism industry include:

- Potential impacts on the profitability of accommodation businesses and other tourism operators;
- Reduced ability of the Kootenay Region and other regional tourism destinations to consistently offer outstanding tourism products and experiences;
- Potential impacts on the ability of regions to benefit from the Olympics (before, during and following the event); and,
- Potential negative impacts on local economies.

Background

Tourism represents one of the largest and strongest industries in the BC economy, as reflected by tourism revenues, visitor volumes, and tourism employment. BC Statistics reports:

- Total tourism revenues reached \$9.5 billion in 2004, compared to \$8.9 billion in 2003⁴.
- Visitor volumes grew by 2.7% from 2003 to 2004, accounting for over 22,000 visitors⁴.
- In 2004, tourism employment accounted for more than 117,500 direct jobs in BC and over 266,000 total tourism-related jobs (direct and indirect)⁵.

As noted previously, Tourism BC has set a target to double provincial tourism revenues by 2015. Furthermore, total tourism-related employment anticipated for 2010 is 216,624⁶. To successfully support

³ Tourism BC. 2005/06 – 2007/08 Service Plan Update September 2005

⁴ BC Statistics. 2005. *Tourism Industry Monitor. Annual 2004*. p. 4. Note: figures are rounded.

⁵ BC Statistics Representative. 2006.

the tourism industry's projected growth in revenues and employment, BC must develop and ensure a reliable, cost-efficient and effective workforce that is compatible with the industry's unique characteristics, including:

- Seasonal and part-time variation in worker demand;
- Distinctively varied wages, ranging from low to above average depending on the tourism sector and specific occupation;
- A traditionally young workforce, with many occupations serving as crucial entry points into the workforce for youth;
- Varied work duties, with many positions requiring high levels of multi-tasking; and
- A culturally sensitive and diverse customer base.

Tourism Industry Labour Demand and Supply

Labour Demand

As announced on July 2, 2003, BC has been selected to host the 2010 Olympics. The Olympics are expected to have a significant effect on driving employment within the province. Recent research conducted by Roslyn Kunin & Associates, Inc.⁷ ("Kunin") documents the following employment projections for the next ten years:

- The Olympics, the Vancouver Convention and Exhibition Centre expansion, the Sea-to-Sky Highway upgrade, and the Richmond-Airport-Vancouver Rapid Transit Project will generate incremental growth of almost 132,000 person years of employment during 2003-2015.
- Industries with the largest amount of employment growth from 2003-2015 will be Accommodation / Food / Recreation, Retail, Health Services, Construction, Computer /Consulting/Business Services, and Transportation.
- Over four out of ten job openings from incremental employment growth during 2003-2015 will be in regions outside of the Lower Mainland and Southwest Region of the province.

The BC Tourism Human Resources Development Taskforce (the "Taskforce") reports that BC will need 84,000 additional skilled workers by 2015 to adequately meet employer demand in the tourism industry⁸. According to the Taskforce, projected labour demand for 2015 will be:

- 44,300 new workers for Food and Beverage Services;
- 19,150 new workers for Accommodation Services;
- 13,100 new workers for Adventure Tourism and Outdoor Recreation;
- 8,000 new workers for Attractions; and
- 500 new workers for Travel Services.

⁶ Ministry of Advanced Education. *COPS 2001 Scenario*

⁷ *Planning for Gold. Maximizing 2010-Related Employment & Skills Opportunities in BC: Connecting Labour Market Supply & Demand*. 2003. Prepared for the 2010 Human Resources Planning Committee. Research conducted by Roslyn Kunin & Associates, Inc.

⁸ BC Tourism HR Development Task Force Action Plan 2003. *Recruit, Retain & Train: Developing a Super, Natural Tourism Workforce in BC*.

Labour Supply

BC is projected to experience a decline in its labour force participation rate, from 65% in 2002 to 62% in 2010, to less than 60% in 2025⁹. A key contributing factor is the province's aging population, and thus an aging workforce. Kunin estimates that BC's total population will increase from 4.3 million in 2001 to 4.9 million in 2015. After 2008, the 45 to 64 year age category will grow to become the largest demographic group within the population. The aging of this group will result in "a rapid decline in labour force participation rates as older workers withdraw from the labour force"¹⁰. Kunin also reports that BC's labour shortage will impact selected occupations, including management positions within the food service and accommodation sectors.

Tourism Employment Challenges

In addition to challenges arising as a result of demographic changes in BC's workforce, further industry and human resource related challenges continue to impact the tourism industry's labour supply. The Taskforce¹¹ highlights the following three main human resources challenges that pertain to all sectors within the tourism industry, including the accommodation sector.

Challenge 1: Recruiting Workers

- Stiff competition for qualified workers with strong customer service skills;
- Changing demographics in the labour pool – While tourism has relied on young people to fill positions in the industry, the size of this demographic group is declining; and,
- Perception of tourism jobs as entry-level and low-paying.

Challenge 2: Retaining Workers

- Unacceptably high turnover rates – More than half of new workers in the tourism industry leave their jobs within one year – an enormous cost for tourism operators. While seasonal work explains some exits, employees cite under-appreciation as a key reason for leaving;
- More investment for employee development – Employers need to become more aware of the broad range of tourism education and training programs that supply skilled workers and ongoing professional development opportunities; and,
- The lure of other industries' human resource ("HR") practices. Industries where employers have consciously worked on improving HR practices are successfully attracting and retaining skilled workers.

⁹ Finlayson, J. 2002. *BC can expect labour scarcity in coming years*. Vancouver Sun, Oct. 7.

¹⁰ *Planning for Gold. Maximizing 2010-Related Employment & Skills Opportunities in BC: Connecting Labour Market Supply & Demand*. 2003. Prepared for the 2010 Human Resources Planning Committee. Research conducted by Roslyn Kunin & Associates, Inc. p.9

¹¹ BC Tourism HR Development Task Force Action Plan. 2003. *Recruit, Retain & Train: Developing a Super, Natural Tourism Workforce in BC*.

Challenge 3: Training and Development

- More job-readiness support as many new workers lack sufficient understanding of the business, customer expectations and related employer needs;
- More part-time training options for upgrading or retraining as most tourism training programs require fulltime study commitments;
- Strengthening the HR skills of supervisors; and,
- More credit transfers between training programs – Employers find it hard to know how tourism education and training programs compare with one another. Many post-secondary educational institutions have credit transfer agreements, but there is a need for more collaboration between secondary and post-secondary schools, and public and selected private institutions.

Addressing the Labour Shortage Issue

There are a range of possible initiatives under discussion to address tourism labour/employment challenges in BC. This paper focuses specifically on addressing the shortage of housekeeping staff in the Kootenay Region’s accommodation sector potentially through the adaptation of an existing program (or programs) designed to attract foreign labour. Profiles of five federal and provincial foreign worker programs are presented below. The profiles provide an overview of the program, followed by a discussion of the potential challenges and merits associated with adapting the program to meet the needs of the accommodation sector in BC.

1. British Columbia’s Provincial Nominee Program

The British Columbia Provincial Nominee Program (“BC PNP”) is an employer-driven immigration program operated by the Government of BC, in co-operation with Citizenship and Immigration Canada (“CIC”). Employers who are unable to fill skilled positions with Canadian residents can apply to BC PNP for approval to recruit a specified number of foreign candidates. As a provincial nominee, foreign workers receive faster processing of permanent resident applications.

Program conditions require that an *employer demonstrate that the job position offered:*

- cannot be filled by a Canadian resident;
- is for permanent, full-time employment in BC;
- meets provincial employment and wage standards;
- is offered to an individual who meets the required qualifications; and,
- does not conflict with existing collective bargaining agreements.

An individual candidate will only be considered for the nomination if:

- he/she is recruited by a pre-approved BC employer; and,
- he/she has a valid job offer.

Applicants must also fall within the following categories: **Strategic Occupations** – Registered Nurses; Skilled Workers; International Students; or **Business Categories** – Business Skills; Projects; Regional Business. In addition, successful candidates are required to meet all federal statutory requirements regarding health, criminal and security checks before an immigration visa is issued¹².

Challenges that Hinder Application of the Program to BC's Accommodation Sector

- **Program Focused on Highly Qualified Professionals:** BC PNP focuses on attracting highly skilled immigrants in selected occupations, and historically will not support nominations in occupations for which post-secondary education or the training period is less than that normally required for technical or trade qualifications. Job fields that are not considered appropriate include most hospitality industry jobs and other service sector jobs where training periods are short, as BC PNP perceives these occupations to have a large potential supply of workers and several options available for training.
- **Program Focused on Permanent, Full Time Positions:** Applications are only considered for nomination if the employment offered is for a *permanent, full time position*. As the tourism industry is highly dependent on seasonal factors such as climate and holidays, many accommodation operators can only offer seasonal and part time employment opportunities.

Merits that Benefit Application of the Program to the Accommodation Sector

- **Potential Flexibility to Adapt Program to Changing Labour Market Needs:** Priority job fields under BC PNP may change and/or broaden in scope to accommodate for changes in labour market needs and further decreases in labour supply across industry sectors. For example, BC PNP is currently developing a job field category for construction workers in response to a major construction boom related to the development of 2010 Winter Olympic venues and infrastructure¹³.

2. Foreign Worker Program (Temporary Work Permits)

The Foreign Worker Program (“FWP”) is a Federal initiative that addresses skill shortages in Canada by providing temporary permits to foreign nationals to work in the country for Canadian employers.

To receive a temporary work permit, applicants must first obtain:

- A formal job offer from a Canadian employer;
- A labour market opinion (“LMO”), sometimes also referred to as a ‘confirmation’ of a formal job offer. A LMO (or ‘confirmation’) is provided by Service Canada (formerly HRSDC). The employer must provide a copy of the job offer to Service Canada, which then confirms the offer and prepares a LMO. An application form for a Labour Market Opinion is provided in Appendix A. Service Canada assesses if a foreign national may fill the job based on whether:

¹² Government of British Columbia. BC Provincial Nominee Program. URL: www.ecdev.gov.bc.ca/ProgramsAndServices/PNP

¹³ BC PNP Program Coordinator. 2006. Telephone Interview. Grant Thornton LLP Research

- The job offer is genuine;
- Wages and working conditions are comparable to those offered to Canadians working in the occupation;
- Employers conducted reasonable efforts to hire or train Canadians for the position;
- The foreign worker is filling a labour shortage;
- Employment of the foreign worker will directly create job opportunities or help retain jobs for Canadians;
- The foreign worker will transfer new skills and knowledge to Canadians; and,
- Hiring the foreign worker will not affect a labour dispute or the employment of any Canadian worker involved in such a dispute.

Once Service Canada confirms that a foreign worker may fill the position and grants a favourable LMO, the foreign national then applies to Citizen and Immigration Canada (“CIC”) for a temporary work permit¹⁴.

Skill qualifications of applicants are assessed based on the National Occupations Classification System (“NOC”). Depending on the skill required, specific processes exist for employers planning to hire workers in various industry sectors and occupations, including academics, seasonal agriculture, film and entertainment, information technology, live-in-caregivers, oil and sands, and occupations requiring at most a high school diploma or job-specific training.

Challenges that Hinder Application of the Program to BC’s Accommodation Sector

- **Need for Sufficient Resources to Cover Program Costs:** Each individual applicant must demonstrate that he/she has been formally offered a job in Canada in order for a favourable LMO to be considered. The onus and associated costs for finding a job opportunity overseas is placed on the individual and/or the Canadian employer who wishes to recruit a foreign worker. While some larger hotel companies may be able to bear the costs of recruiting foreign workers without a guarantee that a favourable LMO will be issued, many smaller accommodation operators do not have the financial, human and informational resources to successfully engage in this process.
- **Lengthy Application and Review Process:** FWP is not considered a fast track process for expediting workers into Canada as it takes Service Canada approximately 10 to 12 weeks to process LMO applications due to limited government resources¹⁵. If Service Canada issues a favourable LMO, then the foreign worker must apply to CIC for a temporary work permit. CIC staff reported that the application processing time for an initial work permit varies depending on the specific application; however the average processing time is approximately six weeks.

¹⁴ Government of Canada. Human Resources Development Canada (currently Service Canada). 2006. The Foreign Workers Program Website. URL: http://www.hrsdc.gc.ca/en/gateways/nav/top_nav/program/fw.shtml

¹⁵ Service Canada Representative. 2006. Telephone Interview. Grant Thornton LLP Research

The length of the application process, added to the time required to complete program pre-requisites (e.g., identification and recruitment of workers, provision of a formal job offer, and medical, criminal and security checks) can result in a prolonged, complex and burdensome experience for both foreign candidates and Canadian employers.

Merits that Benefit Application of the Program to the Accommodation Sector

- **Urban and Rural Application:** FWP strives to place foreign workers in positions both within major urban centres as well as rural communities, providing potential opportunities for accommodation employers to recruit workers to the Kootenay Region.
- **Potential Flexibility in Program:** An interview with a Service Canada staff member revealed¹⁶ that the department would be willing to discuss ideas and/or a proposal to address the specific labour market needs of the tourism industry within the context of the FWP.
- **Minimal Skills Pilot Project Underway:** A specialized two-year pilot project under FWP is currently being implemented for hiring foreign workers in NOC skill levels “C” and “D”¹⁷, which consist of occupations that require a high-school diploma or job-specific training. Under the NOC, all travel and accommodation occupations, excluding management positions, fall within the “C” and “D” skill level classifications, resulting in a slightly more streamlined process under the FWP that is potentially suitable for recruiting foreign workers to the accommodation sector. The pilot project is currently being utilized by the Alberta Hotel Association (the “Association”) to address the labour market needs of its members. A description of the Association’s utilization of this program and relevant program documents are provided in Appendix B.

3. Working Holiday Programs and Visa

Temporary employment opportunities in Canada, through Working Holiday Programs (“WHP”) are available for foreign nationals between the ages of 18 and 30 years who are citizens of a variety of countries, specifically Australia, Austria, Belgium, Finland, France, Germany, Ireland, Japan, Republic of Korea, Netherlands, New Zealand, Sweden and the United Kingdom. Specific eligibility and visa requirements vary from country to country. Work permit processing is usually four to six weeks, except where a medical examination is needed (minimum of six weeks)¹⁸.

Challenges that Hinder Application of the Program to BC’s Accommodation Sector

- **Quota on Number of Participants:** Depending on the country of origin and agreements in place, WHP programs typically have quotas on the number of participants that are approved. Visas are provided to eligible applicants on a first come, first served basis, therefore limiting the number of participants potentially able to work in the accommodation sector. For example,

¹⁶ Service Canada Representative. 2006. Telephone Interview. Grant Thornton LLP Research

¹⁷ Under the NOC, skill level C is defined as occupations that usually require secondary school and/or occupation-specific training. Skill level D is described as consisting of occupations where on-the-job training is usually provided.

¹⁸ Working Holiday Program Canada 2006, Australia. URL: <http://www.whpcanada.org.au/>

the Australian Working Holiday Program currently has an annual quota of 7,500 participants, which has reached its limit in recent years (2003 and 2004). To date, specific information related to program permit lengths and participant quotas is not available in Canada. To obtain this data requires correspondence with individual WHP representatives in each participating country.

- **Potentially High Turnover of Staff:** Depending on the country of origin and agreements in place, an open employment permit allows a WHP participant to work for more than one employer at a time throughout their stay in Canada. The duration of the permit (four to twelve months), coupled with a young person's desire to explore and travel the country, can result in high WHP employee turnover for accommodation employers. The cost of employee turnover is burdensome for employers. Turnover costs typically consist of administrative expenses related to the exit of an employee and the entry of a new hire, the recruitment and screening of a new hire, plus the training and orientation support expenses for worker replacement.
- **Attraction to Popular Resort Communities:** The majority of WHP participants are attracted to working in larger resort communities (e.g. Whistler and Banff) due to similar demographic and cultural groups, and the variety of diverse amenities and activities available. With an inability to offer the wide range of comparable services, accommodation properties located in non-destination and remote communities may face increased challenges in attracting WHP participants.

Merits that Benefit Application of the Program to the Accommodation Sector

- **Compatible with Seasonal Industries:** WHP is mainly geared towards the tourism and hospitality industry, as the length of the WHP work permit (four to twelve months, depending on the country of origin and agreements in place), limits the type of job opportunities for participants to predominately seasonal and part time employment. As a result, many WHP participants target and fill seasonal, entry-level jobs in the tourism, hospitality and service industries, in particular the food and beverage, ski resort, accommodations, retail, clerical and transportation sectors¹⁹.

4. Student Workers Abroad Program (SWAP)

Temporary employment opportunities for youth between the ages of 18 and 35 years are also available through the Student Workers Abroad Program (SWAP). Initially established in 1975 with a small youth exchange in New Zealand, SWAP is now Canada's largest international exchange program, providing youth with opportunities to combine periods of employment with travel in a foreign country. SWAP services are available in many regions throughout the world, including North America, Europe, South America, Central America, Africa, Asia and the South Pacific. A map of SWAP's international student travel partners and affiliates around the world is provided in Appendix C.

¹⁹ Working Holiday Program Representative based in Australia. 2006. Service Canada. Grant Thornton LLP Research

SWAP participants in Canada live and work in the country for four to twelve months, depending on the country of origin and agreements in place. SWAP participants pay a registration fee and all necessary working papers for a visa are arranged under the program.

In Canada, SWAP services are provided through TravelCUTS, an organization dedicated to providing budget travel services to students and youth. SWAP offices in Canada are located either on or near university or college campuses or along well-travelled streets in all major cities across the country. Outside of Canada, SWAP offices are known as hosting centres and are managed by SWAP's travel partners or affiliates.

SWAP provides participants with employer contacts, resources and information about locating employment in the host country, however, it is not a job placement program. Employers advertise to SWAP participants about job opportunities by submitting employment postings to local SWAP offices, and/or informing SWAP staff by email or telephone. Most of the jobs advertised are in retail, clerical and hospitality/tourism industries as these industries hire the most seasonal staff. Jobs in these industries also offer the flexibility of short-term employment, enabling participants to travel where desired²⁰.

Challenges that Hinder Application of the Program to BC's Accommodation Sector

- **Quota on Number of Participants:** Depending on the country of origin and agreements in place, SWAP programs have quotas on the number of participants that are approved. These quotas are set by each foreign government. For example, the quota for British participants in 2005 was 2,000 participants. Quotas for South American participants are typically lower. SWAP staff reported that a majority of South American participants, in particular those originating from Chile and Peru, attain placements in housekeeping positions within the accommodation sector. In 2005, the quota for Chile was 50 participants and for Peru, 30 participants, thus significantly limiting the number of participants potentially able to work in BC's accommodation sector. SWAP staff reported that the program is currently in the process of compiling and developing a comprehensive document that provides information on each participating country's quotas and permit lengths.
- **Potentially High Turnover of Staff:** Depending on the country of origin and agreements in place, SWAP participants typically work for more than one employer at a time throughout their stay in Canada. The duration of the permit (four to twelve months), coupled with a young person's desire to explore and travel the country, can result in high SWAP employee turnover for accommodation employers. The cost of employee turnover is burdensome for employers. Turnover costs typically consist of administrative expenses related to the exit of an employee and the entry of a new hire, the recruitment and screening of a new hire, plus the training and orientation support expenses for worker replacement.

²⁰ SWAP Website. URL: www.swap.ca

- **Attraction to Popular Resort Communities:** The majority of SWAP participants tend to gravitate towards working in larger resort communities (e.g. Whistler and Banff) due to similar demographic and cultural groups, and the variety of diverse amenities and activities available. With an inability to offer the wide range of comparable services, accommodation properties located in non-destination and remote communities may face increased challenges in attracting SWAP participants.

Merits that Benefit Application of the Program to the Accommodation Sector

- **Compatible with Seasonal Industries:** SWAP is geared towards seasonal industries, as the length of the work permit (four to twelve months, depending on the country of origin and agreements in place), limits the type of job opportunities for participants to predominately seasonal and part time employment. As a result, SWAP participants target and fill seasonal, entry-level jobs in the tourism, hospitality and service industries, specifically the food and beverage, ski resort, accommodations, retail, clerical and transportation sectors.
- **Housekeeping Positions Targeted:** As mentioned previously, a majority of South American participants, in particular those originating from Chile and Peru, target job placements in housekeeping positions within the accommodation sector. SWAP staff suggested this may be because excellent English language skills are not mandatory for these positions²¹. Unlike the open employment permit, however, a typical condition of SWAP agreements with South American countries is that jobs are arranged prior to the participant's entry into Canada in order to make the transition to living and working in a foreign culture and language easier. SWAP staff reported that the travel partner or affiliates in specific South American countries are responsible for identifying and securing job placements for the participants.
- **Administrative and Support Services Offered:** SWAP offers a combination of ongoing program administrative and support services to participants. Provision of such services by SWAP removes the burden from individual applicants and employers that may not otherwise have the resources to offer these services.

5. BC Seasonal Agriculture Workers Program

BC Seasonal Agriculture Worker Program (“SAWP”) is an official program under the Foreign Worker Program and is managed by Service Canada and CIC, in cooperation with the agricultural producers and a number of foreign countries, including Mexico. SAWP allows for the organized entry of foreign nationals to work in agricultural labourer occupations throughout Canada. SAWP provides for the entry of foreign workers to meet the temporary seasonal needs of agricultural producers during peak harvesting and planting periods, when there are traditionally shortages of qualified Canadian workers. Before agricultural employers can apply to hire a foreign worker under SAWP, they must:

- Demonstrate that efforts were undertaken to hire Canadian agricultural workers approximately eight weeks before the start of the work through a human resources plan;

²¹ SWAP Program Officer. 2006. Telephone Interview. Grant Thornton LLP Research

- Make efforts to hire unemployed Canadians through Service Canada and provincial employment programs;
- Offer foreign workers the same wages as those paid to Canadian agricultural workers doing the same work;
- Pay the foreign worker's airfare to and from Canada (of which a portion can be recovered through payroll deductions);
- Provide the foreign worker with seasonal housing that has been approved by the appropriate provincial/municipal body;
- Pay the immigration visa cost recovery fee for the foreign worker (which can be recovered from the employee through payroll deductions);
- Ensure that the foreign worker is covered by workers' compensation;
- Ensure the foreign worker is covered under private or provincial health insurance during their stay; and,
- Sign an employer-employee contract outlining wages, duties, and conditions related to the transportation, accommodation, health and occupational safety of the foreign worker. The employment contract must be signed by both the employer and the foreign worker before CIC will issue a work permit.

Once Service Canada has approved the job offer, the employer will receive a confirmation from Service Canada. Next, the foreign countries (Mexico and countries in the Caribbean) recruit the agricultural workers. The foreign workers are helped by their respective foreign governments and apply for an eight-month work permit from CIC²².

Challenges that Hinder Application of the Program to BC's Accommodation Sector

- **History of Non-Compliance to Employment and Housing Standards:** Currently, under SAWP, participants must sign and adhere to an employee-employer contract, outlining wages, duties and conditions related to accommodations, health and occupational safety and transportation of the foreign worker. A recent analysis of SAWP in BC by Zbeetnoff, D.M and McTavish, R.B.²³ found that foreign workers are encountering problems with some employers violating conditions of the contract, in particular the provision of timely wage payments and acceptable housing conditions. Unless proper enforcement, monitoring and inspections of employment standards are implemented and acceptable housing is provided, application of a similar type of foreign workers program to the accommodation sector may result in similar challenges.

²² Government of Canada. Human Resources Development Canada (currently Service Canada). 2006. Seasonal Agriculture Foreign Workers Program. URL <http://www.hrsdc.gc.ca/en/epb/lmd/fw/seasagri.shtml>

²³ Zbeetnoff, D. M & McTavish, R.B. 2004. *Analysis of the 2004 Seasonal Agriculture Worker Program (SAWP) in British Columbia*.

- **Program Costs to Employer:** Additional costs and responsibilities of employing foreign workers above those required for recruiting domestic workers must be endured by the employer, some of which are not recoverable in BC. Under a similar foreign workers model for the accommodations sector, employer applicants should be prepared to accept and undertake particular responsibilities, such as:
 - Paying the full cost of each worker's transportation costs to / from Canada;
 - Paying the provincially-established wage rates and compensation for tourism-related occupations;
 - Providing or arranging for suitable accommodations (under SAWP the worker may be charged a rate of 5% of his/her gross daily pay up to a maximum of \$350 during the worker's entire stay in Canada);
 - Registering each worker with the BC Medical Plan;
 - Arranging for Workers' Compensation coverage for each worker;
 - Advancing CIC and other government fees (e.g. cost recovery fee) for each worker (may be recoverable from worker); and,
 - Advancing premiums for health insurance coverage for each worker (may be recoverable from worker).

Prior to the recruitment of foreign workers, a SAWP employer must also pay the full cost of advertising for Canadian workers or permanent residents and demonstrate this effort to Service Canada.

- **Cultural Barriers:** Zbeetnoff and McTavish found that successful job placements were often challenged by cultural differences between the employer and worker, including language and feelings of being culturally isolated. Unless strategies are adopted to address cross-cultural barriers, application of a similar program to the accommodation sector may result in similar cultural challenges.

Merits that Benefit Application of the Program to the Accommodation Sector

- **Effective Bilateral Agreement Between Governments:** A bilateral agreement is in place between the Governments of Canada and Mexico, allowing for a streamlined and cost-efficient process for recruiting and expediting foreign workers to BC's agricultural industry. Under the agreement, Service Canada receives and processes applications for foreign workers from employers and/or industry associations that are applying on behalf of their members (in the case of Ontario, a central organization that provides overall program administration applies on behalf of employers). If applications are approved, confirmation letters are sent to individual employers and forwarded to the Canadian Consulate or liaison officers in Mexico. The Consulate and/or liaison officers then collaborate with the Mexican Ministry of Labour to identify and recruit foreign workers, as well as provide services to workers such as income tax

assistance, and conflict mediation. The process is also facilitated by the use of a travel agency that works to meet specific travel needs of the foreign workers and provide uniform airfares.

- **Suitable Mexican Labour Pool for Accommodation Sector:** According to agricultural employers participating in SAWP, the majority of Mexican workers are generally young, able-bodied, reliable, trainable, motivated and productive. A labour pool with similar characteristics and qualities to SAWP workers is well-suited to the accommodations sector.
- **High BC Wages an Attractor:** Wages received by SAWP Mexican workers for three months' work in BC are equivalent to one full year of work in Mexico. As a result, there is a strong incentive for Mexican nationals to work in Canada, with some workers requesting extended employment contracts. Wage compensations are similar for entry-level occupations in the tourism (and accommodation) industries, with similar incentives to the Mexican target group.
- **Successfully Applied / Tested in the Agricultural Industry:** Zbeetnoff and McTavish state that BC agricultural industry associations and employers currently consider SAWP the best available option to meet labour shortages facing the agricultural and horticultural industries.

A table summarizing the challenges and merits for each foreign worker program described in relation to housekeeping professions in the accommodation sector is provided on the following page.

Summary of Foreign Worker Programs

The following table presents a tabular summary of the foreign worker programs discussed above.

Summary of Foreign Worker Programs Challenges and Merits in Relation to the Housekeeping Profession in the Accommodation Sector		
Foreign Worker Program	Challenges	Merits
BC Provincial Nominee Program	<ul style="list-style-type: none"> • Program focused on highly qualified professionals • Program focused on permanent, full time positions 	<ul style="list-style-type: none"> • Potential flexibility to adapt program to changing labour market needs
Foreign Workers Program	<ul style="list-style-type: none"> • Demand from employers for sufficient resources to cover costs • Lengthy application and review process 	<ul style="list-style-type: none"> • Minimal skills pilot project underway • Urban and rural application • Potential flexibility to adapt program to changing labour market needs
Working Holidays Programs	<ul style="list-style-type: none"> • Quota on number of participants • Potential high turnover of staff • Workers typically attracted to larger destination resorts (may be a barrier to accommodation operators in smaller centres or rural areas) 	<ul style="list-style-type: none"> • Compatible with seasonal industries •
Student Workers Abroad Program	<ul style="list-style-type: none"> • Quota on number of participants • Potential high turnover of staff • Workers typically attracted to larger destination resorts (may be a barrier to accommodation operators in smaller centres or rural areas) 	<ul style="list-style-type: none"> • Compatible with seasonal industries • Housekeeping positions targeted • Administrative and support services offered
BC Seasonal Agricultural Workers Program	<ul style="list-style-type: none"> • History of non-compliance with employment and housing standards • Program costs to employers • Cultural barriers 	<ul style="list-style-type: none"> • Effective bilateral agreement between governments • Suitable Mexican labour pool for housekeeping profession • Relatively high BC wages an attractor • Successfully tested in the agricultural industry

Critical Success Factors

Based on our review of the four immigrant/foreign worker programs, we have identified the following critical success factors for adapting an existing program or creating a new program to attract foreign workers to address labour shortages in the Kootenay Region's accommodation sector.

Government Buy-In

Government buy-in that labour shortages in the accommodation industry is a serious and legitimate issue is critical to the establishment of a program that will adequately address this issue.

Support and Resources in Host and Source Countries

Adequate administrative support and resources allocated to the program both within Canada and in the foreign workers' countries of origin are required for a successful program.

Support and resources within Canada include those related to:

- Program logistics
- Inventory of employers
- Processing of visas and work permits
- Establishment and enforcement of employment and program standards

Support and resources required from the foreign workers' countries of origin include those related to:

- The recruitment of workers
- Liaison with Canadian program representatives
- Facilitation of program and travel logistics

An Appropriately Qualified and Motivated Supply of Labour in Source Countries

An appropriately qualified and motivated supply of labour in the targeted countries from which foreign workers are recruited is essential for a successful program.

Well Defined and Maintained Standards

Program standards that are well defined and maintained – in particular standards related to wage levels, health and safety, and the provision of staff accommodation – are essential for a successful program.

Cross-Cultural Support Services

Cross-cultural support services are essential to ensure that foreign workers' experience in Canada is positive. This will encourage other potential foreign workers from the same country of origin to participate in the program, which, in turn, will contribute to the long-term success of the program.

Ability to Attract a Critical Mass of Employees from Specific Source Countries

An ability to attract a critical mass of workers from specific countries of origin to specific destinations will help address cultural sensitivities and will encourage more workers from these countries to participate in the program.

Ability to Attract Labour to a Variety of Locations

An ability to attract labour to a variety of locations – including destination resorts, urban centres, smaller communities and rural locations – will contribute to the success of the program across the province, rather than just in the urban centres and larger destination resorts. This may be achieved through effective marketing and packaging for the specific host destinations.

Affordable Program Costs

Given that many accommodation operators are small to medium sized businesses, costs for accessing and utilizing this program must be affordable to employers.

Conclusion

Selected elements of the five programs reviewed are working well and could be adapted, applied and/or improved to help address labour shortages in BC's tourism industry. Based on our research and analysis, there are significant opportunities to adapt an existing program or create a new program to attract foreign workers to the Kootenay Region to help address the shortage of housekeeping professionals in the accommodation sector.

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Appendix A
Foreign Worker Program, Service Canada (formerly HRSDC) Application Form
for a Labour Market Opinion



FOREIGN WORKER APPLICATION Application for a Labour Market Opinion

EMPLOYER INFORMATION			
Canada Revenue Agency (CRA) Business Number		Employer Name (name of business)	
Business Telephone Number () -	Address: Number / Street / PO Box#	City	Province/State
Country	Postal/Zip Code	Date business started (yyyy-mm-dd)	Website
Describe the principal business activity:			
Contact Name	Job Title	Preferred Official Language of Correspondence <input type="checkbox"/> English <input type="checkbox"/> French	Contact Telephone Number Extension () -
Fax Number () -	E-mail	Number of Canadians / permanent residents employed in Canada.	
Number of foreign workers currently employed in Canada (neither Canadian citizens nor permanent residents).	Were any employees laid off in the past 12 months? Reason(s) for layoff(s) and occupations affected: <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, how many?		
* THIRD PARTY INFORMATION (if applicable)			
Company Name		Third Party Representative authorized to act for employer	
Preferred Official Language of Correspondence <input type="checkbox"/> English <input type="checkbox"/> French	Address: Number / Street / PO Box #		
City	Province/State	Country	Postal/Zip Code
Telephone Number () -	Extension	Fax Number () -	E-mail
<p>* Written authorization from the employer to act on his/her behalf is required and should</p> <ul style="list-style-type: none"> - be signed by an official with signing authority for the employer and presented on the employer's company letterhead; - specifically authorize the agent to act on the employer's behalf in obtaining a Labour Market Opinion from the Department of Human Resources and Skills Development Canada (HRSDC); and - state any limitations of authority to act on the employer's behalf (duration, specific situations etc.) <p>(HRSDC reserves the right to contact the employer directly if necessary)</p>			
DETAILS OF JOB OFFER			
<p>Use a separate sheet for each additional job offer. If you are requesting a Labour Market Opinion for identical job offers, provide the information only once.</p>			
Job title	Is the job temporary with intent to permanent? <input type="checkbox"/> No <input type="checkbox"/> Yes	Number of foreign workers you are requesting under this job title (same wage, job description, location, etc)?	
Expected duration of employment ___ days ___ weeks ___ months ___ years		Expected start date of employment, if any (yyyy-mm-dd)	
Location of job: Number and Street		City	Province

DETAILS OF JOB OFFER (continued)

Main duties of the job (attach separate sheet if necessary):

Educational requirements of the job:

- | | | |
|------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Doctrate(PhD) | <input type="checkbox"/> Master's degree | <input type="checkbox"/> Bachelor's degree |
| <input type="checkbox"/> College level diploma/certificate | <input type="checkbox"/> Apprenticeship diploma/certificate | <input type="checkbox"/> Trade diploma/certificate |
| <input type="checkbox"/> Secondary school | <input type="checkbox"/> Vocational school diploma/certificate | <input type="checkbox"/> No formal education requirement |

Additional information:

Experience/skills requirements of the job:

Language requirements:

- | | | |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------|
| Oral: | Written: | If "Other", please explain. |
| <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other | <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other | |

Salary (in Canadian dollars)

per hour	per day	per month	per year	Other	Number of hours per day	Number of hours per week	Total number of hours per month
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	_____	_____	_____

Benefits:

- | | | | | |
|-----------------------------------------------|--------------------------------------------|-------------------------------------------|----------------------------------|------------------------------------|
| <input type="checkbox"/> disability insurance | <input type="checkbox"/> medical insurance | <input type="checkbox"/> dental insurance | <input type="checkbox"/> pension | Number of paid vacation days _____ |
|-----------------------------------------------|--------------------------------------------|-------------------------------------------|----------------------------------|------------------------------------|

Other benefits: _____

Are there provincial/territorial/federal certification, licensing or registration requirements of the job?

- No Yes → If yes, what is the name of the certifying/licensing/registering body?
- _____

Please note: Citizenship and Immigration Canada will check to ensure the foreign worker holds the required certification, licensing or registration requirements when processing the work permit application.

Is the position part of a union?

- No Yes → If yes, what is the name of the union?
- _____

Has the union been consulted about the hiring of a foreign worker?

- No Yes → If yes, what is the position of the union? Provide details. Attach documentation, if available.

Is there a labour dispute in progress?

- No Yes → If yes, provide details.

DETAILS OF JOB OFFER (continued)

Have you attempted to recruit Canadians / permanent residents for this job?

Yes → If yes, provide details of your recruitment efforts and the results.

(Attach supporting documentation such as advertisements in local and national newspapers, recognized INTERNET job banks, job-specific and professional publications, recruitment drives, job fairs, etc.)

No → If no, please explain.

What are the potential benefits to the labour market in Canada that will occur as a result of employing the foreign worker?

filling a labour shortage transfer of new skills and knowledge to Canadians / permanent residents direct job creation or retention of Canadians/permanent residents other

Provide details:

Do you plan to train Canadians / permanent residents for the position to be filled by the foreign worker?

No Yes → If yes, provide a brief description of the training plan.

FOREIGN WORKER INFORMATION

Please provide information on a separate sheet for each foreign worker coming into Canada.

Name of Foreign Worker - Family name		Given Name(s)	
<input type="checkbox"/> Male <input type="checkbox"/> Female	Date of birth (yyyy-mm-dd)	Country of Residence (where worker currently lives)	Citizenship

If the foreign worker is currently in Canada, please indicate the immigration status:

visitor foreign worker refugee claimant student

Title of job offered to the foreign worker

ENTERTAINMENT REQUEST (if applicable)

Name of the Production	Total number of people involved in the Production
Type of Production	

A copy of the contract between the employer and the foreign entertainer must be attached with this application form, except for film and TV requests.

Contract included with application?

Yes No

DECLARATION OF EMPLOYER

I understand the information contained on this form and on any sheet attached thereto, including information that qualifies as personal information within the meaning of the *Privacy Act*, as well as any other information and personal information collected by the Department of Human Resources and Skills Development Canada (HRSDC) for the purpose of providing a labour market opinion pursuant to the *Immigration and Refugee Protection Regulations* shall be used by HRSDC and shared with Citizenship and Immigration Canada (CIC) solely for that purpose. I understand that this information may also be shared with federal, provincial, and/or territorial departments or agencies as well as with municipal governments, unions, associations and other appropriate organizations for the same purpose. Finally, I understand that this information may also be used by HRSDC and shared with CIC for policy analysis, research and/or evaluation in relation to the entry and hiring of foreign workers to Canada or the *Immigration and Refugee Protection Act*.

I understand that I have no obligation to complete and sign this application, but that failure to do so may prevent HRSDC from providing a labour market opinion as required by the *Immigration and Refugee Protection Regulations*.

Authority to collect the information contained on this form and on any sheet attached thereto, including any information that qualifies as personal information within the meaning of the *Privacy Act*, as well as any other information and personal information collected by HRSDC for the purposes described above is provided under the *Department of Human Resources Development Act* and the *Immigration and Refugee Protection Act*. Once under the control of HRSDC, the information contained in this form and on any sheet attached thereto that qualifies as personal information within the meaning of the *Privacy Act*, as well as any other personal information collected by HRSDC for these purposes is administered in accordance with the *Privacy Act*. The *Privacy Act* gives individuals the right to access their personal information under the control of a federal government institution. Instructions for making formal requests are outlined in the publication *Info Source*, copies of which are located at all Human Resources Centres of Canada or at the following internet address: <http://infosource.gc.ca>. The personal information collected by HRSDC for the purposes described above will be retained in Personal Information Bank "HRDC PPU 440".

I certify that the information provided in this application is true and accurate.

Signature of Employer

Signature of Third Party Representative (if applicable)

Printed Name of Employer

Printed Name of Third Party Representative (if applicable)

Title of Employer

Date

INFORMATION FOR EMPLOYERS

Please forward this application to the HRSDC office responsible for processing foreign worker applications. For the list of appropriate HRSDC offices consult the National Foreign Worker website at: http://www.hrsdc.gc.ca/en/gateways/where_you_live/menu.shtml or consult the blue pages of your telephone directory under Government of Canada.

Once an Officer assesses this application, the employer will be notified of the decision.

Appendix B Foreign Worker Program, Philippines Project Overview – Alberta Hotel Association

Application of the Program by the Alberta Hotel Association

(based upon an interview with Certification Consultant, Alberta Hotel Association)

In 2003, the Alberta Hotel Association undertook a pilot project to assist its members in addressing labour shortages by utilizing the FWP. The project involves bringing trained Filipino nationals to work in member establishments for a period of one year, with the majority filling housekeeping positions. Currently, participants include 52 foreign workers and eight accommodation properties mainly located within or surrounding the Banff area²⁴. Association staff reported that employer participants consist of both large resort and hotel operators, as well as smaller accommodation properties.

With assistance from the Association, each employer communicates and coordinates with a designated recruitment agency in the Philippines, Energy Manpower Services Inc., to identify and issue formal job offers to foreign workers. Each employer then applies to Service Canada to obtain LMOs. If granted a favourable LMO, each foreign worker applicant applies to CIC to obtain a temporary work permit.

The workers are trained in the Philippines by means of training materials from the Alberta Tourism Education Council for Room Attendant and Food and Beverage Server (“ATEC”). Training is conducted at the Philippines Women’s University through an arrangement with Energy Manpower Services Inc., which has an agreement with ATEC. Workers receive classroom training, write on-line examinations and receive on-the-job training in hotels and restaurants in the Philippines. They qualify for Canadian certification once they are placed in Canadian establishments.

Service Canada’s mandate is to ensure the employer has undertaken sufficient action so that Canadians are not denied employment opportunities in favour of a foreign worker. Evidence must be supplied by employers to demonstrate they have made every reasonable effort to recruit Canadians for positions in the industry. During the first trials of the project, challenges arose related to the interpretation of “evidence” and “reasonable effort” put forth by employers to recruit domestic workers. This resulted in the issuance of unfavourable LMOs by Service Canada.

In response, the Association conducted many meetings with Service Canada officials and made representation to various levels within the Federal Government on the specific labour needs of the tourism industry. Discussions were also held with the Hotel Association of Canada and the Canadian Tourism Human Resource Council. An interview with a Certification Consultant from the Association revealed that it was a long and frustrating process, particularly as the Association had understood at the inception of the project that the Department would show some flexibility in dealings with its members.

Since that time, industry needs and program expectations have been clarified as a result of ongoing discussions and relationship building between Service Canada and the Association. If employers adequately demonstrate that all program criteria has been met, employers receive full or partial LMO favorability. Background information on the pilot project and program application forms are provided below.

²⁴ Certification Consultant. Alberta Hotel Association. 2006. Telephone Interview. Grant Thornton LLP Research

**The Alberta Hotel Association
Philippines Foreign Workers Project**

Questions & Answers

➤ **How much will the transportation be for the employee?**

Human Resources Skills Development Canada (HRSDC) requires employers to pay 100% of the return travel costs. Costs will vary depending on season.

You could expect to pay approximately \$2,200.00 for air and land transportation as well as incidental costs such as airport taxes, overnight stay and meals.

➤ **Should the employee not be satisfactory, what can be done?**

The HRSDC application for the project is for a one-year term. You can however apply to HRSDC for a three-month period with the option of extending the VISA for the rest of the one-year term. The cost is \$150.00. Please be advised the renewal process can take up to six weeks once the renewal application is received by HRSDC.

Energy Manpower Services Inc. will provide you with a replacement and will cover the cost of transportation for that replacement. However, you will be required to bear the costs associated with processing of documents for the Philippines Government, HRSDC or Citizenship and Immigration Canada for the replacement.

➤ **HRDC requires the employer to ensure adequate housing is available. Does this mean housing on site?**

No, this does not mean housing on site. Many properties, particularly the Parks do have staff housing, other properties do not. Adequate housing can mean rental facilities in the community. As we are requiring a minimum of two employees per employer, shared facilities would be appropriate. HRSDC requires the cost of housing not to exceed one-third of the base salary for the employee.

➤ **How will interviews be conducted?**

This will be up to each employer. Energy Manpower Services Inc. (EMSI) will prescreen candidates with your property in mind. For example, which candidates might be better suited for which environment; grouping of candidates...some potential employees could be considered as working well together.

Should you wish to send your staff to Manila that can be arranged, should you wish to provide your requirements to the AHLA's Human Resources department, they can help you develop an interview process; or should you prefer, teleconferencing or videoconferencing can be arranged. Costs will depend on the option you choose.

➤ **How long will the process take?**

Once you receive this package, the process can begin immediately. It can take three to four months for HRSDC to review the file and give its decision. Citizenship & Immigration Canada (CIC) will then be doing health and security clearance checks. This could also take a few months.

➤ **What is meant by “medical coverage” by HRSDC?**

Basic Alberta Health Care coverage.

➤ **What other coverage is required?**

None, other than what you would normally give your other employees.

➤ **Are there any special arrangements for Foreign Workers vis-à-vis payroll deductions?**

Please check with Canada Customs and Revenue Agency’s most recent “Basic Information Guide’s Payroll Deduction” (T4001).

➤ **If I have more than one property, can I move the employee from property-to-property?**

HRSDC will review this on a case-by-case basis. For example, if you have two properties that require a room attendant to work between sites, HRSDC may provide permission to do so as long as the wages, benefits and other conditions are the same. You will pay for the transportation and associated costs between the sites.

➤ **Can I use the employee in more than one capacity, for example, if the employee is a room attendant and does an exceptional job, can I ask him/her to train my other employees?**

No, this is job specific.

➤ **What other costs are there?**

Energy Manpower Services will charge \$500 per worker. There is a \$100.00 processing fee required by the Philippine Government for each employee. ***This should be included with the signed Energy Manpower Services Inc. contract.*** A receipt from Energy Manpower Services Inc. will be sent to you. The cost of the Work Permit and Visa is \$150.00. Should you wish to submit the HRSDC application for a three-month period and then extend for the additional nine months there is a charge of \$150.00 for the extension.

Services provided by Energy Manpower Services Inc. include:

- a. manpower pooling
- b. pre-screening, i.e. interviews with employers
- c. visa assistance to prospective employees in Manila and
- d. travel arrangements and documentation for each personnel

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

_____, a corporation duly organized under the laws of _____, with office address at _____, represented in this transaction by its _____, _____, duly authorized for this purpose, do hereby make, constitute, and appoint Energy Manpower Services, Inc., with business address _____, represented by its General Manager, _____, as the Corporation's true and lawful attorney-in-fact for it and its name, place and stead to do and perform the following acts and things :

1. To hire, recruit and / or place Filipino contract workers for overseas employment with the Corporation, and for this purpose to enter into contracts with such persons, for and on behalf of the Corporation upon the terms and conditions prescribed by the Corporation;
2. In the furtherance of the power above granted, the attorney-in-fact is hereby designated and authorized to represent the Corporation before any and all government and private agencies in the Philippines; to sign and deliver all documents necessary to complete the transaction related to such activity, including such steps as facilitating the departure for employment abroad of the persons recruited;
3. To demand, institute legal proceedings, defend and enter into compromise in all matters or litigation, involving the hiring or recruitment of Filipino workers, for and in behalf of the Corporation;
4. To bring suit, defend and enter into compromises in my name and stead in litigations brought for or against us (or our Company) in all matters involving the employment of Filipino Contract Workers for myself (our company); and
5. To assume jointly and severally with the undersigned (our company) any liability that may arise in connection with the workers recruitment and / or implementation of the employment contract and other terms and conditions of the appointment as defined and spelled out in the attached agreement which may have previously executed.

HEREBY GRANTING AND GIVING unto the said attorney-in-fact full power and authority whatsoever requisite or necessary to be done in or about the premises, as fully to all intents and purposes as I might or could lawfully do if personally present, hereby ratifying and confirming said attorney-in-fact shall lawfully do or cause to be done under and by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto affixed by signature this ____ day of _____, 200_ in _____.


Signature

Fact Sheet for Low Skill Temporary Foreign Worker Applications

Employing foreign workers can help a company meet its labour needs and take advantage of business opportunities.

When planning to hire foreign workers in occupations that usually require at most a high school diploma or a maximum of 2 years of job-specific training, Human Resources and Skills Development Canada (HRSDC) has developed a 2 year pilot project that will carefully balance your labour needs with your comprehensive efforts to hire Canadians, and the well-being of the foreign workers in Canada.

JOB DESCRIPTIONS :

In Canada, occupations requiring at most a high school diploma or a maximum of 2 years of job-specific training are classified in the National Occupational Classification (NOC) system under Skill Levels C&D. See [NOC job descriptions](#) .

GUIDELINES:

Before you apply to hire foreign workers for NOC Skill Levels C&D occupations, HRSDC and CIC will expect you to:

- Demonstrate comprehensive and on-going efforts to recruit Canadian youth, aboriginal people, recent immigrants and Canadians in areas of high unemployment;
 - Show efforts to hire unemployed Canadians through HRSDC and provincial employment programs;
 - Consult with the local union if the position is covered under a collective agreement;
 - Sign an employer-employee contract outlining wages, duties, and conditions related to the transportation, accommodation, health and occupational safety of the foreign worker;
 - Cover all recruitment costs related to the hiring of the foreign worker;
 - Help the worker(s) find suitable, affordable accommodation;
 - Pay full airfare for the foreign worker to and from their home country;
 - Provide medical coverage until the worker is eligible for provincial health insurance coverage;
 - Register your worker under the appropriate provincial workers compensation/workplace safety insurance plans.
-
- To comply with Privacy Legislation the Alberta Hotel & Lodging Association should be noted as Third Party representative even if inquiries are of a general nature.

JOB TIME LIMIT :

Please be aware that foreign workers filling NOC Skill Levels C&D occupations can work in Canada for no more than 12 months. The worker must return to their home country for four months before applying for another work permit.

Hiring Foreign Workers: *Facts for Canadian Employers*

Canada's policy permits employers to recruit foreign workers needed for the effective functioning of the Canadian labour market. At the same time, it ensures employers have made every reasonable effort to locate or train Canadian citizens and permanent residents so the entry of foreign nationals will not adversely affect employment or career opportunities for Canadian citizens and permanent residents.

In general, the offer of employment to a foreign worker requires confirmation by Service Canada. In order to determine whether to confirm an offer of employment to a foreign worker, Service Canada assesses the potential effect of hiring the foreign national may have on the Canadian's access to jobs. The wages, working conditions, employer's recruitment efforts to consider Canadian citizens and permanent residents, and employer's human resource planning in terms of training domestic workforce and the transfer of knowledge to Canadian citizens and permanent residents are also examined.

Some foreign workers can be admitted to Canada to work without the employer having to go through the confirmation process. It is the responsibility of Citizenship and Immigration Canada to determine whether a foreign worker falls under an exemption category. Unless the foreign worker is exempt through an international agreement or falls within one of Citizenship and Immigration Canada's specific exemption categories, employers require a confirmation for any offer of employment to a foreign worker.

People who are neither Canadian citizens nor permanent residents require written permission from Citizenship and Immigration Canada before they begin working or continue working in Canada. This written permission is called a work permit. Once the employer has received a confirmation of an offer of employment, it is up to the employee to apply for a work permit. Contact Citizenship and Immigration Canada for further information.

Before You Recruit Foreign Workers

If qualified Canadian citizens or permanent residents are not available or cannot be trained in a reasonable time to meet your human resource needs and you want to hire a foreign worker, contact Service Canada for advice and guidance.

A temporary foreign worker can be considered if the job:

- Is temporary but, full-time; or
- Is permanent but, an employee is needed to bridge the gap until a Canadian citizen or permanent resident worker can be recruited or trained.

A permanent foreign worker can be considered if:

- A Canadian citizen or permanent resident worker cannot be trained in time to meet your need; and
- The job offers reasonable prospects of continuity.

Government of Canada offices abroad can help you recruit foreign workers. Their help may include: advertising, providing interview facilities, and giving advice on the local laws and

conditions which may affect your recruitment. They can also give you an estimate on how long Citizenship and Immigration Canada processing may take.

Foreign Worker Program Information and Applications

Temporary Employment

- **Labour Market Opinion** (usually occupation requiring post-secondary training)
Program Information: www.hrsdc.gc.ca/en/epb/lmd/fw/tempoffers.html
Application: www.hrsdc.gc.ca/en/epb/lmd/fw/emp5239e.pdf
- **Extension to a Labour Market Opinion** (to extend the confirmation of a foreign worker already working in Canada)
Program Information: www.hrsdc.gc.ca/en/epb/lmd/fw/tempoffers.shtml
Application: www.hrsdc.gc.ca/en/epb/lmd/fw/emp5354e.pdf
- **Pilot Project** (usually occupation requiring secondary or job-specific training)
Program Information: www.hrsdc.gc.ca/en/epb/lmd/fw/lowskill.shtml
Application: www.hrsdc.gc.ca/en/epb/lmd/fw/emp5239e.pdf
- **Foreign Live-In Caregiver** (for the care of an individual)
Program Information: www.hrsdc.gc.ca/en/epb/lmd/fw/lcp.shtml
Application: www.hrsdc.gc.ca/en/epb/lmd/fw/EMP5093e.pdf
- **Seasonal Agriculture Worker** (occupations in approved commodity sectors)
Program Information: www.hrsdc.gc.ca/en/epb/lmd/fw/seasagri.shtml
Application: www.hrsdc.gc.ca/en/epb/lmd/fw/emp5239e.pdf

Permanent Employment

- **Arranged Employment Opinion** (supports permanent resident status)
Program Information: www.hrsdc.gc.ca/en/epb/lmd/fw/supperimm.shtml
Application: www.hrsdc.gc.ca/en/epb/lmd/fw/emp5275e.pdf

Recruitment of Canadian Citizens and Permanent Residents

Before submitting an application to Service Canada for a foreign worker, you must ensure qualified Canadian citizens and permanent residents are not available. This requires you to advertise the job using appropriate methods of advertising and allowing sufficient time for Canadian citizens and permanent residents to apply and to be considered for the job.

Appropriate methods of advertising include, at a minimum, newspaper advertising which can be supplemented by Internet advertising and/or trade, union, or association publication advertising. Your advertisement is to include the following information:

- Job title
- Wages
- Job duties
- Job requirements (experience, training, certification, licenses, etc)
- Working conditions (hours of work, days of work, etc)
- Contact name and phone number

The information contained in your recruitment effort should be sufficient to attract Canadian citizens and permanent residents and must be the same as submitted on your application for a

foreign worker. Suitably qualified Canadian citizens and permanent residents must be considered first for all available work in Canada.

If applicable to your sector of the labour market, the appropriate union/association must be contacted as part of your assessment to determine whether qualified Canadian citizens and permanent residents are available.

Application Process

Once you have completed your assessment of the availability of qualified Canadian citizens and permanent residents, an application for a foreign worker can be submitted to Service Canada.

Your complete application includes the following:

- Application form
 - All of our applications can be found on our internet site at:
www.hrsdc.gc.ca/en/epb/lmd/fw/forms.shtml
- Copy of your recruitment effort and invoice
 - These copies must clearly indicate the name of the publication and the dates of insertion
- Letter from the appropriate union/association, if applicable

Service Canada uses this information to determine whether the job can be filled from within Canada, if the foreign worker will help maintain or increase employment and training opportunities, or if other employment programs and services could help meet your labour requirements. You may be asked to develop a human resource plan to ensure suitable Canadian citizens and permanent residents can fill future job vacancies.

Service Canada will consider your request for a foreign worker once satisfied:

- Job and career opportunities for Canadian citizens and permanent residents will not be adversely affected by the entry of a foreign worker; and/or
- There will be benefits if a foreign worker is recruited.

Service Canada may confirm an offer of employment if:

- The wage and working conditions offered would attract and retain Canadian citizens and permanent residents;
- Employing a foreign worker would not affect the settlement of any labour dispute, nor the employment of any person involved in such a dispute, at the place or intended place of employment;
- The job is defined so as to make it accessible to Canadian citizens and permanent residents; and
- The wage offered is based on salary, not a commission.

Depending on the program under which you submit your application for a foreign worker, additional information may be required as part of your complete application. Please review the program information and application to ensure all required information is submitted.

Some Important Words to Know

Service Canada: The federal government department which assists Canadian employers in meeting their human resource requirements by facilitating the entry of foreign workers. Service Canada offices are listed in the Blue Pages of the telephone directory under *Government of Canada* and on our internet site at:

www.hrsdc.gc.ca/en/epb/lmd/fw/listhrcc.shtml

Work: An activity for which wages or commission is earned, or competes directly with activities of Canadian citizens or permanent residents in the Canadian labour market.

Foreign Worker: A person working legally in Canada who is neither a Canadian citizen nor a permanent resident.

Job offer confirmation: A document issued by Service Canada which advises an applicant/employer the employment of a foreign worker would not adversely affect the Canadian labour market.

Work Permit: A document issued by Citizenship and Immigration Canada which entitles a foreign worker to work in Canada. Usually, it is valid only for the specified job and length of time.

Citizenship and Immigration Canada: The federal government department which is responsible for the entry of foreign national to Canada. Citizenship and Immigration Canada offices are listed in the Blue Pages of the telephone directory under *Government of Canada*.

Contact Information

Service Canada

Alberta/Northwest Territories/Nunavut Region

Foreign Worker Recruitment Branch

Suite 1440 Canada Place

9700 Jasper Avenue

Edmonton, AB T5J 4C1

Enquiries from within Alberta, Northwest Territories, and Nunavut: 1.800.418.4446

Enquiries from Northwest Territories may also contact the Yellowknife Office: 867.766.8300

Enquiries from other areas: 780.495.7972 (to leave a message)

Fax: 780.495.2783

Internet: www.hrsdc.gc.ca/en/gateway/nav/top_nav/program/fw.shtml

Citizenship and Immigration Canada

Enquiries: 1.888.242.2100

Internet: www.cic.gc.ca/english/work/index.html

HRSDC Requirements

1. Wages:

The wage should be comparable to the AHLA Wage Survey. HRSDC is prepared to use the AHLA Wage Survey information rather than the other surveys it normally uses. Please see wage information attached for Room Attendant and Restaurant Server from the 2005 AHLA Wage Survey.

2. Recruitment:

- a) **Advertising** – Demonstrate with documented information
Are you advertising your wages?
- b) **Newsprint or Internet** – Supply copies of ads for the specific positions for the past year including identifying the medium (i.e. name of newspaper, HRSDC Job Bank), dates of ads and invoices/receipts showing proof of payment; and
- c) **Other Venues For Recruitment** – Community organizations (i.e. Welcome Wagon), local high schools or colleges (i.e. high school work placement, S.A.I.T./N.A.I.T. or other college co-op placement), Immigrant Centres, Newcomers Clubs, Job Finding Clubs or other type of agency, Job Fairs, Hire-A-Student, Youth Connections, etc. HRSDC is interested in your on-going efforts to recruit Canadian citizens and Permanent residents locally, regionally, and nationally (where feasible). Not all these are applicable to every employer in every region.

For items a) and b) HRSDC requests information on the number of applications received, number of interviews, number of hired applicants and the length of their employment. Please identify if your recruitment is for part- or full-time employees.

- d) **Staff Referral Program** – Provide details if you have a program rewarding existing staff for recruitment referrals.

3. Retention:

- a) *Benefits Package*

Identify what you offer to your employees including health care, accommodation, bonuses, training, etc.

- b) *Training*

Identify what you offer to your employees, i.e. in-house or sponsored training (occupation-specific training such as a room attendant, front desk or food &

beverage server) as well as other training, such as ATEC's "SERVICE BEST™" seminar.

c) *Performance Reviews*

Identify how often, and if, bonus pay is associated with performance reviews.

d) *Staff Recognition Program*

Identify what you offer including long service awards, "employee of the month" awards, special events for staff recognition, etc.

Instruction Sheet to Accompany Employment Contract

The employer and employee need to understand clearly the terms and conditions of employment.

The objective of setting out the relationship in a contract is to get the fairest working arrangement possible. A contract can help to avoid future problems by protecting the parties' rights and providing a clear statement of their obligations. A contract is a written, detailed job description that also describes the terms and conditions of employment, usually including the maximum number of hours of work per week and the wage rate for those hours of work. Nothing in the contract should violate provincial labour laws, which establish minimum employment standards such as the minimum wage.

The Government of Canada is not a party to the contract. Human Resources Skills Development Canada (HRSDC) has no authority to intervene in the employer/employee relationship or to enforce the terms and conditions of employment. It is the responsibility of each party to the contract to know the laws that apply to them and look after their own interests.

This contract will assist HRSDC officers in forming their labour market opinion, pursuant to their role under the *Immigration Regulations*.

Procedure

The employer must sign an Employment Contract prior to initiating the HRSDC confirmation process. A sample contract has been attached. Employers may elect to supply their own contracts, the terms of which must include all the provisions outlined in the policy guidelines and sample contract. Any additional provisions in the Employer's Contract must not conflict with the provisions in the sample contract or the policy guidelines.

Once the employee has been selected, the employer must forward him/her a copy of the contract. The employee is then to sign the contract and must present it with other required documents at the mission abroad.

Please note that the employer, and not the third party recruiter, must be a part to, and signatory of, the Employment Contract. Third party recruiters are not to serve as signatories, either on the employer's behalf, or otherwise. Any agreement respecting employment validations between HRSDC and the employer is contingent on the employer being a party to this contract.

AGENCY AGREEMENT

This Memorandum of Agreement is concluded on _____, 200_.
Between
_____, _____, to be represented in this Memorandum of
Agreement by Mr./Ms. _____, in the same company, herein
under referred to as the FIRST PARTY.
And
Energy Manpower Services, Inc., a Philippine registered company with office
address _____, represented herein by the
company President & General Manager, hereinafter referred to as the SECOND PARTY.

PREFACE

Whereas the First Party is involved in providing _____ established in _____, and the Second Party is involved in recruiting, securing, and providing ATEC certified personnel such as room attendant/ housekeepers, food & beverage server, and bartenders from the Philippines. The Second Party is desirous of providing suitably qualified personnel to support First Parties' activities. Both parties agree to cooperate on the basis of the following terms.

TERMS

- 01 The above preface is an integral part of this Memorandum of Agreement.
- 02 First Party shall obtain for personnel provided by Second Party, all authorizations and visas, as may be required from time to time, for such personnel to work in Alberta, Canada. Cost of obtaining aforementioned shall be for the account of First Party.
- 03 First Party shall ensure that adequate accommodations are available to each personnel at a cost not to exceed one third of their base salary.
- 04 First Party shall provide return plane tickets for every personnel hired, portal to portal. Further, the First Party shall provide land transportation arrangement for each personnel from airport to jobsite.
- 05 First Party shall comply with HRSDC (Human Resources Skills Development Canada) requirements for healthcare coverage.
- 06 Second Party shall be responsible in all pre-screening of personnel to include medical and dental fitness, IQ tests, and personality and psychological profiling.
- 07 Second Party shall ensure that only qualified personnel are to be provided to the First Party.
- 08 Second Party shall facilitate and obtain permits and clearances from the Philippine government for personnel to be deployed to the First Party. The cost of obtaining the aforementioned, amounting to C\$100.00, shall be charged to the First Party.
- 09 Second Party shall charge the First Party an additional service fee of C\$ 500.00 per person hired and deployed, to cover the Second Party's administrative and operational costs in the conduct of manpower pooling, screening, profiling, visa assistance, travel arrangement and documentation. Further, the schedule of fees and terms of payment thereof shall be detailed in Annex A to form part of this Memorandum of Agreement.
- 10 Both Parties to this agreement agree to do nothing detrimental to each other, without 30 days prior notification, that any such action is contemplated.
- 11 Both Parties agree that the period of this Agreement is one year from the date of execution by signature of this memorandum.
- 12 Both Parties agree that any dispute arising out of, or in connection with this Agreement shall be settled amicably.

This agreement is made in two originals, signed by the authorized representatives.

First Party:

Name : _____

Second Party:

Energy Manpower Services, Inc.
Name:

Position: _____

Signature: _____

Date: _____

Position: _____

Signature: _____

Date: _____

Annex A

Schedule of Fees:

- | | |
|----------------------------------------------------------|----------------------------------------------------|
| 1. Philippine Government Clearance and Documentation Fee | C\$ 100.00 |
| 2. EMSI Service Fee | C\$ 500.00 |
| 3. Return Airfare | (to be advised depending on current airline rates) |

Terms of Payment:

1. Fees #1 and #2 outlined above shall be paid via Telegraphic Transfer to a designated bank of ENERGY MANPOWER SERVICES INC. upon notification thru email or fax from the Second Party to the First party, of approval of work visa of the each personnel hired by the First Party prior to deployment.
2. Fee #3 outlined above shall be paid via Dollar remittance, i.e. Western Union, address to ENERGY MANPOWER SERVICES INC. care of Edgar Dannug upon receipt of confirmation of airline booking, via email or fax from the Second Party to the First Party. Amount of airfare may vary depending on travel season period and airline rates and the current airfare shall likewise be advised together with the confirmation of airline booking.
3. All fees shall be net of all taxes imposed in Canada.

EMPLOYMENT CONTRACT

The Employer: _____ Business Name (if a Business, provide key business contact under Last Name/First name): _____ _____ Last Name: _____ First Name: _____ Address: _____ Phone Number: _____ Fax Number: _____ Email Address: _____

The Employee: _____ Last Name: _____ First Name: _____ Home Address: _____ Phone Number: _____ Fax Number: _____ Email Address: _____

The PARTIES agree as follows:

DURATION OF CONTRACT

1. This contract shall have duration of ____ months from the date THE EMPLOYEE assumes his/her functions. (the "TERM OF EMPLOYMENT").
2. Both parties agree that this contract is conditional upon THE EMPLOYEE obtaining a valid work permit pursuant to the *Immigration Regulations*, as his/her successful entry to Canada.

JOB DESCRIPTION

3. The employee agrees to carry out the following tasks: (Describe tasks, in detail).

WORK SCHEDULE

4. THE EMPLOYEE shall work ____ hours per week. He/she shall receive ____ more than the regular wages for any hours worked over this limit. His/her workday shall begin at ____ and end at ____, or, if the schedule varies by day, specify: ____.
5. THE EMPLOYEE shall be entitled to ____ minutes per day of break time (lunch, coffee breaks etc.....)
6. THE EMPLOYEE shall be entitled to ____ day(s) off per week, on _____.
7. THE EMPLOYEE shall be entitled to ____ weeks of paid vacation per year.
8. THE EMPLOYEE shall be entitled to _____ days of sick leave per year.

WAGES AND DEDUCTIONS

9. THE EMPLOYER agrees to pay THE EMPLOYEE, for his/her work, wages of \$_____ per week, or \$_____ per hour. These shall be paid at intervals of _____.
10. THE EMPLOYER agrees to pay all taxes and submit all deductions payable as prescribed by law (including, but not limited to employment insurance, income tax, Canada Pension plan of Quebec Pension Plan).
11. THE EMPLOYER shall not recoup from the EMPLOYEE, through payroll deductions or any other means, any costs incurred in recruiting or retaining the EMPLOYEE. These include, but are not limited to, any amounts payable to a third-party recruiter.

TRAVEL EXPENSES

12. THE EMPLOYER agrees to assume the cost of two-way air transportation for THE EMPLOYEE between the EMPLOYEE'S country of residence and the place of work, i.e. _____(specify the country of residence and the place of work). These costs are not recoverable by the employer.

ACCOMODATION

13. THE EMPLOYER agrees to ensure that reasonable and proper accommodation is available for the EMPLOYEE, and shall provide the EMPLOYEE with suitable accommodation, if necessary. If accommodation is provided, the employer shall recoup costs as outlined below. Such costs shall not be more than is reasonable for accommodations of that type in the employment location.

THE EMPLOYER _____ will / _____ will not provide the EMPLOYEE with accommodation. (Mark X beside appropriate box)

If yes, THE EMPLOYER will recoup costs at an amount of \$_____ per _____ (month, 2 weeks period etc...) through payroll deductions.

HOSPITAL AND MEDICAL CARE INSURANCE

14. THE EMPLOYER agrees to provide health insurance at no cost to the foreign worker until such time as the worker is eligible for applicable provincial health insurance.

WORKPLACE SAFETY INSURANCE (Worker's Compensation)

15. THE EMPLOYER agrees to register THE EMPLOYEE under the relevant provincial government insurance plan. THE EMPLOYER agrees not to deduct money from THE EMPLOYEE'S wages for this purpose.

NOTICE OF RESIGNATION

16. Should he/she wish to terminate the present contract, THE EMPLOYEE agrees to give THE EMPLOYER written notice thereof at least one week in advance.

NOTICE OF TERMINATION OF EMPLOYMENT

17. THE EMPLOYER must give written notice before terminating the contract of THE EMPLOYEE if this employee completed 3 months of uninterrupted service with THE EMPLOYER and if the contract is not about to expire. This notice shall be provided at least one week in advance.

CONTRACT SUBJECT TO PROVINCIAL LABOUR AND EMPLOYMENT LEGISLATION AND APPLICABLE COLLECTIVE AGREEMENTS

18. THE EMPLOYER is obliged to abide by the standards set out in the relevant provincial labour standards act and if applicable, the terms of any collective agreement in place. In particular, THE EMPLOYER must abide by the standards with respect to how wages are paid, how overtime is calculated, meal periods, statutory holidays, annual leave, family leave, benefits and recourse under the terms of the Act and, if relevant, collective agreement. Any terms of this contract of employment less favourable to THE EMPLOYEE than the standards stipulated in the relevant labour standards act as null and void.

IN WITNESS WHEREOF the parties state that they have read and accepted all the terms and conditions stipulated in the present contract.

Signed at: _____ and at: _____

The Employer

The Employee

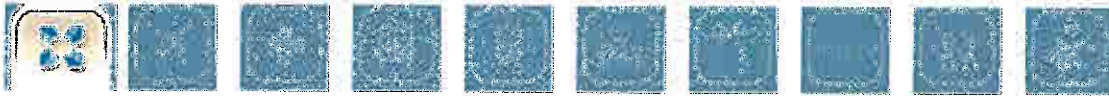
Date

Date

Appendix C
Student Workers Abroad Program – Map of International Student Travel
Partners and Affiliates



Contact Us | FAQs | A



Home | French | USA | About Us

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