

Tourism Employer's Guide for Hiring Foreign Workers

2013

Presented by the Nova Scotia Tourism Human Resource Council (NSTHRC)



Table of Contents

Introduction.....	1
Overview of Foreign Worker Programs in Nova Scotia.....	3
Temporary Foreign Worker Program.....	4
What is the Temporary Foreign Worker Program?.....	4
Who is the Program For?	4
How Does the Program Work?.....	5
Labour Market Opinion (LMO).....	5
National Occupation Classification (NOC).....	6
Wages and Working Conditions	8
Preparing the Job Advertisement	9
Advertising and Recruitment Requirements	9
Minimum Recruitment Requirements.....	10
Document Recruitment Efforts and Results.....	13
Recruit Qualified Foreign Workers.....	14
Submit LMO Application	16
Consultation with Union.....	16
Work Permits and Working in Canada.....	17
Integrate the Foreign Worker.....	19
Other Useful Tips.....	19
Nova Scotia Nominee Program (NSNP).....	22
What is the Nova Scotia Nominee Program?	22
How does the Nova Scotia Nominee Program Work?.....	22
Skilled Worker Stream.....	22
Requirements for Strategic Occupations	23
Canadian Experience Class	26
International Graduate Stream	26
International Student Programs	28
What Are Work Permits for International Students?.....	28
Working Off Campus	28
Co-op and Internship Programs.....	29
Working After Graduation	29
Spousal Visas.....	30
Eligibility	30
Working Holiday and Students Work Abroad Program.....	31
Working Holiday Visa Program	31
Student Work Abroad Program (SWAP) Working Holiday	31
Appendix A - Tourism NOC Number Codes	34
Appendix B - Blank Employment Contract.....	38
Appendix C - Example of Foreign Worker Application	44
Appendix D - Sample Job Ad with a Job Bank	45
Appendix E - Sample Employment Letter	47
Appendix F - Summary of Temporary Foreign Worker Program – Service Canada	49
Appendix G - Useful Internet Links	52

Introduction

Since 1989, the Nova Scotia Tourism Human Resource Council (NSTHRC) has been working to assist the Tourism Industry in addressing its labour market challenges. A major area of focus for the Council has been on activities that focus on attraction and retention issues for the industry.

Tourism in Nova Scotia is a 1.3 billion dollar industry; it employs almost 40,000 Nova Scotians. It is estimated that 2 million Canadians will work in tourism by 2013. Labour force growth has been of volatile since 2010. With a decrease in the number of children being born and an increase in life expectancy, the tourism industry can no longer rely on traditional pools of labour.

Tourism businesses are already finding it more and more difficult to attract, hire and retain qualified staff. The Canadian Tourism Human Resource Council (CTHRC) commissioned a study in 2007 on labour shortages in the accommodation and foodservice sectors. The study indicated that labour shortages have increased substantially over the past two years in most occupations. A cook/chef position in the foodservice sector is the most difficult to fill, with an average 41-week recruitment time. Management and supervisory positions in both the foodservice and the accommodation sectors have also been difficult to fill, averaging 12-38 weeks recruitment time. Housekeepers, food & beverage servers and front desk agents have an average 5-week recruitment time. (Source: CTHRC and Conference Board of Canada Compilation Report 2008)

As the labour market in Nova Scotia comes to terms with this new reality, some tourism employers have considered hiring foreign workers and bringing them to Nova Scotia. Every year over 90,000 foreign workers come to Canada to work temporarily in jobs that help Canadian businesses address skill shortages. Historically, temporary foreign workers have not been a key labour market for the Nova Scotia tourism industry to access mainly for two reasons – first, the majority of our industry does not know how to access temporary foreign workers and second, the process has been perceived as cumbersome. With the changing demographics of fewer younger workers we have had to change our recruiting methods and for the first time temporary foreign workers are being considered.

The NSTHRC has developed the following guide to assist tourism employers understand the options for hiring temporary foreign workers in Nova Scotia. The Nova Scotia Tourism Human Resource Council (NSTHRC) would like to acknowledge go2 - British Columbia's Tourism Human Resource Association for their Foreign Worker Guide which was used as a basis to develop a guide for the Nova Scotia tourism industry.

Please be aware that the data provided herein is done so in good faith and that the Nova Scotia Tourism Human Resource Council (NSTHRC) is not to be held liable, for any reason, to any person and/or business for any damage or loss whatsoever that may occur from a business taking or not taking any of the actions identified in this guide.

The information and suggestions in this guide are meant to assist businesses to understand the process of hiring a foreign worker specifically in tourism related industries. Information put forward is subject to external changes in governmental policies.

The most current information on the **Temporary Foreign Worker Program** can be found at the following website:

http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/index.shtml

Citizenship and Immigration provide a guide book on how to hire a temporary foreign worker at the following site:

<http://www.cic.gc.ca/english/resources/publications/tfw-guide.asp>

Overview of Foreign Worker Programs in Nova Scotia

The guide has been created to help tourism employers understand the options that may exist to hire a foreign worker. These programs are available to employers when Canadians or landed immigrants are not available to do the work or to assist international students and young people obtain Canadian work experience.

The four programs described in this guide are:

1. **Temporary Foreign Worker Program (TFWP)**: This is a federal government program administered by Service Canada that allows employers to hire foreign workers to meet their labour needs when qualified Canadian workers or permanent residents are not readily available.
2. **Nova Scotia Nominee Program (NSNP)**: This is a cooperative program of the federal and provincial governments to recruit and select immigrants who meet the labour market and economic needs of Nova Scotia.
Employers that require staffing a permanent position may want to consider the Nova Scotia Nominee Program (NSNP) which involves application for permanent residency to Canada, thus is a lengthy process.
3. **International Students Program**: This program has a number of variations (Co-operative Education, Work Off-Campus and Post Graduation work visas) all of which are designed to provide international students studying in Canada with relevant work experience while in Canada.
4. **Working Holiday and SWAP (Student Work Abroad Program) Working Holidays**: These programs are designed to assist young people (usually between the ages of 18-35) in certain countries with coming to Canada for a designated period of time to work and holiday and are currently used by a number of resorts in Canada to augment their local labour pool.

This guide is intended as a resource providing tips and information that will assist your company in the process of recruiting foreign workers through various foreign worker programs. Please note that the NSTHRC cannot guarantee that your company will be successful in recruiting foreign workers after following these guidelines.

1. Temporary Foreign Worker Program

What is the Temporary Foreign Worker Program?

The Temporary Foreign Worker program is designed to assist businesses with meeting their labour requirements by hiring foreign workers under very specific circumstances, and for a limited period of time. The program has two major subcomponents, one for “skilled” and one for “unskilled” workers, each with various requirements depending on the position and the type of worker needed. The federal government has recently extended the time that low skilled workers can stay in Canada to up to 24 months.

Citizenship and Immigration Canada (CIC), Service Canada (the service delivery arm of Human Resources and Social Development Canada) and the Canada Border Service Agency work together to manage and deliver the Temporary Foreign Worker Program (TFWP). The Nova Scotia division of Service Canada contact information is:

**Foreign Worker Unit, 126 Cromarty Drive
PO Box 1350
Dartmouth, NS
B2Y 4B9
Tel: (902) 426-2344 or 426-3193 (Bilingual Service)
Fax: (902) 426-4096**

The details of the TFWP can be found in the Government of Canada document called *How to Hire a Temporary Foreign Worker (TFW)* at:

<http://www.cic.gc.ca/english/resources/publications/tfw-guide.asp>

Who is the Program For?

The Temporary Foreign Worker Program works to help Canadian employers address their labour and skill shortage needs by authorizing the temporary employment of foreign workers in Canada. The program covers both skilled and low skilled workers and allows employers to hire Temporary Foreign Workers for a maximum of two years, in most instances.

As tourism employers face increasing challenges to fill positions, hiring foreign workers is one solution to meeting the labour shortages when much-needed Canadian workers cannot be found.

You must be approved to hire a foreign worker by Service Canada, where a foreign worker officer will consider the labour market benefits that result from employing the foreign worker(s). If possible, linking the entry of the foreign worker with the creation or retention of job opportunities for Canadians will assist the application.

For example, in the case of a “low-skilled” worker, this could be a hotel resort that has employees in the hotel, bar, restaurant, boat rental, trail riding, health/beauty spa and other facilities. The resort has had difficulty in keeping the hotel restaurant open due to a lack of kitchen staff. Last year, the restaurant was closed for a part of the year because of a shortage of cooks and kitchen helpers. This year, the resort’s return bookings are down because of last year’s problems. Without a supply of cooks and kitchen helpers and the ability to operate at full capacity, the resort may have to cut back in staffing the other positions. Recruitment of foreign workers will result in the labour market benefit of retaining all the other positions occupied by Canadians.

Another example is that of a hotel owner planning an expansion of the hotel. One of the main factors that block the plan is the lack of housekeeping staff. Access to foreign housekeepers will facilitate the expansion plan and result in new construction work and ultimately new jobs in the expanded hotel facility.

Tip

In your applications, include any other relevant information from credible sources that demonstrates the impact that labour shortages are having in your region or sector. For example, in British Columbia, there was an extensive analysis of the tourism labour market demand for both the Sea-to-Sky and Kootenay Rockies regions. In the Sea to Sky report, it was conservatively calculated that the regional tourism industry needs to attract 3,500 additional workers every year from outside the Sea-to-Sky area to meet demand for available jobs. In other words, if everyone in the regional workforce worked full-time, they would still need to recruit 3,500 from other places. In the Kootenay Rockies it was concluded that there would be a 20% shortfall of workers to meet the employer requirements for full-time, year round employment and a similar 20% shortfall for workers to meet seasonal needs over the next 10 years.

How Does the Program Work?

Labour Market Opinion (LMO):

The key eligibility requirement for hiring a temporary foreign worker is to obtain a Labour Market Opinion (LMO) from Service Canada, unless the type of work is exempt. To determine if the position required is exempt from the LMO process, contact Citizenship and Immigration Canada at 1-888-242-2100.

Employers must demonstrate that they are unable to find suitable Canadians/permanent residents for the jobs, and that the entry of the foreign workers will not have a negative impact on the Canadian labour market. Service Canada will consider whether a Canadian or permanent resident could fill the job, and whether the hiring of a foreign national will help create opportunities or benefit the Canadian economy.

Proof of recruitment efforts by the employer from within the Canadian labour market needs to be documented by the employer. This includes preparing job descriptions, creating job ads and advertising positions. The job offer must meet regional wage rates and labour standards. The employer may begin recruiting qualified foreign workers during the recruitment process. If all domestic recruitment efforts are unsuccessful and the employer has to recruit from outside the Canadian labour market, a foreign worker application is made.

A foreign worker officer from Service Canada reviews the application and a Labour Market Opinion (LMO) is made based on the following criteria:

- Employers have made reasonable efforts to recruit or train Canadian citizens and permanent residents;
- Validity of the job offer;
- Wages and working conditions offered are consistent with Canadian labour standards and collective agreements;
- Hiring TFWs will have a positive impact on the Canadian labour market.

If the LMO is positive, the application to hire a foreign worker is approved and the employer is given a copy of the positive LMO letter and instructed to give a copy to the prospective foreign worker. The prospective foreign worker is instructed to present a copy of the LMO letter to the Canadian visa office overseas or, in the case of workers from visitor visa-exempt countries, to an officer at the port of entry. In both scenarios, the worker applies for a work permit.

If the LMO is negative, the application to hire a foreign worker is denied.

The Occupation and the National Occupation Classification (NOC) Level:

In assessing an LMO application to hire a foreign worker, Service Canada foreign worker officers first consider the occupation. In order to do this, they refer to the National Occupational Classification (NOC), which divides all occupations into five skill levels and ten skill types. The NOC is used to categorize jobs, based on the majority of duties the foreign worker will perform, and to identify wages and labour market trends.

The government describes the NOC skill levels of O, A and B as “high skilled” and that of C and D as “low skilled,” which means occupations “that require, at most, a high school diploma or a maximum of two years’ of job-specific training.” For example, the occupation of hotel room attendant falls under NOC skill level D (on-the-job training) and skill type 6 (sales and service occupations). The NOC code for this occupation is 6661.

It is helpful to review the NOC system (see Appendix A) to determine what occupational category (NOC O, A, B, C & D) and specific occupation that Service Canada will use to assess your LMO application. All occupations are subject to the same minimum advertising requirements, however, there are other special requirements you will have to fulfill if the occupation is deemed to be in the ‘low skill’ category (e.g. employer must pay return airfare for the foreign worker and provide

medical coverage at no cost to the foreign worker until such time as the worker is eligible for applicable provincial health insurance. If the work permit is more than 12 months, the employee should apply for NS MSI coverage.) This review will also assist you in preparing a job description that is consistent with the NOC system.

A typical example of a job description for a room attendant would look like this:

Housekeeping Room Attendant
<i>Description of duties</i>
Dust furniture and vacuum carpeting and area rugs, draperies and upholstered furniture
Make beds, change sheets, distribute clean towels and toiletries
Clean, disinfect and polish kitchen and bathroom fixtures and appliances
Pick up debris and empty trash containers
<i>Employment requirements</i>
Basic English communication
No specific educational requirements

Tip

To learn more about hiring a foreign worker, information can be found on the Human Resources and Skills Development Canada (HRSDC) website.

Go to: <http://www.hrsdc.gc.ca/>

Click on English >> A to Z Index >> Foreign Workers >> CIC Guidebook for Employers.

Review the National Occupational Classification (NOC) website

Go to: <http://www5.hrsdc.gc.ca/noc/english/noc/2011/welcome.aspx>

Click on: NOC 2011 Occupational Structure

Classification to determine if the job you are trying to fill falls into NOC C or D.

Wages and Working Conditions:

The Service Canada foreign worker officer reviews the wage offered and compares it with the prevailing wage rate by using various labour market sources. Often, the labour market information used is specific to the location of the work. Service Canada provides wage information for various occupations on its website: <http://www.labourmarketinformation.ca>. It is advisable to check this website on an on-going basis to ensure you have the most current and updated prevailing wage information.

For example, as of January 2009, this website shows the wage rate for a Cook in NS as follows:

Region	Average	High	Low
Annapolis Valley (Kings, Annapolis & West Hants)	10.25	17.26	10.15
Cape Breton Island	10.95	20.27	10.15
Halifax and surrounding area	10.50	14.00	10.15
North Shore Region	10.15	19.49	10.15
Southern Region	10.37	18.67	10.15

It is important to note that the Service Canada office in Nova Scotia uses the average-to-high wage rate on the <http://www.workingincanada.gc.ca> website to establish the prevailing wage rate when assessing temporary foreign worker applications.

If you are offering less than the identified prevailing wage (i.e. less than the 'average' rate shown on the labour market website) the application will be refused. In the example of a Cook, if you are in the Halifax and surrounding area and are offering less than 11.20 per hour, your LMO application will be refused.

In terms of working conditions, Service Canada expects that your working conditions will comply with federal and/or provincial standards according to the occupation and workplace. As well, there must be an employer/employee relationship, as self-employed contractor and third-party labour contractor situations are not acceptable for the purpose of hiring a foreign worker.

Preparing the Job Advertisement:

Job ads that you use for domestic advertising must include the company name and location of the position being advertised as well as a brief description of the duties and qualifications. In addition, the wage being offered for the position must also be clearly stated in the ad.

For example, an ad for a hotel room attendant might read:

XYZ Hotel in Lunenburg, NS, requires full-time room attendants to clean and prepare rooms for hotel guests. Applicants should have two years' experience and be fluent in English. Salary \$12.50/hr. Following the completion of 3 consecutive months of service, employees may be eligible to enroll in the company benefits plan which includes Nova Scotia Medical, Extended Health Care & Dental Coverage. Fax resume to:

General Manager
XYZ Hotel
Fax No. 902-123-4567

Tip

You can establish qualifications that are reasonable for the position being advertised but they need to be as objective as possible. Ads that call for subjective criteria (such as good interpersonal skills, good communication skills, ability to work as part of a team, etc.) should not be used. Canadian candidates who apply and are rejected must be rejected on the basis of not meeting objective requirements (years of experience, English language proficiency etc).

Tip

Be consistent in your advertising. Use the same wording in all ads, regardless of which publication or medium (print, electronic) you are using. Any variances in ads should be explained in your application. For example, some agencies, such as the Service Canada Job Bank, require that a great deal of detail be included in the advertisement. Explain that it would be cost-prohibitive to include this much information in other publications, such as newspapers.

Advertising and Recruitment Requirements:

You are required to provide evidence that reasonable efforts have been made to recruit qualified Canadians or landed immigrants prior to requesting permission to hire a foreign worker. You must provide copies of the ads in newspapers, internet job banks and/or occupation-specific publications as well as invoice receipts associated with your advertising efforts. Your advertising receipts must show the dates and duration of the ads.

Tip

It is important to remember that the qualifications required for a Canadian applicant must be the same for foreign applicants. If a foreign applicant you wish to hire does not have the minimum qualifications as stated in your ad, the Canada Immigration official who reviews your applicant's file prior to granting a work visa will likely reject the applicant as not being qualified.

Minimum Recruitment Requirements:

On January 1, 2009, the Occupations Under Pressure List initiative was replaced by new national advertising requirements. All occupations are subject to the same minimum advertisement requirements based on the National Occupational Classification (NOC) system, skills levels O, A, B, C and D. Generally, the higher the skill level of the position for which you are hiring – the more extensive and targeted your recruitment should be.

The following is a summary of the minimum recruitment advertising requirements for both skilled and unskilled occupations as of January 1, 2009:

NOC 0 and A	NOC B	NOC C & D
<p>Advertise on the national Job Bank for a minimum of fourteen (14) calendar days</p> <p>OR</p> <p>conduct similar recruitment activities consistent with the practice within the occupation (e.g., advertise on recognized Internet job sites, in journals, newsletters or national newspapers or by consulting unions or professional associations) during the three (3) months prior to applying for a LMO.</p>	<p>Advertise on the Government of Canada's national Job Bank for a minimum of fourteen (14) calendar days during the three (3) months prior to applying for a LMO.</p> <p>The advertisement must include the employer's name, business address and wages being offered.</p>	<p>Advertise on the national Job Bank for a minimum of fourteen (14) calendar days; and conduct similar recruitment activities consistent with the practice within the occupation.</p> <p>Recruitment efforts must take place a maximum of three (3) months prior to applying for a LMO.</p> <p>In addition, you must demonstrate reasonable ongoing recruiting which include communities that traditionally face barriers to employment.</p>

Service Canada Job Bank: www.jobbank.gc.ca

Employers who do not meet the minimum requirements outlined above will result in the application for a Labour Market Opinion being denied. HRSDC/SC reserves the right to require alternative or additional advertising efforts (i.e., increased duration [length of time] or broader advertisement [whether local, regional, or national]) if, it believes that additional efforts would yield qualified Canadian citizens or permanent residents who are available to work in the occupation and region. To determine if alternate or additional advertising efforts are required, contact your Service Canada Centre.

You are required to demonstrate comprehensive and ongoing efforts to recruit Aboriginal people, recent immigrants, and Canadians from areas of high unemployment. As an example, a hotel in the Halifax region could use the following advertising strategy when hiring for the position of bartender:

Ad Placement	Target Audience
<p><u>Native Council of Nova Scotia</u> P.O. Box 1320, Truro, NS B2N 5N2 Toll Free: 1-800-565-4372 Phone: 902-895-1523; Fax: 902-895-0024 www.ncns.ca</p> <p><u>Mi'kmaq Employment / Training Secretariat</u> P.O. Box 99, Shubenacadie, NS Phone: 902-758-4181; Fax: 902-758-2127</p> <p><u>Aboriginal Canada Portal</u> job bank http://www.aboriginalcanada.gc.ca</p>	<p>Aboriginal community</p>
<p>TEAM Work Cooperative and The WorkBridge</p> <p>The Village at Bayers Road Suite M278, 7071 Bayers Road Halifax NS, B3L 2C2 Phone: (902) 422-8900 Fax: (902) 422-3992 TTY: (902) 420-0721 www.teamworkcooperative.ns.ca/</p>	<p>Individuals with disabilities</p>

Ad Placement	Target Audience
Immigrant Settlement & Integration Services http://www.isisns.ca/	Newcomers to Nova Scotia ISIS offers services which help immigrants fully participate in Canadian life.
<u>NovaScotiaTourismTalent.com</u> A dedicated Tourism Jobs portal. Nova Scotia's Tourism Industry offers rewarding and challenging careers for individuals with the appropriate skills, knowledge and attitudes.	Regional tourism job portal
Service Canada Job Bank	Unemployed – national
YMCA Motivation, Opportunity, Vision and Employment Program (YMOVE) Main Office 118 Wyse Road Unit 14 Dartmouth, NS B3A 1N7 Phone: (902) 461-2513 ext 234 Fax: (902) 461-4622 Halifax Office 2269 Gottingen Street Halifax, NS B3K 3B4 Phone: (902) 425-3464 ext 257	Youth The YMCA provides job training, counseling, skills development and job search assistance to over 4,000 youth and adults each year in the Halifax Regional Municipality.

Ad Placement	Target Audience
Department of Community Services Employment Support Services 2131 Gottingen Street P. O. Box 2623 Halifax, Nova Scotia B3J 3E4 Phone: (902) 424-5074 Fax: (902) 424-5115 Nova Scotia Youth Secretariat 1700 Granville Street Halifax, Nova Scotia B3J 1X5	Employment Support Services for Youth and Persons with Disabilities Nova Scotia Youth Secretariat Job Portal http://youth.ednet.ns.ca/employment/jobsites.asp
The Chronicle Herald http://jobspress.com	General Public
Women's Employment Outreach (WEO) Telephone 1888 Brunswick Street Suite 807 (8th Floor) Halifax, Nova Scotia B3J 3J8 Tel.: (902) 422-8023 Fax: (902) 425-7449 http://womensemploymentoutreach.org/	Women WEO accepts job postings from various employers in the Halifax Regional Municipality.

Aboriginal communities in NS can be found at:

<http://www.aboriginalcanada.gc.ca/acp/community/site.nsf/en/ns-all-b.html>

Aboriginal Human Resources Developmental Agreement Holders (AHRDAs assist Aboriginal Peoples to prepare for, find and keep jobs): Go to: www.hrdc-drhc.gc.ca. Click on: **English >> A to Z Index >> Aboriginal Skills and Employment Training Strategy (ASETS) >> Aboriginal Agreement Holder >> Nova Scotia**

Document Recruitment Efforts and Results:

It is important that you document your recruitment efforts as you will be required to demonstrate (prove) that you made 'reasonable efforts' to find and hire qualified Canadians or landed immigrants. This documentation includes copies of job ads and invoices, venues for the ads (newspapers, internet sites, etc.) used in your recruitment efforts, copies of ads places on the

government of Canada's job board, covering letters or faxes requesting ads to be placed on Employment Centre job boards, Aboriginal and other under represented job boards, etc.

You must be prepared to demonstrate that you meet the advertising requirements by providing proof of advertisement and the results of your efforts to recruit Canadians or permanent residents as part of the LMO process. For example, the number of applicants (Canadian and landed Immigrants) who responded to your recruitment efforts, how many were turned down, the reason(s) they were not qualified, how many were hired and how many vacancies you were left with at the conclusion of your recruitment efforts.

Records of your efforts should be kept for a minimum of six (6) years, as stipulated in certain provincial and federal legislations, such as The Income Tax Act. An example would be:

# of applicants	12
# of applicants who were screened out due to lack of experience or English skills	9
# of applicants who qualified after interview	3
# of applicants who were offered employment	3
# of applicants who declined offer of employment	2
# of applicants who accepted the employment offer	1

To summarize this Example: we had 11 openings prior to advertising campaign. We still have 10 openings to be filled by temporary foreign workers.

Recruit Qualified Foreign Workers:

Recruiting foreign workers can be a very complex, expensive and time consuming process. You can start recruiting foreign workers prior to, during or after you have submitted your LMO application. Due to the extraordinary time it takes to obtain an LMO decision, find qualified foreign workers, have them obtain their work visa from Citizenship and Immigration Canada and arrive in Canada, many organizations prefer to start the recruitment process while the LMO application is being processed.

Some suggested approaches are:

Use the same or similar processes as you use for domestic recruitment efforts (e.g. job boards, corporate internet sites, newspaper advertising, etc.):

- Telephone, webcam or teleconference interviews will help you decide which workers to employ.
- Participate in government initiatives designed to recruit foreign workers from specific countries. For example, the federal and provincial governments, in partnership with foreign governments, organize and conduct career and recruitment fairs in countries such as Germany, France, Belgium and Ireland. In some cases, local community representatives attend these fairs to represent small businesses that are unable to attend.
- There are a number of recruiters who specialize in working with businesses to recruit foreign workers. These companies are not regulated so you must ensure that you are dealing with a reputable company. You should consider the following when evaluating potential recruiters:
 - Look at their track record. Have they assisted other employers with the LMO process? Have they been successful? Ask for references.
 - Fees vary widely so you must ensure you understand the specific services (and guarantees) that are being offered. Do the services include help with the LMO process? Will thorough and valid reference checks be conducted? Do they assist the foreign worker with completing the paperwork associated with obtaining a work visa, visitor visa, air transportation, etc.? Do they assist in helping the foreign worker settle into their new community?
 - Ask the recruiter to disclose any and all fees they, or associates they may use in a foreign country to help in the recruitment process, charge to a foreign worker. Assess if, in your opinion the fees are appropriate and reasonable. Avoid recruiters who are charging foreign workers 'exorbitant' fees.
 - Avoid recruiters who suggest there are ways of shifting some of the recruitment costs (e.g. transportation) to the foreign worker. Although a recruiter may assist you in processing the LMO application, it is ultimately your responsibility to ensure the criteria set out in the immigration regulations are adhered to fully.

When you make prior experience a requirement for the job, the foreign worker must provide evidence of that required experience to the visa office. Recruiters who claim their workers are currently in training will be unlikely to provide experienced workers. Some source countries have many problems with fraudulent documents and employment records. Some recruiters have a reputation for coaching applicants to make false or misleading statements. In these countries, the incidence of refusal of work permits by Canadian immigration officials is high. It is possible to have approval through Service Canada and then have your prospective foreign workers refused at the visa office overseas.

Recruiters who coordinate the air transportation arrangements and ensure that the foreign worker boards the scheduled flight, can protect you from the possibility of a no-show situation.

Submit LMO Application Form:

Your LMO application must be comprehensive, complete and contain all supporting documentation required by Service Canada. Applications for 'high skill' occupations may be submitted electronically. LMO applications for all 'low skill' occupations are paper-based and can only be submitted in person, by mail or by fax.

Service Canada has recently made the LMO application form available online for high skilled occupations and encourages employers applying for an LMO to use the new online application form.

Some of the benefits of using the online application are:

- Immediate acknowledgment that Service Canada has received your LMO application;
- Improve efficiency in the processing of applications by Service Canada;
- Receiving a "tracking number" to help ensure the completeness of your file and enable Service Canada to efficiently respond to inquiries regarding your LMO request.

By completing the LMO application, you are officially stating that you have made all the necessary advertising and recruitment efforts to fill your positions and agree to offer at least the prevailing wage rate for Canadian and foreign workers.

To access the complete information and application form for the LMO visit the following website: www.hrsdc.gc.ca. Click on: **A to Z Index >> Skills Development >> Foreign Workers >> Foreign Workers Printable Forms (From drop down menu)**

Tip

Employment contracts must be submitted with your application for an LMO. If you have not identified the foreign workers you wish to hire at the time you submit the application, you must indicate that you are requesting 'an approval in principle' and that the names and other details of the foreign workers will be provided as soon as possible. If the LMO is approved, Service Canada will provide a brief period (usually a few weeks) for you to supply missing information.

Consultation with the Union:

If the position is part of a collective bargaining unit, the following will assist your application:

- Describe the position of the union on the matter of employing foreign workers.
- If you have not discussed the matter with the union, explain why not.
- Indicate if you normally work with the union to recruit.
- Note that the conditions of the collective agreement will also apply to the foreign worker.
- Try to obtain a letter of support from the union. Although not essential, it will definitely help.

At times, the foreign worker officer may contact the union for further information. If there is a labour dispute at your place of business, Service Canada and Canada Immigration will not approve an LMO or work permit if the presence of the foreign worker will affect the outcome or the employment of any Canadian worker involved in the dispute.

Work Permits and Working in Canada:

Assuming your LMO application has been approved and you have found qualified workers, you can now start the process on having them obtain a work permit. The first thing you need to do is notify the foreign workers that the LMO has been approved and provide them with a copy.

The foreign workers apply abroad for work permits at a Canadian embassy, high commission or consulate. They should check with Citizenship and Immigration Canada (CIC) for other entry requirements. Among other things, foreign workers are required to submit a copy of their signed employment contract when they apply for their work permit. Before CIC issues a Work Permit to a foreign worker entering in an occupation that usually requires a lower level of formal training (Skill Levels C and D of the National Occupational Classification system), the employee and the foreign worker must sign an employer-employee contract. See Appendix B for a sample contract to follow as a guide.

Canada Immigration reviews the applicant's credentials to ensure they meet the qualifications as stated in your domestic advertising efforts. If a prospective foreign worker is going to work in Canada for six months or more and is coming from a designated country where there are health risks, the worker will have to undergo a medical examination. The worker may also be subjected to background security checks.

Transportation arrangements are made. The employer then meets the foreign worker at the airport on arrival. The foreign worker is to apply for a Social Insurance Number (SIN) card. An application form is available at the local Service Canada office, or you may download an application from the Service Canada website.

People coming to Nova Scotia from outside the country who hold an Employment Authorization document can apply for a Nova Scotia Medical Service Insurance (MSI) card which provides health coverage on their day of arrival in Nova Scotia, provided their Work Permit is valid for at least 12 months. This card must be shown when visiting a doctor or going to the hospital. Coverage expires every year and must be applied for every year under the same rules as the first application.

To apply for a Nova Scotia Health Card visit the Government of Nova Scotia website. **MSI contact:**

Mailing address: PO Box 500, Halifax NS B3J 2S1

Location address: 230 Brownlow Avenue, Dartmouth NS

Tel: (902) 496-7008 or toll free 1-800-563-8880 in Nova Scotia

Telephone hours: Monday through Friday - 8:00 a.m. to 5:00p.m.

Email: msienquiry@medavie.bluecross.ca

The employer will need to sign the foreign worker up with the Workers' Compensation Board of Nova Scotia. For low skilled workers, you assist in finding suitable accommodation.

The foreign worker begins employment.

Tip

The list of designated countries is posted on the Citizenship and Immigration Canada website. Go to: www.cic.gc.ca. Click on English>> Get Medical Exams>> Medical exam requirements for temporary residents>> Designated country or territory.

Citizenship and Immigration Canada posts estimated visa processing times for each of their overseas embassies, high commissions and consulates. Go to: www.cic.gc.ca.

Click on **English**>>Check application processing times>> Visit, study, work temporarily>> [Work Permit] view by visa office

Tip

It is possible to employ foreign workers for less than 24 months. If you only need workers for 12 months, and you know of another hotel that can use them during the other 12 months, you can arrange to share the workers. Similar to your efforts, the other hotel will have to apply and advertise before a change of employer can be effected. When hiring the same foreign workers, arrangements can be made between the hotels to share the transportation costs. The foreign worker can't work in Canada for more than 24 months, regardless of the total number of workers.

Develop a 'Settlement and Integration Plan' to facilitate employee settlement and integration at the workplace and in the larger community. Plan for things your new employees will need, such as:

- Airport pick-up,
- Adequate housing,
- Medical coverage,
- Registration under worker's compensation ,
- Social insurance numbers,
- Bank accounts, and mechanisms to remit money back to home countries,
- Appropriate clothing,
- Language and workplace training,
- Transportation from employee residence to your workplace, and
- Information on employment standards and support services available in the community.

Integrate the Foreign Worker

Unless you have supervisory staff who speak the foreign worker's language, you are best to select workers who speak English well. Homesickness, culture shock, dietary changes and language difficulties can also affect worker productivity.

On the surface, the foreign worker may have a lot in common with any new immigrant workers you have employed in the past, but bear in mind that their actual needs and concerns can be very different. They are far away from their spouses and children. Negative events at home, such as typhoons or civil unrest, can cause a lot of stress. They don't see their future in Canada, because it is difficult for them to immigrate in the current scenario. Overseas work is often seen as a necessary evil, despite the economic opportunity it presents.

The foreign worker is less likely to complain or assert worker's rights. The fear of not being selected by you for subsequent assignments, fear of being sent home and unfamiliarity with Canadian laws make them vulnerable. You are advised to keep a close watch for potential workplace harassment or bullying. Aside from the liability issues, this type of behavior from other employees or customers can have a devastating effect on the foreign worker and seriously impair their well-being and productivity.

Other Useful Tips

You normally submit an LMO application to Service Canada for named workers. You can also submit an application when you have not yet chosen your foreign workers. The application still has to be submitted with a contract, but no worker is named on the contract. After the approval of your application, you would then provide the name, date of birth, place of birth and country of residence of each of your foreign workers within a time limit prescribed by Service Canada.

If you have selected a prospective foreign worker, named on an application, and the worker decides not to come to Canada, you can ask to have the LMO amended with another worker as a replacement. This should be done within a short period of time after the LMO application has been approved.

If you are unsure about the exact amount of time you will require the foreign worker in Canada, you should overestimate the time rather than underestimate. If you underestimate, you may be required to provide additional recruitment efforts in order to extend an LMO.

An extension of an LMO involves applying for an extension of the work permit through the Immigration Case Processing Center in Vegreville, Alta. This process alone can take more than two months. Remember that, regardless of the time estimated, low-skilled workers will not be permitted to stay in Canada for more than 24 months. If you need to apply for an LMO extension, you will have to provide payroll records to Service Canada.

If obtaining approval for a foreign worker and work permit takes longer than you anticipate, you may be able to postpone the arrival of the foreign worker until the beginning of the next busy season. In general, workers are able to arrive in Canada and obtain a work permit within one year

of the date of their medical exam. You will want to clarify the possibilities of this by studying the information provided to the foreign worker by the visa office overseas.

For example, room attendants who will be working in Canada for less than six months normally do not require medical examinations. If they will be working longer than six months, they will require medicals. Do not attempt to bypass the medical exams by making requests for foreign workers for periods of less than six months and then applying for extensions after their arrival. This can lead to difficulties with immigration officials and erode confidence in your future applications for foreign workers.

Foreign workers coming from visitor visa-exempt countries can apply for the work permit at the Canadian port of entry. All others must apply at the Canadian visa office overseas. For a list of countries where their citizens require a visitor's visa, please visit the following website: www.cic.gc.ca. Click on: **English >> Visit >> Who can apply? >> Do You Need a Visa?**

Approximately four months before the LMO expires, the employer repeats the process to replace workers who will have to return to their respective home countries for four months. The employer may also want to consider bringing back previously employed foreign workers who were the best employees, but need to return home for the four months.

The following 10 steps provide a summary of how to recruit, retain and integrate foreign workers under the Temporary Foreign Worker program.

(Source: www.discovertourism.ca/temporaryforeignworker)

1. Gather information on the following two items:

- The skill level and nature of the occupation for which you are hiring
- Whether you need a LMO from Service Canada to recruit foreign workers. This is because foreign nationals in certain categories do not require a LMO (e.g. international students and graduates, participants of International Youth Programs, and workers covered under certain international agreements such as NAFTA).

2. Prepare a letter describing the negative impact of ongoing labour shortages on your business operations and document the outcome of your efforts to recruit Canadian citizens and permanent residents for the job (e.g. number of job ads, applicants, interviews, job offers, etc.).

3. Prepare the employment contract. It is the employer, and not a third-party recruiter that enters into an employment contract with the temporary foreign worker.

The following 10 steps provide a summary of how to recruit, retain and integrate foreign workers under the Temporary Foreign Worker program.

(Source: www.discovertourism.ca/temporaryforeignworker)

4. Complete and submit your Foreign Worker Application (LMO application) to Service Canada, along with the letter, employment contract, and proof of unsuccessful recruitment efforts.

5. Interview and recruit prospective employees.

6. Prepare and send a formal job offer to the new employees, along with the employment contract and a copy of the positive LMO.

7. Employees submit an application for a work permit to CIC once they receive all documentation.

8. Develop a 'Settlement and Integration Plan' to facilitate employee settlement and integration at the workplace and in the larger community. Plan for things your new employees will need, such as:

- Airport pick-up,
- Adequate housing,
- Medical coverage,
- Registration under the NS Worker's Compensation Board,
- Social insurance numbers,
- Bank accounts, and mechanisms to remit money back to home countries,
- Appropriate clothing,
- Language and workplace training,
- Transportation from employee residence to your workplace,
- Information on employment standards and support services available in the community.

9. Upon arrival in Canada, pick up new employees at the airport/port-of-entry, and arrange for transportation to employees' new residences.

10. While foreign workers are still employed, jointly plan for either:

- Repatriation – employees return to their home country,
- Rotation – workers return to their home country and back to Canada after at least four months. Alternatively another employer applies for an LMO and hires your employees for the next season, or
- Application for permanent residence status under the provincial/territorial immigrant-nominee program.

2. Nova Scotia Nominee Program (NSNP)

What is the Nova Scotia Nominee Program?

The Nova Scotia Nominee Program (NSNP) is a joint program administered by the Nova Scotia Office of Immigration in partnership with Citizenship and Immigration Canada (CIC), the federal department responsible for immigration. This program enables the province to recruit and select immigrants who meet the labour market and economic needs of Nova Scotia. The NSNP Skilled Worker stream helps employers hire workers who possess skills for positions that are difficult to fill with qualified Canadian citizens or permanent residents. The skilled worker must have a full-time permanent job offer in Nova Scotia, before submitting an application to the NSNP.

How does the Nova Scotia Nominee Program Work?

The employee must submit a complete application package to the Nova Scotia Nominee Program (NSNP) for approval. An Application Guide, Skilled Worker Application Form (Form NSNP 100) and an Employer Application Form (Form NSNP 200) are available from the Nova Scotia Office of Immigration, or can be downloaded from the web at:

<http://novascotiainmigration.ca/immigrants/immigrating-to-ns/skilled-worker>. This program is designed to expedite the permanent immigration of foreign skilled workers into Canada. It is often the case that the majority of nominees to this program are currently working in Canada with a temporary work visa.

This section will cover only the recruitment and retention of international workers (as opposed to entrepreneurs who plan to invest and manage a NS business). Two categories under the Provincial Nominee Program are:

- Skilled Worker Stream
- International Graduate Stream

To get the process started, the federal Temporary Foreign Worker Program can be used to gain entry to Nova Scotia to begin work while the NSNP process is being completed.

Skilled Worker Stream:

This category of the Nova Scotia Nominee Program (NSNP) supports employers in recruiting and retaining highly qualified foreign workers to help meet their current and future needs. Through the program's "Strategic Occupations" component, the employer and the prospective employee submit a joint application to the program.

The NSNP accepts applications for the Skilled Worker Program for foreign workers who will be employed in skilled occupations that fall into O, A or B of the National Occupational Classification (NOC) system.

Managers at the **NOC Skill Level O** are required to have a relevant university degree, professional designation, college diploma or other management training and proven management experience.

Some examples of eligible senior and middle management occupations include:

Chief executive officer, chief financial officer, controller, general manager, accommodation services manager, marketing manager, production manager, research director, software development manager.

At the **NOC Skill Level A**, candidates are required to have a relevant university degree, professional designation or two-year college diploma, and several years of directly related experience.

Some examples of eligibility include:

Accountants, conference and event planners, advertising professionals, and writers.

For **NOC Skilled Trades (Skill Level B)**, candidates are required to have two to five years of apprenticeship, training or trades certification, and several years of directly related work experience. However, if a trade has no required certification requirements, the NSNP may accept applications for workers who have a sufficient combination of education, training and experience.

Chefs are an example of what is considered an eligible occupation under the NOC's Skilled Trades.

Note: With prior approval from the Nova Scotia Nominee Program, the Skilled Trades program may consider applications for candidates with several years of relevant work experience and a directly relevant diploma or certificate from an approved post-secondary program of less than two years.

Requirements for Strategic Occupations:

In your application under the NSNP's Skilled Worker Stream, you must address several key factors that are considered in assessing applications within the program's Strategic Occupations component.

These factors include:

The occupation in which the prospective employee will be employed:

The NSNP will only consider applications to fill skilled positions which fall into Skill Levels O, A and B of the National Occupational Classification (NOC), which normally require formal post-secondary qualifications and several years of directly related work experience.

The current demand and outlook for the occupation:

When reviewing employers' applications for foreign workers, the NSNP takes into account the current demand and future outlook for specific occupations – including any unique or highly specialized skill requirements for particular jobs. Applications will not be approved if there is a surplus of workers domestically, or where future employment prospects in the occupation are poor.

Note: You will need to indicate the duration of your unfilled vacancies, as well as your recruitment efforts in Nova Scotia.

The wage for the position:

The wages you intend to pay the potential employee must be comparable to that for equivalent jobs in Nova Scotia. Bonuses, commissions, profit-sharing distributions or similar payments are not considered part of the wage.

The prospective employee's qualifications:

The potential employee must be qualified for the job; and program staff will review this candidate's qualifications and experience to confirm this requirement.

Note: As an employer, you are responsible for determining whether the position is a regulated occupation requiring mandatory certification, licensing or registrations. If this is the case, you must provide evidence in the application that the candidate meets these requirements.

The offer of employment:

You must provide a written offer of employment that states:

- Job title and duties.
- Rate of pay.
- Employee's standard hours of work.
- Whether the position is permanent, full-time and year-round at a minimum of 30 hours/week (a normal probationary period of employment may be specified).
- If applicable, any benefits that exceed statutory minimums required by employment standards legislation (e.g. pension and medical plans, disability insurance, sick pay and extra paid vacations).
- Reference to a collective agreement, if applicable.

Note: Your written offer must be on official company letterhead and addressed to the candidate. As well, the offer must be signed and dated by a person authorized to hire employees – and also by the candidate to indicate his/her acceptance.

The employer's history and operations:

As an employer, you must meet the following requirements when applying to the Nova Scotia Nominee Program:

- Your business must be incorporated, extra-provincially registered, or registered as a limited liability partnership in Nova Scotia.
- You must have a “permanent establishment” in Nova Scotia (as defined in the Canadian Income Tax Act).
- You must have been in operation in Nova Scotia for at least one year, and must have at least five permanent, full-time employees in Nova Scotia. (Note: The Nova Scotia Nominee Program may consider applications that do not meet these requirements if an employer has substantial business operations outside of Nova Scotia, or can present a compelling business case, and provided that the employer has received prior approval from the Nova Scotia Nominee Program to submit an application.)
- Your business must be financially sound and have a history of good workplace and business practices, including compliance with employment, immigration, health, and safety laws and regulations.

Note: Employers who have successfully applied to the Nova Scotia Nominee Program within the past 12 months, and have a satisfactory record of retaining provincial nominees, normally do not need to provide this information for new applications.

The economic benefits to Nova Scotia of employing the nominee candidate:

The hiring of foreign workers through the NSNP must demonstrate significant economic benefits to Nova Scotia, such as:

- Filling a critical need.
- Creating or maintaining employment.
- Transferring skills and knowledge to Canadians.
- Accelerating the adoption of new technologies.
- Developing new products, technologies, services or markets.

Note: The NSNP will only approve candidates who are likely to contribute long-term net economic benefits to Nova Scotia, and normally only approve candidates between the ages of 21 - 55.

The nominee candidate's ability to become economically established in Nova Scotia:

The potential for candidates to become economically established will be assessed according to their income and employment prospects, number of dependents, English-language ability, and connections to Nova Scotia or Canada through work, study, residence and family ties.

Note: The Nova Scotia PNP will not accept applications to nominate individuals, who have an unresolved refugee claim in Canada, are in Canada illegally, are under a removal order in Canada, or are prohibited from entering Canada. The program will also not approve an application if it appears likely that a candidate's family income (based on the job offer and any spousal job offer) will be below Statistic Canada's applicable low-income cut off.

For more information on the NSNP Skilled Worker Stream, go to:

<http://novascotiainmigration.ca/immigrants/immigrating-to-ns/skilled-worker>

Canadian Experience Class:

On September 17, 2008, the federal government announced a new class of immigrants, the "Canada Experience Class". This new class allows for certain international students and certain foreign workers to apply to stay in Canada permanently.

A temporary foreign worker with at least two years of full-time (or equivalent) skilled work experience in Canada, or a foreign student who graduated from a Canadian post-secondary institution with at least one year of full-time (or equivalent) skilled work experience in Canada may qualify for permanent residence under the Canadian Experience Class. This is restricted to Skill Type 0 (managerial occupations) or Skill Level A (professional occupations) or B (technical occupations and skilled trades) in the NOC.

For more information on the Canadian Experience Class program, go to www.cic.gc.ca. Click on: **English>>Immigrate>>Canadian Experience Class.**

International Graduate Stream:

In this category of the NSNP, nominee candidates must have graduated with an eligible degree or diploma (e.g. Bachelor of Tourism or Diploma in Hospitality Management) by a recognized post-secondary institution in Nova Scotia – before accepting an employment offer. International graduates only need to have three months work experience (with the employer supporting the application) before applying to the International Graduate stream, versus the two years related work experience required under the Skilled Worker category. Employers do not have to show proof that they have exhausted efforts to employ Canadian citizens or permanent residents before hiring an international graduate.

This program helps employers hire and retain recent international graduates whose skills may be in limited supply in the province. This stream targets international graduates who have established strong ties to Nova Scotia and intend to live, work, and establish their careers in this province.

To be eligible to apply to this stream, the International Graduate must:

- have graduated within the last two years from a program of at least one academic year of full-time study in Nova Scotia and have received a certificate, diploma, or degree from a recognized Nova Scotia post-secondary institution;
- have legal status in Canada on a temporary work permit;
- have a permanent, full-time job offer from an employer in Nova Scotia in his/her field of study and at an acceptable level and have been working for at least three months in this position. The job offer must:
 - be for a position which meets NSNP requirements with respect to type of job, and have relatively high education and skill levels ;
 - have compensation in the form of salary and benefits package that meets provincial employment standards and prevailing wage rates;
 - have compensation which is sufficient to retain the worker in Nova Scotia Note: Priority will be awarded to positions with minimum salary in excess of \$10.00/hour or a minimum annual wage in excess of \$20,000 Canadian dollars;
 - not contravene existing bargaining unit agreements or any employment disputes;
 - have the qualifications, training or skills, and accreditation required for the job or a suitable plan to obtain the necessary;
 - demonstrate intention and ability to settle permanently in Nova Scotia, have sufficient settlement supports, and meet the minimum criteria for age, education, work experience, and language ability requirements for this stream.

An example of where this program might be useful is where an international student has, in addition to their academic credentials, sufficient and relevant experience in their home country to qualify them for a professional or managerial position in your organization. You could apply through the NSNP program to fast track both their work visa through Citizenship and Immigration Canada (an LMO is not required) and their permanent immigration to Canada.

For more information on the NSNP's International Graduates stream, go to www.novascotiainmigration.com.

Click on: **Immigrants>> Immigrating to Nova Scotia>> International Graduate Stream**

3. International Student Programs

What are Work Permits for International Students?

While studying in Canada, international students are able to work in Canada after meeting certain requirements – and after receiving the appropriate work permits.

In this situation, it is the students' obligation to apply for the respective work permit and ensure all the criteria are met – whether it is for off-campus work, a co-op program or post-graduate employment. Once the students receive their respective work permits, you are eligible to recruit and hire these students for your operations (except in cases of co-op and internship programs).

In all cases, the students who work off campus must have the required work permit before beginning employment. For international students studying in Canada, and their spouses, the following categories apply:

- Working off campus
- Co-op and internship programs
- Working after graduation
- Spousal visas

Working Off Campus:

To work off campus, students must apply for the Off-Campus Work Permit Program. Since this Work Permit Program allows students to work off campus, you may - as a tourism employer - find this advantageous in your labour recruitment efforts.

The Off-Campus Work Permit Program allows international students to work off campus while completing their studies - but only if they are attending a publicly funded post-secondary educational institution that has signed an off-campus work agreement with their provincial or territorial government.

To work off campus, students must apply for a work permit, and cannot begin off-campus work until the work permit has been received.

The work permit authorizes students to work up to 20 hours per week during regular academic sessions, and full-time during scheduled breaks (e.g., winter and summer holidays, spring break).

Participating Nova Scotia institutions in the Off-Campus Work Permit Program include:

- Acadia University
- Atlantic School of Theology
- Cape Breton University
- Dalhousie University
- Mount Saint Vincent University
- Nova Scotia Agricultural College
- Nova Scotia College of Art and Design
- Nova Scotia Community College
- Saint Francis Xavier University
- St. Mary's University
- Université Sainte-Anne-Collège de l'Acadie
- University of Kings College

For more information on the student Off-Campus Work Permit Program, go to www.cic.gc.ca.

Click on: **English >> Study >> Work permits for students >> Working off campus.**

Co-op and Internship Programs:

For some academic programs, work experience is part of the curriculum. Foreign students who wish to participate in a co-op or internship program must apply for a work permit as well as a study permit.

To be eligible for a work permit, students must meet the following conditions:

- Have a valid study permit;
- Intended employment is an essential part of the students' program of study in Canada;
- Employment must be part of the academic program, certified by a letter from an academic official of the institution; and
- Co-op or internship employment cannot form more than 50% of the total program of study.

For more information on Co-op and Internship Programs, go to www.cic.gc.ca. Click on: **English >> Studying in Canada >> Work permits for students >> Co-op and internship programs**

Working After Graduation:

The Post-Graduation Work Permit Program allows **full time** students who have graduated from a participating Canadian post-secondary institution to gain work experience in their field of studies. The candidate must apply for a work permit within 90 days of receiving written confirmation (for example, a transcript or an official letter) from their institution indicating they have met the requirements for completing their academic program.

As a tourism employer, this may be advantageous for your labour recruitment efforts. There are over three thousand international students studying in Nova Scotia's public institutions this year and many of them would like to obtain work experience in Canada. It is potentially a significant labour force that can be tapped into.

A work permit under the Post-Graduation Work Permit Program cannot be valid for longer than the student's study program. For example, if a student graduates from a four-year degree program, the student could be eligible for a three-year work permit if they meet the criteria. If the student graduates from an eight-month certificate program, they would be eligible for a work permit that is valid for no more than eight months. The student is responsible for submitting an off-campus work permit through the Citizenship and Immigration Canada (CIC) website, or they may download, complete and mail their application.

For more information on the Post-Graduation Work Permit Program, go to www.cic.gc.ca.

Click on: **English >> Studying in Canada >> Work permits for students >> Working after graduation.**

Spousal Visas:

Spouses or common-law partners of certain foreign students are allowed to accept employment in the general labour market without the need for an LMO. This exemption is intended for spouses who are not, themselves, full-time students.

Eligibility:

Applicants must provide evidence that they are:

- the spouse or common-law partner of a holder of a study permit who is attending full-time a post-secondary institution, which is also a publicly-funded degree or diploma-granting institution, or;
- the spouse or common-law partner of a person who has a valid work permit to work at a job related to their course of study, after graduation (post graduation visa).

Spouses or common-law partners of full-time students are eligible for open work permits (i.e. they are not restricted to any particular occupation or employer). These work permits expire when the spouse's study visa or post graduation work visa expires.

Most public post secondary institutions actively recruit foreign students to study at their university or college and will provide support to businesses looking to hire their students (and their spouses). Contact your local university or college to open up this potential labour pool.

4. Working Holiday and Students Work Abroad

Working Holiday Visa Program

The Working Holiday Visa Program enables young people between the ages of 18 and 30 (35 in some countries) to travel to Canada and work at the same time.

As part of this program, Canada has a bilateral agreement with certain countries that allow temporary employment of these young people. These countries are Australia, Belgium, Denmark, France, Germany, Ireland, Italy, Japan, Korea, Latvia, New Zealand, Netherlands, Norway, Sweden and the United Kingdom.

For employers, this is the easiest and quickest way to hire international workers as these young people come to Canada ready and eager to work.

As an open work program, these students do not need a prior Canadian job offer (and employers do not need an LMO) which makes the hiring process that much simpler for employers. In other words, individuals with Working Holiday Visas are eligible to work in any type of occupation as soon as they arrive in Canada. For all countries other than Australia, the Working Holiday Visa is valid for up to 12 months – without an option to re-apply.

As of January 2008, the Working Holiday Program visa for Australians wishing to come to Canada will be valid for 24 months with an option to re-apply.

For further information on the Working Holiday program visit the International Youth Programs website at

Student Work Abroad Program (SWAP) Working Holiday

The Student Work Abroad Program (SWAP) is very similar to the Working Holiday program in that it enables young people between the ages of 18 and 30 (35 in some countries) to travel to Canada and work at the same time. Some countries require that participants be registered as a full time student in a post secondary institution. Travel arrangements as well as support in finding a job and obtaining a visa are provided through the SWAP offices usually connected with a university.

The countries that participate in the SWAP program are: Argentina, Australia, Austria, Brazil, Chile, Costa Rica, Czech Republic, Germany, Ireland, Mexico, Netherlands, New Zealand, Peru, Poland, Russia, Slovak Republic, South Africa, United Kingdom, Ukraine and the United States.

As an open work program, these students do not need a prior Canadian job offer (and employers do not need an LMO) which makes the hiring process that much simpler for employers. In other words, individuals/students with visas obtained through the SWAP program are eligible to work in any type of occupation as soon as they arrive in Canada. Visas are valid for between 6 to 24 months. SWAP participants are restricted from accepting positions in the field of healthcare and childcare (Under 16).

Recruiting SWAP participants can be done through the SWAP office in Toronto, Vancouver or Montreal and/or promoting jobs on internet sites. There is no fee for potential employers to post an ad through SWAP.

In addition, there are local companies who specialize in recruiting overseas from this labour market. These organizations are not regulated so try to ensure you are dealing with a reputable firm.

To contact the Toronto SWAP Working Holiday Programs (SWAP) office to place an advertisement, call (416) 646-SWAP(7927), fax (416) 646-1773 or e-mail toronto1@swap.ca. To learn more about the program go to www.swap.ca.

Appendix A

Tourism NOC Codes

Appendix A - Tourism NOC Number Codes

NOC number code	National Occupation Classification	Sample Job Titles
0632	Accommodation service managers	front desk manager guest services manager ski resort manager hotel director hotel manager motel manager
1226	Conference and event planners	conference planner convention co-ordinator event planner festival organizer meeting planner special events organizer trade show planner
6453	Food and beverage servers	banquet server captain waiter/waitress chief wine steward cocktail waiter/waitress food and beverage server formal service waiter/waitress waiter/waitress wine steward
6641	Food counter attendants, kitchen helpers and related occupations	barista bartender helper bus boy/girl cook's helper counter attendant, cafeteria dishwasher fast-food preparer food counter attendant food preparer food service helper ice cream counter attendant kitchen helper salad bar attendant

NOC number code	National Occupation Classification	Sample Job Titles
6212	Food service supervisors	catering supervisor food assembly supervisor food service supervisor
6435	Hotel front desk clerks	front desk agent guest service agent hotel concierge hotel night auditor receptionist, hotel room service clerk – hotel
6661	Light duty cleaners	Chambermaid housekeeping aide housekeeping room attendant room attendant
6451	Maître d'hôtel and hosts/hostesses	host/hostess, food service
6672	Other attendants in accommodation and travel (except airline travel)	Bellhop doorkeeper, hotel guest services attendant, hotel luggage attendant
6442	Outdoor sport and recreational guides	canoeing guide dude wrangler fishing guide hot air balloonist hunting guide mountain climbing guide outfitter rafting guide
5254	Program leaders and instructors in recreation and sport (e.g. ski, snowboard and golf instructors)	horseback riding instructor ski instructor ski patrol snowboarding instructor

NOC number code	National Occupation Classification	Sample Job Titles
0631	Restaurant and food service managers	assistant manager, restaurant banquet manager bar manager cafeteria manager catering service manager dining room manager food services manager hotel food and beverage service manager restaurant manager restauranteur – food services
6421	Retail salespersons, sales clerks	car rental agent gift shop clerk recreational equipment rental-shop attendant ski shop retail clerk
6441	Tour and Travel guides	adventure travel site interpreter sightseeing guide tour guide tourist guide travel guide

Appendix B

Blank Employment Contract

Appendix B — Blank Employment Contract

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 both 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 Development Canada (HRDC) 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 to look after their own interests.

This contract will assist HRDC 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 HRDC 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 a copy of the contract. The employee must then sign the contract and present it with other required documents at the mission abroad.

Please note that the employer, and not a third-party recruiter, must be a party 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 HRDC and the employer is contingent on the employer's being a party to this contract.

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

This contract shall have a duration of _____ months from the date THE EMPLOYEE assumes his/her functions. (the "TERM OF EMPLOYMENT")

Both parties agree that this contract is conditional upon THE EMPLOYEE obtaining a valid work permit pursuant to the *Immigration Regulations*, and his/her successful entry to Canada.

JOB DESCRIPTION

THE EMPLOYEE agrees to carry out the following tasks: (Describe tasks, in detail).

WORK SCHEDULE

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: _____

THE EMPLOYEE shall be entitled to ____ minutes per day of break time (lunch, coffee breaks etc.....)

THE EMPLOYEE shall be entitled to ____ day(s) off per week, on _____

THE EMPLOYEE shall be entitled to ____ weeks of paid vacation.

THE EMPLOYEE shall be entitled to ____ days of sick leave per year.

WAGES AND DEDUCTIONS

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 _____.

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 or Quebec Pension Plan).

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

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.

ACCOMMODATION

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 provide THE EMPLOYEE with accommodation. (Mark X beside appropriate response) Yes _____ No _____

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

HOSPITAL AND MEDICAL CARE INSURANCE

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)

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

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

THE EMPLOYER must give written notice before terminating the contract of THE EMPLOYEE if this employee has 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

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 are 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

Example of a Foreign Worker Application

Appendix D
Sample Job Ad with a Job Bank

Appendix D – Sample Job Ad with Job Bank

Housekeeping Room Attendant XZY Hotel Halifax

People who work at XZY Hotel Halifax have reason to smile. You'll be part of a large and diverse family who gets pleasure from making others feel welcome and at home. Do you go the extra mile because you want to, not because you have to? Are you dedicated, generous, compassionate – in a word: caring? If that sounds like you, then you belong at XZY Hotel, Halifax.

Smile

We offer a great employment package including meals, medical benefits, free parking, hotel travel benefits and a competitive wage. We are currently recruiting for the position of Housekeeping Room Attendant. The hourly wage for this position is \$11.55 per hour. We are seeking an individual to care for the following duties:

- Helpful and courteous to guests.
- Clean, with attention to detail, 16 guest rooms per day.
- Duties such as sweep, mop and wash floors, dust furniture, vacuum carpeting, area rugs, draperies and upholstered furniture, make beds, change sheets, disinfect bathrooms and fixtures.
- Handle and report lost and found items.
- Attend to guests' requests for extra supplies or other items.
- Provide basic information on facilities.
- Pick up debris and empty trash can containers.
- Responsible for ensuring that all guest supplies and amenities are restocked and placed accordingly to hotel standards.
- Provide the utmost guest comfort and convenience.
- Aware of security for assigned areas.
- Perform other duties as required.

To apply for this position please contact:

Mary Smith, Executive Housekeeper
XYZ Hotel Halifax
Argyle Street
Halifax, NS B3J 3S9
msmith@xyzhotelhalifax.ca
<http://www.xzyhotelhalifax.ca>

Appendix E

Sample Employment Letter

Appendix E - Sample Employment Letter

January 8, 2009

XYZ Hotel
Argyle Street
Halifax, NS B3J 3S9

Re: Room Attendant Position

Dear Jeanette:

The purpose of this letter is to offer you employment as a hotel room attendant for a duration of four months, from July 01, 2009 to October 31, 2009. You will be working at our XYZ Hotel in Halifax. We will also be offering you shared accommodation in the hotel with a monthly rent of \$350.00.

This offer is contingent upon our obtaining a positive labour market opinion from Service Canada and a work permit from the Canadian Visa office in Manila.

We look forward to welcoming you to Prestige Hotel and Resorts.

Sincerely,

Donald MacDonald
Executive Vice President
XY Hotel

Appendix F

Service Canada Summary

Appendix F — Temporary Foreign Worker Program – Service Canada

The TFWP allows employers to hire foreign workers to meet their labour needs when qualified Canadian workers or permanent residents are not readily available.

Employers who want to hire foreign workers must first apply to HRSDC/SC for labour market opinions to assess the job offers made to foreign workers. These opinions determine what impact the entry of foreign workers would have on Canada's labour market, or in other words, how the offers of employment would affect Canadian jobs.

The TFWP operates under the authority of the Immigration and Refugee Protection Act and Regulations. They describe who may enter and work in Canada and outline the respective roles of the federal departments responsible for regulating the entry of foreign workers into Canada's workforce -- Human Resources and Skills Development Canada (HRSDC)/Service Canada (SC), Citizenship and Immigration Canada (CIC) and the Canada Border Services Agency (CBSA).

Section 186 of the Regulations describes instances when a labour market opinion by HRSDC/SC is not required.

When assessing an application for a Labour Market Opinion, TFWP officers consider the following factors, identified in Section 203(3) of the Immigration and Refugee Protection Regulations, to determine what impact the employment of the foreign worker is likely to have on the Canadian labour market:

1. Whether the employment of the foreign worker is likely to result in direct job creation or job retention for Canadian citizens or permanent residents.
2. Whether the employment of the foreign worker is likely to result in the creation or transfer of skills and knowledge for the benefit of Canadian citizens or permanent residents.
3. Whether the employment of the foreign worker is likely to fill a labour shortage.
4. Whether the wages offered to the foreign worker are consistent with the prevailing wage rate for the occupation and region(s) where the worker will be employed and the working conditions meet generally accepted Canadian standards.
5. Whether the employer has made, or has agreed to make, reasonable efforts to hire or train Canadian citizens or permanent residents.
6. Whether the employment of the foreign worker is likely to adversely affect the settlement of any labour dispute in progress or the employment of any person involved in the dispute.

TFWP officers ensure employers have provided all the information required before issuing labour market opinions to make sure assessments of job offers are sound. Once decisions are made, TFWP officers inform employers by issuing either a confirmation or refusal letter.

The employer must forward a copy of the confirmation letter to the foreign worker who will need to attach it to his/her work permit application to CIC.

For more information on the Temporary Foreign Worker Program please contact a Temporary Foreign Worker Officer:

Alba Lonningdal 426-8307 (Bilingual Officer)

Melba Graham 426-2344

Debbie McGuire 426-8230

Vida Davis 426-2625

More information on the Temporary Foreign Worker program can be found at the following website:

http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/index.shtml

Citizenship and Immigration provide a guide book on how to hire a temporary foreign worker at the following site:

<http://www.cic.gc.ca/english/resources/publications/tfw-guide.asp>

Appendix G

Useful Internet Links

Appendix G — Useful Internet Links

Federal Government

Citizenship and Immigration: www.cic.gc.ca. For a list of countries where their citizens require a visitor's visa, click on: **English >> Visiting Canada >> Who can apply >> Do you need a visa?**

Co-op, internship and post-graduation Programs:

www.cic.gc.ca/english/study/work-coop.asp.

Off Campus Work Programs:

www.cic.gc.ca/english/study/work-offcampus.asp

Human Resources and Skills Development: www.hrsdc.gc.ca

Canada Foreign Worker Program: Click on: **English >> Programs and Policies >> Foreign Worker Program (Temporary)**. To download all of the forms and contracts used by employers to hire foreign workers in Canada, click on the following link:
http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/fwp_forms.shtml

National Occupational Classification (NOC) website: <http://www5.hrsdc.gc.ca/NOC/>

Service Canada: <http://www.workingincanada.gc.ca> provides wage information for various occupations, and a Service Canada Job Bank: www.jobbank.gc.ca

Provincial Government

Government of Nova Scotia: <http://www.gov.ns.ca>. Click on **Making Life Better>> Helping Nova Scotians get good jobs** (or <http://www.gov.ns.ca/snsmr/lifeevents/e/job/default.asp>) for job related links in Nova Scotia and a section on “Working Temporarily in Canada from Abroad” and the **Social Insurance Number (SIN)** application form.

Nova Scotia Health - (MSI) Program: <http://www.gov.ns.ca/health/msi/>

Nova Scotia Youth Secretariat: <http://gov.ns.ca/coms/families/youthsecretariat/>

NS Office of Immigration: <http://www.novascotiainmigration.com>

Recruitment Resources

Immigrant Settlement and Integration Services: <http://www.isisns.ca/>

Native Council of Nova Scotia: www.ncns.ca and

Aboriginal Canada Job Portal: www.aboriginalcanada.gc.ca

www.NovaScotiaTourismTalent.com a dedicated regional tourism jobs portal

TEAM Work Cooperative and The WorkBridge: <http://www.teamworkcooperative.ns.ca/>

The Chronicle Herald: <http://jobspress.com>

Women's Employment Outreach (WEO): <http://womensemploymentoutreach.org/>

YMCA Motivation, Opportunity, Vision and Employment Program (YMOVE):
<http://www.yecdartmouth.ca/index.html>

Student Work Programs

Student Workers Abroad: www.swap.ca

Other Useful Links

Greater Halifax Partnership:

<http://www.greaterhalifax.com/en/home/ourprograms/employersupportprogram/default.aspx>

www.hireimmigrants.ca Shares best practices of employers, identifies the challenges and explores the opportunities to enhance your business through the talents of skilled immigrants. This site posts upcoming tele-seminars, and answers the following questions:

"How can you tap an exceptional workforce for your company?"

"Why is hiring skilled immigrants important to your company's success?"

"Who has benefited from hiring immigrants and how you can learn from these companies?"

"What are the successful hiring strategies for your company?"