



July 11, 2019

Ms. Uttara Chauhan, Director
Policy and Program Design
Temporary Foreign Workers Program
Employment and Social Development Canada
140 Promenade du Portage
Gatineau, Quebec K1A 0J9

Mr. Jordan Thompson, Acting Director
Temporary Resident Policy and Programs
Department of Citizenship and Immigration
365 Laurier Avenue West
Ottawa, Ontario K1A 1L1

Subject: Immigration and Refugee Protection Regulations – Canada Gazette, Part 1 (vol. 153, no. 25), published June 22, 2019

Dear Ms. Chauhan and Mr. Thompson,

Ontario Pork appreciates the opportunity to provide comments on the federal government's proposed changes to the Temporary Foreign Worker Program (TFWP). Our organization represents the 1,179 pork producers across Ontario by advocating in the areas of policy, research, and industry and market development. Ontario's pork sector represents a significant part of the Canadian economy, combining - from "farm to fork" - for \$949 million in GDP and over 14,274 full time jobs.

Ontario Pork does not support the proposed changes and request that further government consultation with industry be held to develop a better process for workers and employers.

Canada's TFWP was created with the objective of filling a growing workforce gap when Canadian labour is insufficiently available. A critical and chronic labour shortage is growing in agriculture and agri-food occupations due to the rural location of the jobs and the strenuous nature of many of the labour focused entry-level jobs. TFWs ensure a continued viable and sustainable agriculture industry. Recent studies by the Canadian Agricultural Human Resources Council (CAHRC) show a structural deficit in the supply of labour for the agriculture and primary processing sector relative to the labour needed for the sector to operate. It is estimated that in Ontario alone, the number of jobs that are at risk of not being filled with domestic labour will increase at a rate of 4.5% per year over the next six years.

By implementing the proposed changes to the TFWP, we will be working in a direction that is contrary to the end goal of building a sustainable agriculture industry labour pool for years to come.

Current program

The current TFWP has gone through a number of changes to help protect workers and ensure employers are complying with the program. This includes the government setting aside a budget to ensure 25% of employers are audited each year, which in essence is all users of the program over a four-year period.

The current program rules help ensure that when a TFW comes to Canada, they have a safe and comfortable place to live and work. Employers go to extensive efforts to provide accommodation and assistance to the employee before and after arrival. Employers also incur significant recruitment costs which often include having to pay a third party for recruitment. Added to this is the cost of travel to and from the home country, meeting and picking up workers at the airport, furnishing and ensuring worker housing is set up with items such as food and clothing, providing transportation, as well as assisting workers with banking requirements, health care, obtaining a Social Insurance Number, and orientating workers to the community, etc.

These are program requirements, but are also in the best interests of the employee and the employer. The requirements are subject to compliance or unannounced onsite audits at any point in time.

Under the current TFWP, foreign workers have always had the right to cease or change their employment, subject to existing immigration requirements. The important difference is that workers must apply for a new work permit through Immigration, Refugees and Citizenship Canada (IRCC). The TFWP also has contingencies, such as a 1-800 telephone hotline, for workers to report any issues of vulnerability or abuse, at which time the government can intervene immediately to re-permit the worker to another employer or help the worker return to their home country. These situations are exceedingly rare in agriculture.

Proposed Changes

Changes to the program now being proposed will allow the TFW to obtain a sectoral work permit in Canada to work for any employer upon arrival. This option already exists, along with the option of an open work permit if the employee feels they are in a vulnerable situation. The inclusion of this in the proposed changes is confusing.

The Gazette specifically states that workers can currently apply for a work permit with another employer but they are reluctant to do so: “The time, effort, cost and other challenges associated with finding a new job and securing a new work permit, few foreign workers change employers, despite having the option of doing so.” IRCC can take up to 90 days to review an application. If IRCC processed permits more quickly, this would ensure TFWP workers were maintained in the system. We need to fix this problem, not create new policies to compensate for inefficiencies that have not been rectified.

In addition, open permits are a direct disincentive for employers to participate in the program, as sponsor employers invest a great deal of time and money searching for qualified Canadian workers before being able to apply to the TFWP using an Labour Market Impact Assessment (LMIA). As a

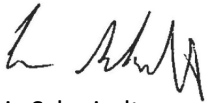
result of the proposed changes, if an employee decides to leave, sponsor employers would face the formidable task of having to go through the entire LMIA process again, incurring additional and burdensome costs and time commitments.

How will the TFWs be traced, as they will no longer be required to maintain any official ties to their original employers and will be free to move at will to any employer with a LMIA? We believe this is not in the best interests of workers or employers who could make repeated investments in recruitment, but never end up with a worker.

The federal government's proposed TFWP program changes will further destabilize the Canadian agriculture industry, which is already under assault on issues related to trade, international disease and more. The proposed TFWP changes will remove employer-specific criteria from work permits issued through the program, instead opting for open-sector permitting, which comes with many challenges which have not been addressed.

Ontario Pork appreciates the opportunity to provide input on the proposed changes to the TFWP and would welcome an opportunity for further dialogue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Schwindt', with a stylized flourish at the end.

Eric Schwindt
Board Chair