

EMERGENCY FOREIGN WORKER PROGRAM

TIMEFRAME

An Emergency Foreign Worker Program should be implemented by January 31, 2022, at the latest, to ensure measures are in place to support the 2022 growing and processing year. These emergency measures should remain in place for 18 months, through to summer 2023, during which time more permanent and long-term solutions to industry's labour issues should be identified and phased in.

TEMPORARY FOREIGN WORKER (TFW) PROGRAM

The Emergency Foreign Worker Program should include the following temporary changes to the TFW Program:

1. **CAP:** Immediately resetting the TFW CAP at 30% to allow more food and beverage manufacturing workers to be employed under the TFW program, ensuring Canada's food supply isn't interrupted by supply chain shortages caused by our critical labour shortage. At one time, the TFW CAP was 30% for processors, but was reduced in 2014 to 10% or 20% (based on individual company usage at that time). Primary agriculture does not have any CAP on TFWs.
2. **Processing Times/Capacity:** Measures should be immediately implemented to increase TFW application processing capacity and reduce processing times. These include:
 - Providing immediate emergency funding to Employment and Social Development Canada (ESDC) and Service Canada to increase processing capacity. Companies often experience delays in application processing, with processing times of up to 8 months even for returning workers.
 - Allowing companies to file one Labour Market Impact Assessment (LMIA) per site, for the term of the Emergency Foreign Worker Program, drastically reducing the number of duplicate LMIA's requiring processing. Requiring an LMIA for each individual worker results in multiple, essentially identical, applications for employers. The resulting costs and administrative work creates barriers to companies, especially small and mid-sized companies, in accessing the program and adds unnecessary administrative and processing work for ESDC and Service Canada.
 - ESDC immediately implementing a schedule of prevailing wage rates for seasonal workers, distinct from those applicable to permanent jobs. The current prevailing wage rates apply to both permanent and seasonal jobs, despite these jobs having very different wage rates in the domestic market. This often leads to seasonal employers having to appeal wage rates, resulting in processing and approval delays.
 - Centralizing processing of TFW applications from the food and beverage manufacturing sector in one Service Canada office to allow for the development of expertise and understanding of industry structure and needs.
 - Immediately reviewing and easing those requirements (e.g., original documentation to support education, language, experience criteria) that have become difficult, and at times impossible for workers to fulfill given global disruptions related to Covid-19.
3. **Supports for Smaller Businesses**
 - Recognizing that the complicated and costly TFW application process limits participation of small and mid-sized companies, immediately piloting an expedited application process for small and mid-sized businesses or implementing centralized processing of TFW applications for a selection of NOC codes applicable to the sector.

PERMANENT WORKERS

The Emergency Foreign Worker Program would include the following measures to address the need for permanent workers in the sector.

4. **Pathways to Permanent Residency**
 - Introducing immediate pathways to permanent residency for TFWs through a new Pathways to Permanence Program for Food and Beverage Manufacturing Workers. This program would ease those requirements (e.g., original documentation to support education, language, experience criteria) that have become difficult and at times impossible for workers to fulfill given global disruptions related to Covid-19 and be supported by a strong family reunification program.
5. **Direct Refugees to the sector**
 - Implementing a pilot program with industry that directs refugees to the food and beverage manufacturing sector facing labour shortages.