RESPONSIBLE RECRUITMENT OF TEMPORARY FOREIGN WORKERS IN CANADA

ABSTRACT

The global competition for talent, coupled with Canada's unique demographics, has fuelled an increase in foreign talent coming to Canada. The Temporary Foreign Worker Program provides employers with a regulated strategy to recruit foreign talent as a complement to their ongoing search for Canadian talent. This article outlines the need for responsible recruitment strategies and examine some issues facing temporary foreign workers coming to Canada.

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Responsible Recruitment Strategies

Recruitment strategies must be consistent, whether the recruitment is taking place domestically or in a foreign country. The wage being offered should not vary and the job description should be identical for all candidates. There are a certain number of important things that an employer must take into consideration when recruiting talent from a foreign country.

- **Know the source:** It is imperative that employers know the source from which they are recruiting. "Ignorance is not an excuse" certainly applies to foreign recruitment. Employers must be confident that the entire process is transparent for all concerned and that there is no exploitation present in any form.
- **Eliminate exploitation:** Candidates should not pay fees to be considered for a job opportunity and should not be forced to pay a portion of their earnings to unscrupulous agents. Candidates should be treated in a fair and ethical manner throughout the hiring process.
- **Provide a detailed job description:** Job descriptions must be very detailed and provide all candidates a clear picture of what the job entails. Candidates should realize that gross salaries can be very misleading and they should be provided a clear snapshot of their compensation – see Table 1).
- **Discuss expectations and make sure they are realistic:** The candidates must understand their legal status should they be granted a Canadian work permit. It is incumbent upon employers to properly explain the foreign employees' Canadian status and to provide each employee with a clear picture of attainable progression within their employment.
- **Explain the entire process to the foreign national:** When candidates enter into an employment agreement, they must understand the temporary nature of this agreement. They will be welcomed into Canada with a work permit to which a specific term is attached. There are opportunities available to apply for extensions to these terms or for landed status, but these applications can be declined and may incur costs. Promises should never be made and candidates should be educated about the processes involved, should they choose to apply for an extension. They should also have a clear understanding of what the ramifications of a layoff or a termination of employment might be.

Several strategies are available to bring foreign talent to Canada. Employers must be aware of the strategy they are using and comply with all legislation pertaining to that strategy. The Low Skill Pilot Project of the Temporary Foreign Worker Program (TFWP), for example, require that employers pay for the return transportation of any foreign national they recruit. In these cases, the employer cannot recover these costs from the foreign national.

Critics of the TFWP such as Olivia Chow, the NDP's Immigration and Citizenship Critic, maintain that this program "drives down wages." Responsible recruitment completely dispels this argument. Employers must perform constant wage reviews and ensure that the wages offered for each job are competitive. Foreign workers must be paid a wage that is equal to that being paid to a Canadian in an equal position.

Table 1
"Snapshot" of workers' wages and main expenses[a]

Description	$10/hour	$12/hour	$14/hour	$16/hour	$18/hour
Gross monthly pay	$1,760.00	$2,112.00	$2,464.00	$2,816.00	$3,168.00
Federal tax	-$109.23	-$158.50	-$207.78	-$257.05	-$306.32
Provincial tax	-$25.90	-$58.74	-$91.59	-$124.44	-$157.29
Canada Pension Plan	-$72.68	-$90.11	-$107.53	-$124.95	-$142.38
Employment Insurance	-$30.45	-$36.54	-$42.63	-$48.72	-$54.81
Net monthly pay	$1,521.74	$1,768.11	$2,014.47	$2,260.84	$2,507.20
Bus pass	-$88.00	-$88.00	-$88.00	-$88.00	-$88.00
Rent	-$500.00	-$500.00	-$500.00	-$500.00	-$500.00
Food and entertainment	-$300.00	-$300.00	-$300.00	-$300.00	-$300.00
Total	**$633.74**	**$880.11**	**$1,126.47**	**$1,372.84**	**$1,619.20**

[a] This matrix is an example of a "snapshot" of workers' compensation. It summarizes a worker's monthly salary based on a 40 hour work week. Candidates should be given this information when they are considering employment, so that their decision to pursue a Canadian employment opportunity is based on realistic expectations of their potential monthly disposable income.

During the recruitment process employers must be sensitive to the unique challenges foreign workers may face as they start working in Canada. There are cultural differences that must be understood by both parties and language differences must be addressed to ensure fairness and safety in the workplace.

When an employer initiates the foreign recruitment process, the entire company must be briefed on the process. It will help address any concerns that existing Canadian employees may have with this strategy. We currently work with over 100 Canadian employers, and in our experience, the foreign workers' Canadian colleagues have been their best allies as they integrate into their new workplace.

Employers must translate all documents pertaining to employment into the first language of the foreign worker. Responsible recruiters ensure that the candidate is provided with a detailed job description in his or her first language and that all documents requiring a signature are translated properly, guaranteeing that the candidate has been able to properly consider any agreements entered into. All work-related manuals (operations, safety, etc.) and signage in the workplace should also be translated.

Responsible recruitment strategies are paramount for all responsible employers. Employers of temporary foreign workers will benefit greatly when they recruit responsibly. Responsible recruiting lowers the costly attrition rate often attributed to the influx of foreign talent. It makes the workplace safer and helps increase the morale of the entire organization.

Some issues facing foreign workers coming to Canada: Over the years we have helped thousands of foreign nationals gain employment with Canadian employers. We have definitely seen the positive impact these workers have had on their new companies, but there are several issues that are apparent as the workers adjust to life in Canada.

Housing: When foreign workers come to Canada from developing countries the first major obstacle they face is the need for affordable and reasonable accommodations. The employers must not ignore this necessity as they prepare to welcome the foreign worker. The cost of accommodations must be included in the "compensation details." Affordable and reasonable accommodations must be secured prior to the arrival of the foreign worker, meaning that the employer will oversee the process of acquiring these accommodations. Foreign workers will face many challenges as they enter the Canadian housing market. They are often overwhelmed with the high cost of accommodation in Canada and are frustrated as they seek less expensive accommodations. It is imperative that this issue be addressed before the foreign worker agrees to come to Canada.

High cost of living: When a foreign national enters into an employment contract to work for a Canadian employer in Canada, one of the main attractions is typically the compensation. An average low-skilled labourer in Mexico, for example, will earn $50 to $70 CDN per week. In Canada, this same worker in Canada will likely earn $450-700 CDN per week. The foreign worker often has a hard time shouldering the higher costs associated with living in Canada. Taxes, accommodations, clothing, food and entertainment are all significantly higher than what these workers are used to paying in their home country. The workers must be educated prior to their arrival so that they are not surprised by this reality.

Work permit restrictions: The vast majority of TFWs enter into Canada with a work permit. This work permit authorizes them to be employed by a designated Canadian employer. The workers' opportunities for advancement are tied to this work permit, meaning their workplace mobility is more cumbersome. They are allowed to switch employment during their work term but the new employer must be eligible to hire a foreign worker and the worker must apply for a change to his or her work permit. Advancement within the company is usually more difficult because the foreign worker would need to acquire a new work permit if the advancement meant a job description that required different skills. Foreign workers can feel trapped by the bureaucratic hurdles they face as they consider different opportunities; however, these hurdles are well intentioned safe guards that have been put in place to protect the foreign worker. There are some unfortunate examples of employers bringing workers to Canada

as "low-skilled" workers, only to have them work for a lower wage in a skilled position.

Perceived discrimination: Foreign workers who enter Canada in the TFWP are temporary migrants to Canada. They enjoy the same basic rights as all Canadians, but they are in Canada on a temporary basis only and, as mentioned earlier, have certain restrictions attached to their work permits. It is important that all of their rights as well as their restrictions be fully explained to them to dispel perceptions that they are being discriminated against.

Exploitation: There are several potential forms of exploitation that can be evident when a temporary foreign worker is working in Canada. The most obvious form of exploitation occurs when the employee is not properly compensated for services rendered. Foreign workers must be cognizant of potential exploitive practices that may be perpetrated on them. Over the years we have observed the following;

- Workers coming to Canada unaware of the costs associated with living in Canada;
- Workers being illegally contracted out to other employers;
- Workers being enticed into illegal cash jobs;
- Workers not receiving the necessary training to properly perform their job duties;
- Workers being forced to live in sub-standard housing;
- Workers being overcharged for accommodations;
- Workers paying outrageous fees to various consultants for "settlement services."

These are some of the many examples of exploitation that can occur in their working relationship. The best way to address these issues is by notifying every foreign worker of their rights.

The need for temporary working migrants in Canada will be prevalent for years to come. The programs, as established by the Canadian government, can work well when there is complete transparency throughout the process. Employers benefit when recruitment strategies are properly considered and properly implemented. Foreign workers have a positive experience when their well-being is considered prior to and during their stay in Canada.