

The Atlantic Immigration Pilot

A test flight for the Newfoundland and Labrador construction industry

By Meghan Felt and David Nurse

CANADA'S AVERAGE AGE IS increasing and its population decreasing, drastically reducing available workers - and neither Newfoundland and Labrador, nor its construction industry, have escaped these trends.

In 2016, Statistics Canada reported that 18.4 per cent of the Newfoundland and Labrador population was aged 65 and older. According to BuildForce Canada, the retirement of approximately 21 per cent of Newfoundland and Labrador's construction workforce, combined with a downturn in current activity, will make the attraction and retention of enough new construction workers to meet future demands a "formidable challenge".¹ The federal and many provincial governments, including that of Newfoundland and Labrador, are looking to increased immigration as a key solution. It makes sense: 89 per cent of new permanent residents in Newfoundland and Labrador from 2007 to 2014 were under 45 years old, yet only 38 per cent of the province's population increase derived from international immigration. In 2015, the Newfoundland and Labrador government adopted an Immigration Growth Action Plan as part of its "Population Growth Strategy"; one key action is to "[a]dvance the provincial-federal relationship on immigration-related matters, including a new Canada-Newfoundland and Labrador Immigration Agreement."² In January 2017, the Province joined the remaining three Atlantic provinces and the federal government to announce the Atlantic Immigration Pilot as part of the Atlantic Growth Strategy. The Pilot will operate for three years, giving the Atlantic region the opportunity to attract - and hopefully retain - up to 2,000 additional immigrants.

Here are five key opportunities and risks of the Pilot, and what we've learned from the experience with it so far.

KEY OPPORTUNITIES & RISKS

The Pilot creates some significant immigration opportunities for Atlantic Canadian employers, offering several advantages over existing immigration paths: international graduates need not have work experience; NOC (National Occupational Classification) C candidates don't require six months work experience; the language requirements are lower; high-skilled candidates (NOC O,

A and B) need only a one-year full-time contract rather than a permanent job; it allows candidates to work while their permanent residency application is processed; and it enhances immigrant worker settlement and retention. Correspondingly, the Pilot also carries some new risks and obligations.

1. Employers must apply. Employers must apply for and meet certain eligibility criteria to be "designated" an approved participant in the Pilot. However, the eligibility criteria aren't burdensome. The employer must demonstrate it wants to hire full-time, non-seasonal international candidates; operates a well-established business in good standing (and apparently in active operation under current management in the Atlantic region for at least two prior years); and is committed to meeting the settlement needs of international candidate(s) and accompanying family members.

2. Avoid the Labour Market Impact Assessment (LMIA) process. Designated employers participating in the Pilot can seek a letter of support from the Province allowing them to avoid the onerous LMIA process (the federal government's approval required before it can hire a foreign worker under the Temporary Foreign Worker Program (TFWP)). The employer must still demonstrate a labour gap, but the process is less onerous, expensive and lengthy than the LMIA process.

3. Employers must do more for workers and their families. To be designated, an employer must commit to partnering with a designated immigrant settlement agency, to supporting the settlement and integration of the foreign worker and their family members and to fostering a welcoming workplace. This is an innovative approach to Atlantic Canada's low immigrant retention rate, but also creates potential financial and legal risks for which many smaller employers will lack the necessary staffing or financial resources (though medium and large employers should be able to effectively manage them). This could be a significant burden if the family has high needs and there's no or few local government-funded settlement supports. Currently uncharted territory, this obligation could also

include a financial commitment from the employer, such as if the worker and their family require English lessons. It's still unclear, but presumably, a non-compliant employer will be suspended from the Pilot or result in restrictions on the employer's applications under other Provincial Nominee Program (PNP) streams.

4. Prospective workers must qualify. The Pilot is only available to prospective immigrants with a job offer from a designated employer. The Pilot offers two streams for skilled workers (high-skilled and intermediate-skilled, one of which construction workers may fall into depending on their NOC) and one for international graduates. The specific work experience requirements vary for each, but all applicants under the Pilot must meet key common criteria: approved language testing; education requirements; and a non-seasonal job offer, in a high or intermediate-skilled occupation, approved and "endorsed" by the Province.

5. Additional, not replacement, pathway. The Pilot offers a new, additional opportunity to hire foreign workers that runs alongside existing PNP or federal programs, which remain available to employers either deterred by the Pilot's requirements or that fail to meet its eligibility criteria. These include Newfoundland and Labrador's PNP and the federal Express Entry program.

KEY LEARNINGS

The Pilot still has a lengthy flight left, but here are some key lessons we've learned about the Pilot since takeoff.

Good recruitment strategy. Candidates and employers have shown significant interest in the Pilot: there's been an influx of candidate inquiries, and a large number of employer applicants for designation; 69 applications had been approved in Newfoundland and Labrador as of July 28, 2017. Applying to be a designated employer is likely a good recruitment strategy: it demonstrates to prospective candidates you are in the game, and puts you in the running alongside other (designated) employers.

Provinces working to minimize employer burden. The sense is that provinces will work to minimize the additional burdens the Pilot places on employers by maximizing the use of existing resources, and that employers that act in good faith in attempting to comply with the Pilot's requirements won't suffer consequences for non-compliance – though this isn't confirmed.

Motivated governments. It also appears that Atlantic Provincial governments are highly motivated to make the Pilot successful: so far, they've demonstrated openness to discussing the Pilot with employers and are actively promoting it. This bodes well for employers seeking to recruit international candidates generally, and under the Pilot specifically.

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FOOTNOTES:

- ¹ See https://www.constructionforecasts.ca/sites/forecast/files/highlights/2017/2017-National-Constr_Maint-Looking-Forward.pdf; <https://www.constructionforecasts.ca/en/media/press-releases>
- ² See <https://www.gov.nl.ca/populationgrowth/>

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