

THE TEMPORARY FOREIGN WORKER PROGRAM AND EMPLOYERS IN LABRADOR

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FEBRUARY 2017

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REPORT PREPARED FOR THE HARRIS CENTRE FOR REGIONAL DEVELOPMENT
AND POLICY, MEMORIAL UNIVERSITY POPULATION PROJECT:
NEWFOUNDLAND AND LABRADOR IN TRANSITION

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February 2017

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¹ The authors would like to acknowledge the employers who participated in our fieldwork and Keith Storey for his valuable comments and editorial contributions.

The Population Project: Newfoundland and Labrador in Transition

In 2015, Newfoundland and Labrador had the most rapidly aging population in the country – which when combined with high rates of youth out-migration, declining birth rates, and an increasing number of people moving from rural parts of the province to more urban centres, means that the province is facing an unprecedented population challenge. Without intervention, this trend will have a drastic impact on the economy, governance, and the overall quality of life for the people of the province. Planning for this change and developing strategies to adjust and adapt to it is paramount.

The Harris Centre's Population Project has developed potential demographic scenarios for the province and its regions for the next 20 years and will explore a number of the issues arising. These include, but are not limited to, those concerning:

- **Labour markets** – how will future demands for labour be met given a shrinking labour supply?
- **Service demands** – what are the implications of an aging and a geographically shifting population on the demand for public, private and non-government sector services?
- **Service provision** – what are the implications of a declining rural population for the costs and delivery of services to an increasingly smaller and older, but still geographically dispersed population?
- **Governance** – how will local and senior levels of government respond to changing governance issues in the light of these demographic changes and challenges?

Utilizing expertise from both inside and outside the university, the project employs a combined research and debate approach to inform and contribute to government policy, as well as to develop strategies for the private and non-profit sectors to respond to the broad range of issues resulting from the anticipated population shifts.

This report, by a group directed by Dr. Tony Fang, Department of Economics and Stephen Jarislowsky Chair of Cultural and Economic Transformation, Memorial University, offers an analysis of the federal Temporary Foreign Worker Program in Labrador. This program, which, particularly in boom cycles, helps employers meet their labour requirements, was revised in 2014. The new restrictions imposed negatively affected use of the program by Labrador employers. This report reviews the current program and offers some recommendations that could significantly improve its utility in Labrador.

Funded by the International Grenfell Association (IGA), the report is the second published through the Population Project. This and all other reports generated through the Population Project are available online at www.mun.ca/harriscentre. More information about the project can be obtained by contacting the Project Director. Comments on the Project and reports generated are welcomed.

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EXECUTIVE SUMMARY

Temporary foreign workers (TFWs) represent an important resource for employers across Canada and particularly in rural areas, where labour supply is often unpredictable. This is true both for highly-skilled occupations in mining and extractive industries as well as low-skilled occupations in the service industry in small towns. The expansion and encouragement of the Temporary Foreign Worker Program (TFWP) by the federal government over the last 15 years has increased employers' reliance on TFWs. Labrador reflects this trend, as the region has experienced a boom or bust cycle of economic activity and a subsequent rise in the number of TFWs employed in high and low skilled positions.

In 2014, the federal government reviewed the TFWP and imposed additional restrictions on employers wishing to hire TFWs, including an expanded and more expensive permit application process and a rule that prevents businesses from hiring workers if they are in a location with a regional rate of unemployment of 6% or higher. Newfoundland and Labrador employers were negatively affected by these restrictions, and were often unable to apply for a Labour Market Impact Assessment (LMIA) under the new regulations. The province experiences a high rate of unemployment relative to the rest of the country and local labour is assumed to be on hand. However, in Labrador this is not the case and employers need access to alternate forms of labour.

This report helps frame these issues in the context of Labrador, and puts recent regulatory proposed changes by the federal government into context for the region. The research project combines employer interviews with statistics around the hiring of temporary foreign workers, where available. Previous studies have focused on interviewing TFWs to understand their experiences, but employer perspectives remain underexplored. This project fills this gap by speaking with employers in the region about the main challenges surrounding employers and the TFWP in Labrador.

The research shows that there is a demonstrated need for TFWs in Labrador. The volatile nature of the resource sector and inappropriate local skill sets makes an effective TFW policy for Labrador essential. Demographic changes are likely to exacerbate need for Labrador appropriate policy. At the same time, any policy needs to recognize the conflict between providing jobs for foreign workers and taking jobs from locals. In Labrador, local labour is available but underutilized. TFW issues need to be seen in the larger context of EI reform and education and skills training for the Canadian labour force as a whole. In the absence of any resolution to these and other complex issues in the short- to medium term, TFWs are likely to be an ongoing requirement in Labrador.

Based on the results of this study, there are several recommendations for moving forward.

Recommendation 1: Municipal governments (mayors and town councils) and local businesses should partner to establish a labour supply and demand database at the municipal level.

Recommendation 2: Labrador employers should be allowed to hire TFWs if they are not able to recruit a Canadian worker (Canadian citizen or permanent resident) during the required period for advertising the position.

Recommendation 3: The federal government should offer language training to temporary residents in Canada and allocate additional funding for this matter.

Recommendation 4: The federal government and Newfoundland and Labrador provincial government, as well as potentially other partners (e.g. construction firms, property management companies, etc.), should invest in affordable housing in those Labrador communities that struggle to attract workers from other parts of Labrador, the province, Canada and/or the world.

Recommendation 5: The provincial government's Office of Immigration and Multiculturalism should introduce a specific stream for TFWs under the Newfoundland and Labrador Provincial Nominee Program.

Recommendation 6: The provincial government of Newfoundland and Labrador should invest more financial and human resources into the Office of Immigration and Multiculturalism to process immigration applications in an expedited fashion.

Recommendation 7: The provincial government's Office of Immigration and Multiculturalism should prepare a clear information package for employers who wish to assist their TFWs seeking permanent residency in Canada.

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RESEARCH TEAM

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1.0 INTRODUCTION

1.1 Project Background

Temporary foreign workers (TFWs) represent an important resource for employers across Canada and particularly in rural areas, where labour supply is often unpredictable. This is true both for highly-skilled occupations in mining and extractive industries as well as low-skilled occupations in the service industry in small towns. The expansion and encouragement of the Temporary Foreign Worker Program (TFWP) by the federal government over the last 15 years has increased employers' reliance on TFWs. Labrador reflects this trend, as the region has experienced a boom or bust cycle of economic activity and a subsequent rise in the number of TFWs employed in high and low skilled positions.

In 2014, the federal government reviewed the TFWP and imposed additional restrictions on employers wishing to hire TFWs, including an expanded and more expensive permit application process. The overhaul introduced a cap for businesses hiring over 10 employees, where the number of TFWs hired could make up only 10% of their workforces, to be phased in over a couple of years; a four year in, four year out rule, which prevents workers from staying in the country indefinitely; a rule that prevents businesses from hiring workers if they are in a location with a regional rate of unemployment of 6% or higher; an increased fee for employers to obtain a Labour Market Impact Assessment (LMIA) from \$275 to \$1000; and a requirement that employers pay TFWs the same wage as Canadian workers. Many other changes negatively affected employers and TFWs alike, and were widely denounced by employer groups (BOFBC, 2016; SJBOT, 2014).

Newfoundland and Labrador employers were negatively affected by these restrictions, and were often unable to apply for an LMIA under the new regulations. The province experiences a high rate of unemployment relative to the rest of the country and local labour is assumed to be on hand. However, in Labrador this is not the case and employers need access to alternate forms of labour.

This report helps frame these issues in the context of Labrador, and puts recent regulatory proposed changes by the federal government into context for the region. The research project combines employer interviews with statistics around the hiring of temporary foreign workers, where available. Previous studies have focused on interviewing TFWs to understand their experiences, but employer perspectives remain underexplored. This project fills this gap by speaking with employers in the region about the main challenges surrounding employers and the TFWP in Labrador.

1.2 Research Objectives

The goal of this project is to review the current TFWP in the context of Labrador and develop a more regionally appropriate model. The research includes an overview of the current program and discussions with businesses to identify the constraints and opportunities associated with the program and to identify ways that it might be improved to address anticipated future needs.

The report attempts to examine the experiences of employers using the TFWP, provide recommendations to government-related and other stakeholders, and disseminate research results to

relevant stakeholders. The study records the experiences of employers who have hired TFWs in Labrador. This helps illuminate the major impact the TFWP has had on rural parts of the country in general and Labrador in particular.

Several research objectives guided this project and informed the researchers at every stage of the process. They include:

- Provide detailed and accessible background on the TFWP.
- Provide background on Labrador labour market characteristics.
- Collect information on how the TFWP affects employers in Labrador.
- Develop policy recommendations to address Labrador TFWP issues
- Disseminate results to key stakeholders and reach the appropriate audience.

1.3 Methodology

The project adopts a multi-method approach using the following techniques: participatory research (survey and/or interviews with employers over phone); policy analysis of the TFWP; media analysis (with particular emphasis on identifying perceived challenges for employers); and analysis of secondary source data from Immigration, Refugee and Citizenship Canada (IRCC). This multi-faceted approach to the project ensures triangulation of the research results and creates a more robust and reliable study.

1.3.1 BACKGROUND AND POLICY ANALYSIS

This section of the research includes a detailed look at the policies enacted by the federal government that have impacted employers in Labrador. The nature of Canadian immigration policy has been noticeably altered over the last 15 years. There have been over 110 policy changes administered since 2002, either through legislative changes or through ministerial instruction. The majority of these changes have been to programs issuing temporary resident permits, such as the TFWP. These changes are often complex and contradictory, with government implementing new strategies over a short period of time that were often counter to previous positions. The changes to the TFWP are illustrated by analysis of secondary sources including the Canada Gazette, Ministerial statements, IRCC (public) data, government documents, media reports, notes from Question Period and other government documentation. This study makes it accessible for interested parties and for other researchers undertaking similar studies in the future.

1.3.2 BACKGROUND ON LABRADOR LABOUR MARKET

Labrador's labour market is characterized by periodic demands from mega projects and fluctuating demand from various resource and mineral projects. Mining companies, for example, frequently make use of temporary labour to fill labour shortages, particularly in highly skilled technical areas. Recent fluctuations in the price of iron ore has led to unpredictable circumstances in the Labrador economy and TFWs have been needed for their flexibility and their expectations of temporary work. In urban centres like Labrador City and Wabush, local businesses have expanded in recent years to meet the needs of the burgeoning numbers of mining employees. With labour shortages, employers have reached out to TFWs

to fill gaps in service industry and other low skilled positions. This has created a situation where various segments of the Labrador labour market are affected by changes to temporary resident permit programs, such as the TFWP.

1.3.3 MEDIA ANALYSIS

A media analysis was also used to gather the feedback of stakeholders such as government officials, trade unions, employers, etc. who have already spoken publicly on the issue. Secondary sources were gathered from a variety of online sources, mainly from the archive of *The Telegram*, which includes reprints from other news outlets. Another source was Eureka, a database covering local, regional, national and international newspapers, trade publications, etc. Eureka contains the full text coverage of more than ten newspapers from Newfoundland and Labrador, including *The Telegram*, based in St. John's, and *The Aurora*, based in Labrador City.

1.3.4 PARTICIPATORY RESEARCH (FIELDWORK)

The project uses participatory research to gather data on employer experiences of the TFWP. This includes the collection of data from employers who agreed to interviews. Since there is no known accessible database of employers hiring TFWs in the region, non-random sampling techniques were employed. Specifically, purposive sampling and snowball (referral) sampling allowed us to select employers with specific knowledge of the TFWP or with experience hiring TFWs. These sampling techniques also enabled the researchers to gain trust with the employer over a short period of time and led to more robust responses. The goal was to obtain a sample that is representative of the main industries hiring TFWs in the region. Care was thus taken to select employers from a variety of backgrounds and industries.

The design of the questionnaire followed strict procedures according to the Interdisciplinary Committee on Ethics in Human Research at Memorial University in St. John's. It followed the guidelines as set out under the Policy on Ethics involving Human Participants. The questions were informed by the background research on the TFWP, Labrador labour market and policy research done in the weeks preceding the design.

A standardized questionnaire was administered to employers to increase the representativeness of the sample. The survey is semi-structured, keeping with standardized themes relating to the TFWP. It was, first, administered by email and then orally over phone. The sample size for the study was seven ($n=7$). A larger sample was hoped for but there were various constraints to achieving this: i.e. budget and time constraints, the specifics of the geographic region and the targeted population, the sensitivity of the topic, as well as perceived constraints of previous studies (Mullings and Anderson, 2015). Calling the potential respondents proved to be the only effective way to get a reply as only one person replied to the e-mail (to decline participation). Among common reasons for unwillingness to participate were the lack of interest and the absence of a person knowledgeable about the issue at the time of calling. The latter reason was addressed by calling back at several different times until the knowledgeable person was present, although in some cases the individual was always absent.

Participation in the study was voluntary. Participants received the informed consent form, which explicitly specified that they were free to decide whether to take part in the study and that there would be no

negative consequences if they chose not to participate or to withdraw from the study once it had started. Every reasonable effort was made to ensure anonymity of participants.

2.0 TEMPORARY FOREIGN WORKER PROGRAM IN CANADA

2.1 Overview of the Temporary Foreign Worker Program: changes over 2002-2016

There are several ways to hire a temporary foreign worker (TFW) based on the worker's skills and country of origin. The Temporary Foreign Worker Program (TFWP) requires a firm to make an application with Human Resources and Skills Development Canada (HRSDC) for a Labour Market Impact Assessment (LMIA), which has several stipulations including that the job is genuine, that the employer had made appropriate steps to hire a Canadian worker, that there is a skills shortage, and that the employer has a transition plan to hire Canadians in this field permanently. If approved, the employer or prospective employee must then obtain a work permit from Immigration, Refugees and Citizenship Canada (IRCC). The other route, also known as the International Mobility Program (IMP), is available to a TFW who does not require a LMIA, either because the foreign national comes from a country with which Canada has an international labour agreement such as NAFTA, or they contribute to Canada's interests, such as those in study exchange programs or intra-company transfers. Once the TFW has arrived, the employer is responsible for introducing them to the Canadian social security system by arranging Worker's Compensation benefits and medical coverage, verifying their Social Insurance Number, and respecting the stipulations of their work permit (CIC, 2015a; CIC, 2015b).

Programs similar to the TFWP have existed in Canada since the 1960s, but were not formally legislated until 1973. These programs targeted workers with highly specialized skills based on a designated Occupation List, and were also used to bring in seasonal agricultural workers and live-in caregivers (Nakache, 2013; Lemieux and Nadeau, 2015). Firms were required to pay TFWs the median wage given for an occupation in a specific region, which meant that some TFWs were paid more than the general workforce, though this rule did not apply to seasonal workers or live-in caregivers (Gross, 2014).

Under the 2001 Immigration and Refugee Protection Act (IRPA), the Temporary Foreign Worker Program for Skilled Workers was introduced, which added additional stipulations to using the program for highly skilled workers. Under pressure from the business community to bring in low-skilled labour, the program was extended to the Pilot Project for Hiring Foreign Workers in Occupations that Require Lower Levels of Formal Training (Nakache, 2013). Both programs required employers to submit a Labour Market Opinion (LMO) to HRSDC, formerly Employment and Social Development Canada (ESDC), to be eligible for the program. To receive a positive LMO, the employer had to show that the job offer was genuine, that the wages offered to the foreign national were consistent with the prevailing wage rate for the industry, and that the employer had made reasonable efforts to hire a Canadian citizen or permanent resident for the position (IRPA R(203), 2001)². Upon validation, IRCC, formerly Citizenship and Immigration Canada (CIC), screened the candidate for security, health and other considerations before issuing the necessary documentation for the foreigner to work in Canada, with the final entry decision being made by border officers (ESDC, 2007a; Gross, 2014). Further conditions were imposed on employers seeking low-skilled workers such as the payment of return airfare by the employer, proof of medical coverage for TFWs for duration of work period, support from employer to find accommodation, and registration with workers' compensation. The requirement to pay TFWs median wages was dropped

² It should be noted that IRPA has been modified and the word "opinion" was changed to "assessment" to reflect new policies.

in 2002 and instead, employers could offer high-skilled 15% less and low-skilled 5% less than the median wage, though not less than the minimum (Gross, 2014). Low-skilled TFWs were only allowed to remain in Canada for 12 months and had to wait 4 months before reapplying (ESDC, 2007b).

In 2006, the “Lists of Regional Occupations under Pressure” were established to clarify which occupations were eligible for the TFWP and to cut down on recruiting times for employers from two-three weeks to one week. A handbook for employers was produced as well, which helped employers navigate the TFWP (ESDC, 2007b; Gross, 2014).

By 2007, the federal government welcomed more temporary than permanent residents and the TFWP had grown to include five streams: the Live-in Caregiver Program; the Seasonal Agricultural Worker Program; the pilot project for occupations requiring lower levels of formal training; the oil sands construction projects in Alberta; and the hiring of foreign academics (ESDC, 2007b; Nakache, 2013). In Budget 2007, the federal government committed an additional \$50.5 million over two years to the TFWP to reduce processing delays, more effectively help employers fill skills shortages, and to develop mechanisms to monitor employers and address instances of non-compliance. These changes to the TFWP were made as part of the new Conservative government’s Advantage Canada strategy, and rhetoric around improvements to the program were focused on filling labour shortages, keeping Canada competitive, and making “it faster and easier for Canadian employers to meet their labour force needs” (ESDC, 2007a; ESDC, 2007b).

The new changes included:

- The LMO and work permit for workers in the Pilot Project for Occupations Requiring Lower Levels of Formal Training was increased from one to two years.
- The LMO and work permit for workers under the Live-in Caregiver Program was extended from 1 year to a maximum of 3 years and 3 months.
- An online LMO application was introduced for faster, more streamlined service, and employers were given the option to have work permits and LMOs processed concurrently by CIC and HRSDC.
- The Immigration and Refugee Protection Act (IRPA) was amended to increase the protection of foreign workers from exploitation or abuse.
- The Expedited Labour Market Opinion (E-LMO) was introduced as a pilot project to accelerate the processing times of LMOs in Alberta and British Columbia, where employers were suffering from a backlog of applications. This E-LMO was for 12 high-demand generally low-skilled occupations and the processing time was reduced from five months to five days. The E-LMO included the addition of several stipulations requiring employers to prove their eligibility by stating their application was consistent with their business that they had been operating for 12 months with at least one employee, that they confirm their compliance by phone, and that they agreed to a compliance review. The project also included a Memorandum of Understanding between the federal and provincial government to strengthen protections for TFWs, as labour laws are typically a provincial responsibility, but because TFWs were more of a federal responsibility. This pilot project ended in 2010 when the backlog was eliminated.
- In response to growing concerns about the infringement of TFWs rights, the government produced a pamphlet detailing workers’ rights that was published in six languages.

As part of an ongoing review of the program, several changes were made in 2008 including:

- CIC set up TFW Units in Toronto and Moncton to assist firms seeking information on hiring foreign workers (CIC, 2010).
- Eligible occupations under the E-LMO were expanded from 12 to 33 (ESDC, 2008).

In 2009 HRSDC introduced national advertising requirements for occupations seeking LMOs to expand the pool of Canadian workers. HRSDC also reduced the expiry date on LMOs to ensure accurate use of labour market conditions (CIC, 2010).

In 2012, the official rhetoric around the program began to change and focus more on phasing the program out to ensure that Canadians were being employed first, while at the same time making changes to speed up the process. Minister Diane Finley of HRSDC made this clear in her statement, “our government is looking at ways to make sure businesses recruit from the domestic workforce before hiring temporary foreign workers” (ESDC, 2012a).

- The Accelerated Labour Market Opinion (A-LMO) was introduced for firms with a strong track record seeking highly skilled workers. The project focused on managers and skilled occupations across Canada and reduced the processing time to 10 days.
- An additional rule was added to the LMIA, which prevented employers from hiring a TFW until they had advertised the job across Canada at a wage up to 15% below what the government considered to be the prevailing wage for that job in that part of Canada. Worswick (2013) found that the resources required to determine the prevailing wage rate for different occupations in different regions was a considerable strain on government resources, and was fairly controversial, as the government had difficulty accurately determining the wage rate.
- Focus was put on abuse of TFWs in the sex trade industry, and the government made a statement that all LMO applications from employers linked to the sex trade would be denied (ESDC, 2012b).

As part of Canada’s Economic Action Plan 2013, reforms to the TFWP in 2013 similarly concentrated on filling skills shortages, while ensuring “Canadian workers are never displaced” and the program is “used only as a last resort” (ESDC, 2013a).

- The 15% wage flexibility was removed and employers were required to pay TFWs the prevailing wage rate.
- Fees for processing LMOs were introduced and fees for work permits were raised “so that taxpayers are no longer subsidizing the costs” (ESDC, 2014a).
- The A-LMO was suspended.
- Employers were required to submit a transition plan to hire Canadian workers that outlined their intended actions in recruitment, training, and residency. To receive further LMOs, employers were required to document and submit their efforts to follow their transition plan.
- Questions were added to the LMO to ensure that the program was not being used to facilitate the outsourcing of jobs.
- A stipulation was added that employers could only require English or French language. Gross (2014) argued the official language requirement was in response to a controversy with a mining firm in northern BC that specifically hired Chinese speakers. As the TFWP was meant to

complement the local labour market, rather than substitute it, the government reacted strongly to this story and quickly changed the guidelines of the program requirements.

- The government gained the authority to suspend and revoke work permits and LMOs in cases of program misuse. This was expanded to include the authority to conduct inspections and put non-compliant employers on a public “black list” (ESDC, 2013b). In response to concerns that these changes would weaken protections of TFWs, the federal government released a statement affirming their ongoing efforts to protect the rights of TFWs (ESDC, 2014b).
- New job advertising guidelines were issued to double the length and reach of the advertisements to increase Canadians’ awareness of job vacancies (ESDC, 2013c).

Besides the authority to revoke usage of the program in cases of misuse, these reforms did not affect the Seasonal Agricultural Worker Program because the government found an acute labour shortage in the industry and felt that these positions were “truly temporary” (ESDC, 2013a).

In 2014, the federal government introduced sweeping changes to the TFWP program to ensure that the program was not being used to replace Canadians with foreign workers. Minister of Employment and Social Development, Jason Kenny expected these changes would “significantly reduce the number of temporary foreign workers in Canada” and ensure the program is only used “as a last and limited resource for employers” (ESDC, 2014c).

- The TFWP was reorganized into two programs: the TFWP which covered all foreign workers who arrived in Canada at the behest of employers, and the International Mobility Program, which included all foreign nationals who are able to work in Canada without an LMIA because of international agreements or they contribute to Canada’s interests.
- The LMO was replaced by the LMIA, which was considered a more rigorous screening process as employers had to take extra steps to prove that they had made efforts to hire locally and that hiring foreign workers would not reduce the hours of their Canadian workers.
- The LMIA began to refuse applications for skill level “D” occupations or Accommodations and Food Service or Retail Sales occupations if the economic region’s annual unemployment rate was 6% or higher.
- Further efforts were made to ensure the program was not misused including increasing the number and scope of inspections, expanding the TFWP Tip Line, adding a website for people to submit their complaints, and increasing penalties against those who have misused the program.
- In an effort to better reflect local labour market conditions and occupational skill level, the classification of jobs was changed from “high-skill” and “low-skill” to “high-wage” and “low-wage.”
- A new stream, “highest-demand, highest-paid or shortest-duration,” was added to reduce the processing time for occupations that are in-demand (like skilled trades), that are highly paid (referring to top 10%), or short-duration (less than 120 days).
- A new cap on the use of TFWs was introduced whereby employers with 10 or more employees can have a maximum of 10% low-wage foreign workers in their workforce. This cap was to be phased in gradually and was expected by the government to reduce the number of low-wage TFWs by 50% from 2014 to 2017.
- The LMIA for low-wage TFWs was reduced from two years to one year.

- Federal-provincial agreements that allowed certain employers to bypass the LMO became subject to a LMIA.
- Employers hiring high-wage TFWs had to submit additional documentation demonstrating their transition plans to hire Canadian workers in the future, including additional recruitment efforts that target traditionally underrepresented groups.
- To address criticisms that the federal government was unable to accurately identify which occupations were facing a skills shortage, a new quarterly Job Vacancy Survey and an annual National Wage Survey were introduced by Statistics Canada.
- The federal government introduced a Job Matching Service that facilitated the job search of Canadians while also providing information to HRSDC on how many qualified Canadians are applying for certain jobs.
- In an effort to cover all the additional costs of the program, the application fee for an LMIA was increased from \$275 to \$1000 for each TFW.

Again, the Seasonal Agricultural Worker Program and the Live-in Caregiver Program were exempt from many of these new measures because of acute labour shortages (ESDC, 2014b).

The most recent changes took place in 2015 and included a financial penalty ranging from \$500 to \$100,000 per violation for employers who were found non-compliant with program conditions (ESDC, 2015). In December 2016, the four year in, four year out rule was abolished (ESDC, 2016b).

Representatives of the Liberal government promised in the lead up to the 2015 federal election that the TFWP would be overhauled, the rights of TFWs would be respected, and that they would have a path to permanent residence even among the lower skilled (Table 1 lists potential policy changes). The Liberals promised to “eliminate the \$1,000 LMIA fee for families seeking caregivers to care for family members”. They also proposed to “develop a system of regulated companies to hire caregivers on behalf of families” (Minister of Immigration, Refugees and Citizenship Mandate Letter).

Table 1: Potential Policy Changes and Affected Groups

Policy Change	Affected Groups
Establish complaint tracking system, expand audits, investigate abuses	Employers hiring TFWs
Create a national database to track the number of TFWs in the country by occupation and employer	HRSDC; researchers on TFWs in country; public knowledge
Reduce % of workforce made of TFWs to 10 from 20 (carry over from previous government)	Employers hiring TFWs; TFWs
Remove \$1000 LMIA processing fee for families hiring Live in Caregivers	Employers hiring Live in Caregivers
Regulate recruitment agencies hiring Live in Caregivers	Live in Caregivers
Reform TFWP and emphasize permanent immigration	All TFWs and newcomers seeking permanent residence
Provide route to Permanent Residency?	All TFWs

In May of 2016, the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities began a review of the TFWP, as part of Bill C-4, An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act, the Public Service Labour Relations Act and the Income Tax Act. Witnesses to the meetings included representatives from civil society, employers hiring TFWs, union representatives, academic researchers, government officials and immigration consulting firms. Many spoke on behalf of TFWs themselves, whose experiences while in Canada were part of the driving force behind this review. In addition to witnesses, dozens of organizations, employers and representatives submitted briefs asking the Committee to act on the various issues that have arisen in recent years.

This urgency with which government has intervened into immigration policies and regulations is reflective of a perceived need to fundamentally change the TFWP (Faraday, 2012). However, the way in which these proposed changes are carried out, and who they benefit the most, is an issue of debate. Questions have been raised as to whether the changes have led to desired positive outcomes, and rural employers appear to have felt primarily negative outcomes. Reports indicate that in many rural areas there is a distinct lack of workers willing to accept employment during their Employment Insurance Benefit Period, identified specifically by employers in the Bay of Fundy employing persons on a seasonal basis (BOFBC, 2016:18). Groups representing employers have outlined many of these concerns in a series of briefs addressed to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities.

2.2 Where They Work: TFWs in Canada

In 2005 there were about 50,000 temporary foreign workers in Canada (Figure 1). From 2005 to 2008 the TFWP was growing and there were about 115,000 permit holders in 2008. Thereafter, the TFWP had fairly stagnant growth in 2008 and 2009 before falling to 81,559 in 2011. The number of TFWP permit holders increased slightly to 104,125 in 2013 before falling slightly to 94,109 in 2014.

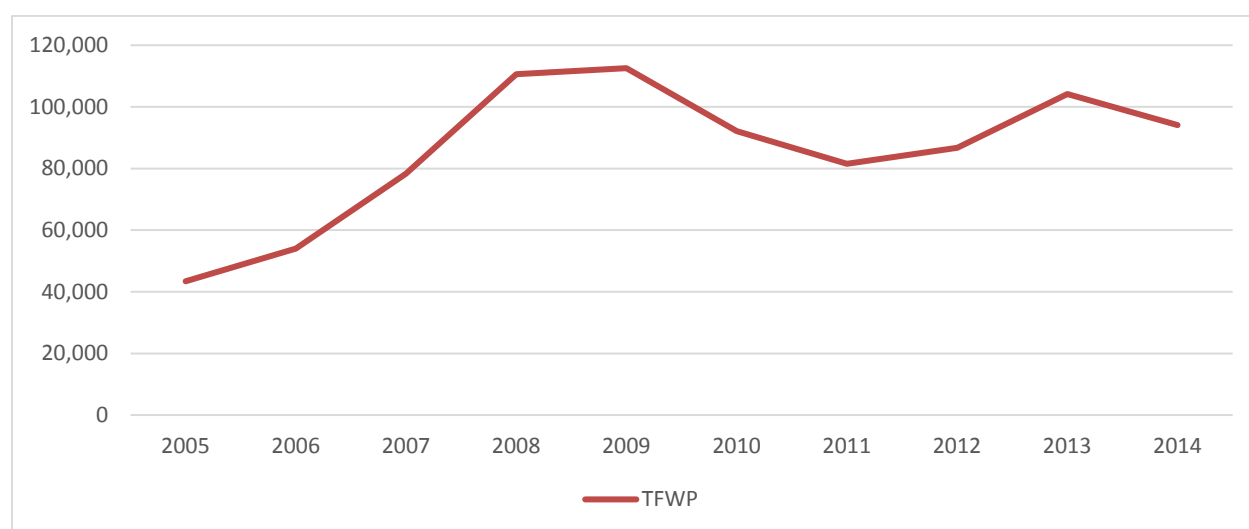


Figure 1: Number of TFWP Work Permit Holders in Canada, 2005 to 2014 (CIC, 2014).

The majority of TFWs in Canada tend to be those in high wage occupations and live-in caregivers (Figure 2). In 2005 there were 22,585 high-wage TFWs in Canada. By 2008 this had doubled to 46,265. In 2009 the number of high-wage TFWs began to decline, and fell to 34,876 by 2011. In 2012 the number of high-wage TFWs began to rise again and peaked at 49,663 in 2013 before falling to 39,460 in 2014. A similar trend can be seen in the number of low wage TFWs in Canada. In 2005 there were just 1,640 TFWs in this category. The number of permit holders spiked to 26,066 in 2008 before dipping to 20,407 by 2012. In recent years the number of low wage TFWs has grown and stayed fairly stable at about 29,000 in 2013 and 2014. The number of agricultural TFWs is the only category to have year-over-year growth but has stayed below 10,000 from 2005 to 2014. In 2005 there were just 958 permit holders in this category and this has increased to 9,136 in 2014. While initially growing, the number of live-in caregivers has declined in recent years. In 2005 there were 18,030 permit holders and this grew to 31,610 by 2009. Afterwards, the total number began to decline and fell to about 16,000 in 2013 and 2014.

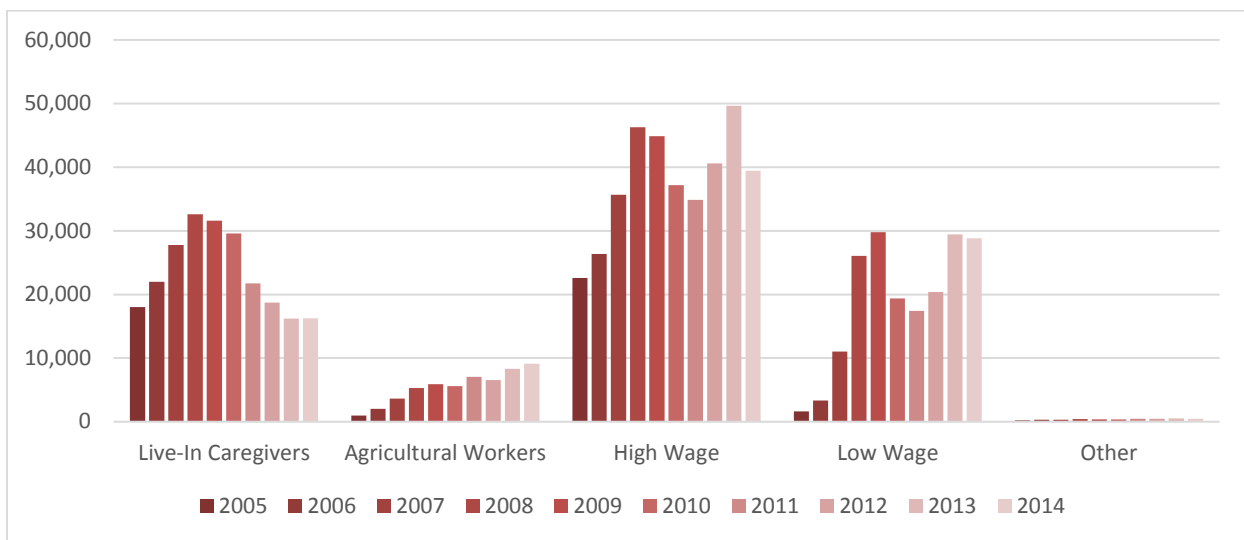


Figure 2: TFWP Work Permit Holders by Category in Canada, 2005 to 2014 (CIC, 2014).

As a percentage of the total number of people employed, the proportion of TFWs in Canada has tended to be around 1% or less (Figure 3). In 2008, the proportion was at its highest at 1.2%. In 2009 it fell to 0.8% and gradually rose to 1.1% by 2012 before falling to 0.5% in 2015. By a fair margin, Alberta has tended to have the highest proportion of TFWs, peaking at 3.8% in 2012 before falling to just 0.6% in 2015. While there have been peaks in proportions of TFWs greater than 1.5% in Saskatchewan and British Columbia, Prince Edward Island has consistently had the second highest proportion of TFWs in Canada. At less than 0.5% of total employed, Quebec has had the lowest proportion of TFWs.

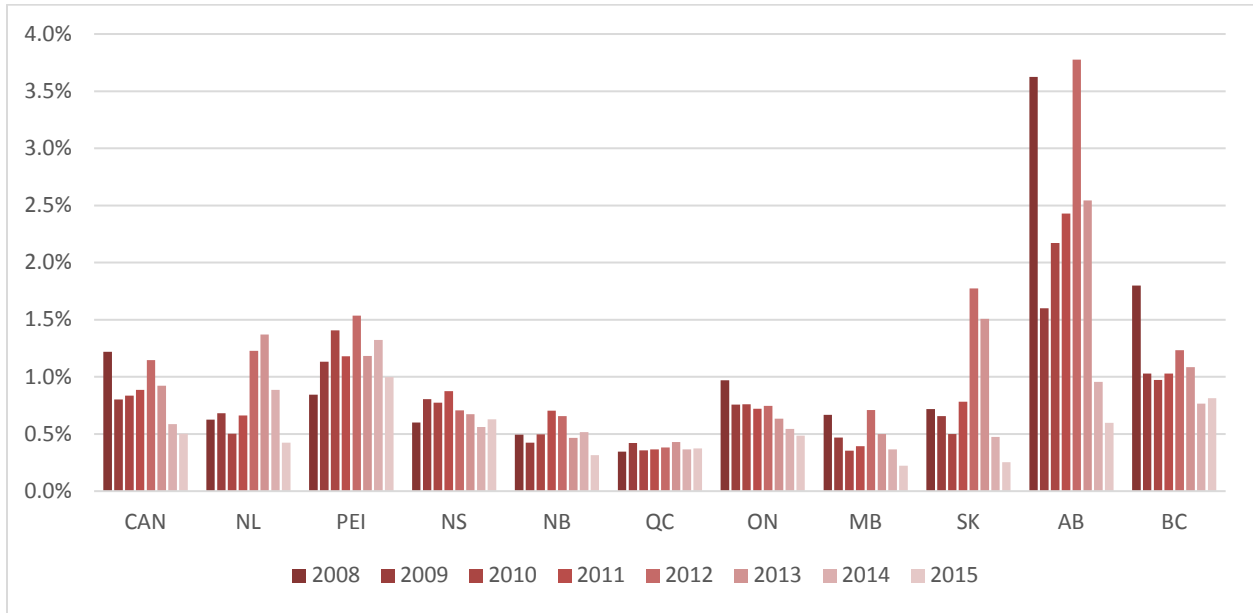


Figure 3: TFWs as Percent of Total Employed in Canada and the Provinces, 2008 to 2015 (CIC, 2014; Statistics Canada, Table 282-0008; author’s calculations).

The majority of TFWs in Newfoundland and Labrador work offshore. From 807 in 2008 the number of TFWs grew 139.7% from 2008 to 2013 where it peaked at 1,934 TFWs (Figure 4). Since then, the number of TFWs has steadily declined and in 2015 there were just 540 TFWs employed offshore.

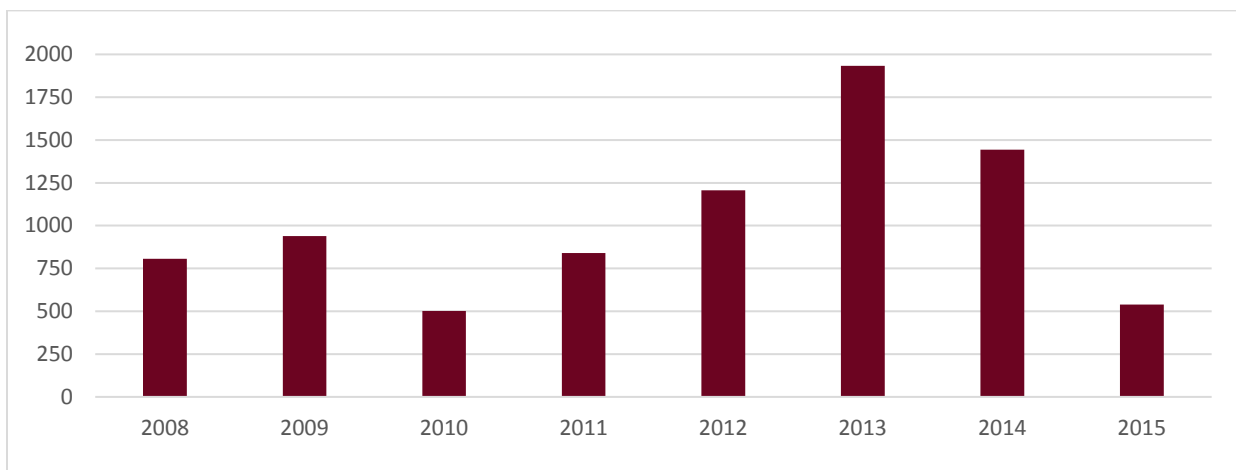


Figure 4: Number of TFW Positions on Positive LMIs, Offshore in NL, 2008-2015 (ESDCa, 2016).

For those working in Newfoundland and Labrador, the number of TFWs grew steadily from 2008, peaked in 2012 and has steadily declined since. Besides the offshore, the majority of TFW positions exist in St. John's, and while numbers stayed fairly steady from 2008 to 2011, the number of positions rose 18.4% in 2012 and another 5.8% to 561 in 2013 before falling 14.1% to 182 in 2015 (Figure 5). A relatively large number of TFWs were employed in Long Harbour for a short period in 2012 and 2013, but only one TFW was employed for 2014 and 2015. There are a few hundred TFWs in communities outside CMAs, marked as "Other" as well, and these areas have similarly had a spike in positions in 2012 before declining below 2008 levels by 2015. In 2008 and 2009, Labrador's three largest towns – Labrador City, Wabush and Happy Valley-Goose Bay – tended to employ less than 20 TFWs. From 2010 to 2012, Labrador City and Happy Valley-Goose Bay had steady growth in the number of TFW positions peaking at 144 and 103 respectively. In 2013 the number of TFWs fell by 50% and the number of positions declined steadily afterwards to 18 and 6 in Happy Valley-Goose Bay and Labrador City, respectively. Over this time period, the number of TFWs in Wabush grew from 23 in 2008 to 64 in 2012 before falling to just 2 in 2015.

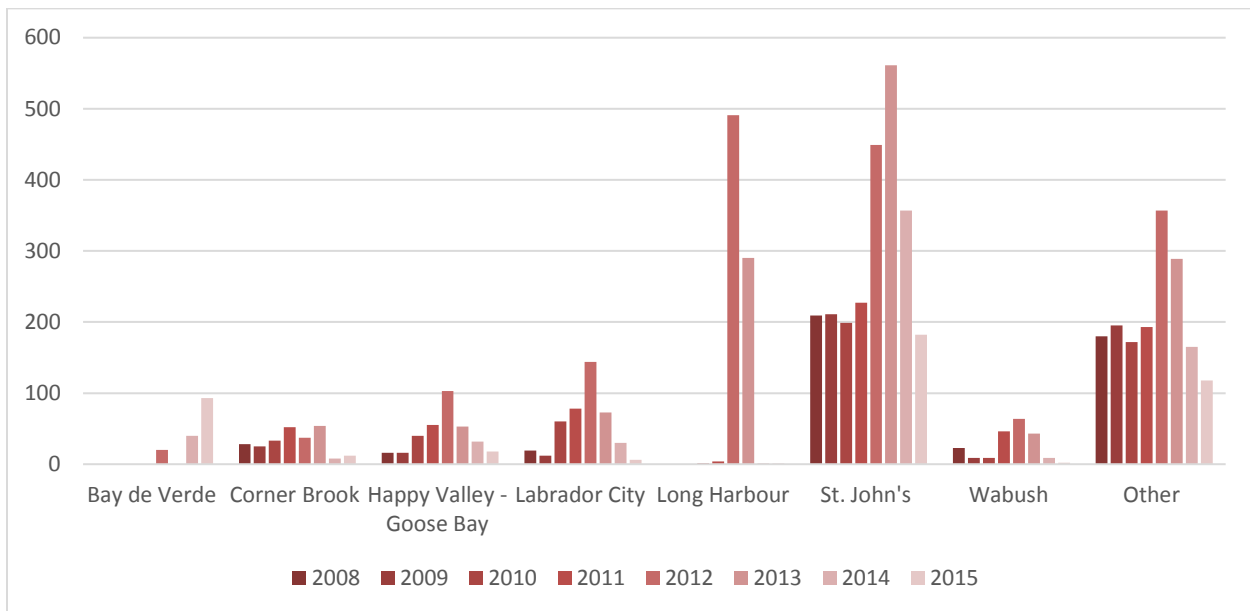


Figure 5: Number of TFW Positions on Positive LMIs by Urban Area in NL, 2008-2015 (ESDCa, 2016).

As part of their effort to improve data on skills shortages, Statistics Canada began collecting data on job vacancies by occupation in 2015. Across the country, Alberta and British Columbia tend to have the highest job vacancy rates, averaging at about 2.5%, though Alberta's has declined below 2% in 2016 (Figure 6). Quebec has the lowest job vacancy rate, averaging at about 1.5% over the past year. Newfoundland and Labrador's job vacancy rate has tended to range from 1.5 to 2.0%, and tends to be just below the Canadian average for each quarter.

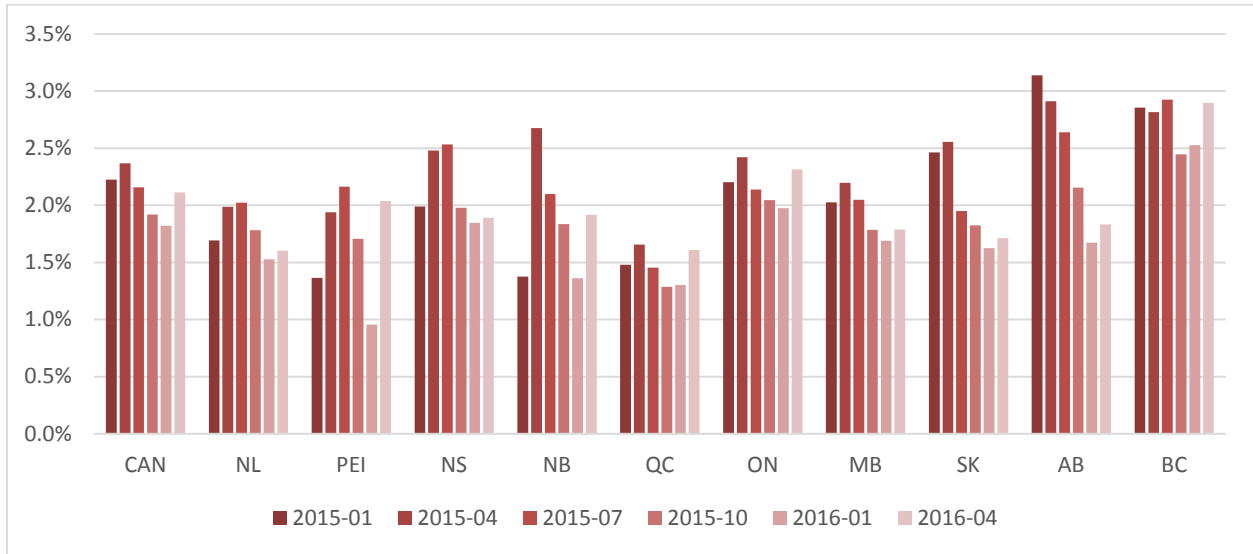


Figure 6: Job Vacancy Rate in Canada and the Provinces, 2015-2016 (Statistics Canada, Table 285-004).

The number of job vacancies by occupation in Newfoundland and Labrador has a wide range from close to zero in some sectors to more than 2,000 job vacancies in a quarter (Figure 7). Sales and Service occupations have the highest number of job vacancies, peaking at 2,250 in the third quarter of 2015, though has dropped to just 1,350 in the second quarter of 2016. In comparison, occupations in Health and in Trades, Transport and Equipment Operators are competing for second highest job vacancies, but tend to have about 600 vacancies each quarter. Other occupations tend to have about 300 vacancies each quarter, though occupations in Art, Culture, Recreation and Sport, Natural Resources, Agriculture and Related, and Manufacturing and Utilities tends to have close to zero vacancies, with some fluctuation.

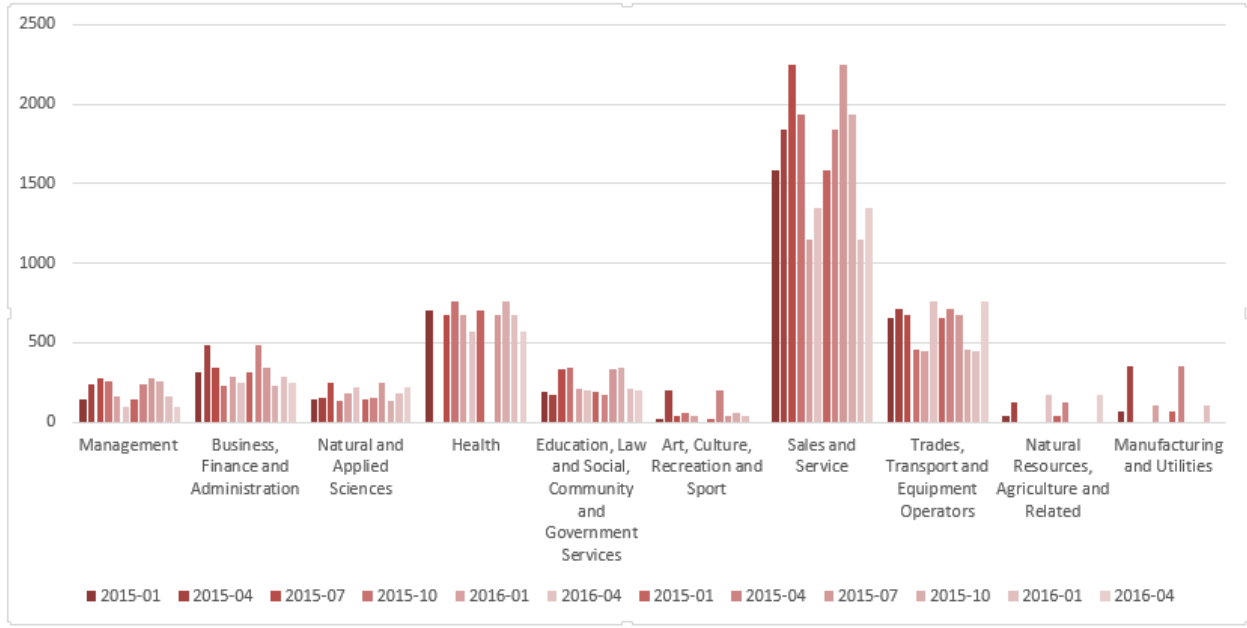


Figure 7: Job Vacancies by Occupation in Newfoundland and Labrador, 2015-2016 (Statistics Canada, Table 285-004).

3.0 THE TEMPORARY FOREIGN WORKER PROGRAM IN LABRADOR

3.1 Demographic Trends in Labrador

In 2015, Newfoundland and Labrador had the most rapidly aging population in Canada. This trend, combined with declining birth rates and high rates of out-migration particularly among the youth, presents an “unprecedented population challenge” (Simms and Ward, 2016). Research has shown that Labrador and its regions require a population replacement strategy to maintain or grow its populations. Simms and Ward (2016) carried out population projections for Labrador for the periods 2016 -2036, using three population projection models namely; the Natural Survival Model, the Historical (Cyclical) Survival Model and the Replacement Survival Model. Their findings revealed that for most of Labrador’s regions, a declining population would be the most likely scenario over the projected period, if the latent fertility and migration issues affecting the aging trend were unaddressed. The outcomes of the forecast show that if the overall population in Labrador is to be maintained or grown, the region must implement a long-term population strategy. In order to satisfy future labour market demands, in-migration, labour retention and retiree replacement need to be emphasized.

Based on past migration patterns, Simms and Ward (2016:17), project that Labrador’s population will remain relatively stable until 2020, but will have declined by 1.7% in 2026, and 8.2% in 2036. The average age of the population is projected to shift from 35 years in 2011 to 43 years and 46 years in 2026 and 2036 respectively. If this shift takes place without the counter effect of a replaced workforce, the government would have a future responsibility of meeting the needs of a smaller overall population in Labrador.

However, it is important to take each of Labrador region’s population projection into cognizance as done below, in order to avoid erroneous generalizations.

Labrador North Coast

Simms and Ward (2016) found that this region has the natural ability to maintain its population because of the presence of a high portion of young cohorts in the region, as well as the current birth and death rate components. With these natural components unaffected, the population of 3,749 in 2016 is expected to rise to 5,177 by 2036. However, if the current migration cycles were maintained, the population would decrease slightly to 2,872 in 2036.

Central Labrador

Working with a 2011 baseline population of 9,997, Simms and Ward (2016) projected that based on natural survival rates the population of Central Labrador will be 11,461 in 2026 and will further increase to 11,891 in 2036. When migration potential is included, the population of the region is projected to experience an increase from 10,222 in 2016 to 10,614 by 2026 and afterwards suffer a slight decline to 10,425 by 2036.

A predominantly younger population, current birth and death rates and high in-migration to the region compared with other parts of Labrador are significant components of long-term population growth and sustainability in the region, the only one in Labrador projected to show growth in the 2016-2036 period.

Labrador South Coast

The Labrador South Coast Region has a characteristic bimodal age distribution: i.e. 1 to 20 and 21 plus (Simms and Ward, 2016:30). This is a pointer to a high birth and increasing longevity age structure, giving way to a lower birth and increasing longevity one. It also indicates a young adult retention issue and a slower growth rate that eventually results into overall population decline. Considering the current rate of out-migration from the region, the researchers project that the population would decline to between 1,378 and 1,448 by 2036 (Simms and Ward, 2016:30).

Labrador Straits

The population of Labrador Straits would experience a decline to 1,435 by 2036 (from a 2011 population baseline of 1,724), if the current fertility and death rates remain unchanged (Simms and Ward, 2016:34). The region has a predominance of older age cohorts and as a result, the 2011 population cannot be maintained through natural replacement. Simms and Ward also found that based on their Medium Scenario migration assumptions the population would decrease to 1,085 by 2036.

Labrador West

Labrador West with a 2011 census population of 10,108 is important to the Labrador economy. Simms and Ward (2016:42) projected that if the internal age structure and the corresponding birth and death rate remain unchanged, the population would increase slightly by 2036. If recent migration patterns were maintained, however (an assumption perhaps difficult to justify given the traditional volatility of the iron ore market upon which the local economy depends), the population would decline by some 7% by 2036.

All of these projections assume no intervention to try to influence any of the factors affecting demographic change. Without replacement of workers who either retire, die or leave the regions, all but Central Labrador are expected to see population declines by 2036. Encouraging in-migration or reducing out-migration to offset population losses from lower birth rates, higher death rates and current out-migration levels would depend primarily on the creation of new long-term job opportunities; opportunities which have been in short supply in most regions. For some regions, such as the Labrador Straits, even a strategy that saw a 100% replacement of all of its "lost" workforce over the projection period would not be sufficient to maintain population stability in the region.

3.2 Labour Market Trends in Labrador

Labrador has witnessed significant labour shortages owing to several factors, including a sparsely distributed workforce, an aging population and the increased development in the resource and energy sectors (MacDonald, 2012).

The region has a population of 27,809 people, or 5.3% of the province's population (NL Statistics Agency), with most of the population concentrated in Labrador City (Labrador West) and Happy Valley-

Goose Bay (Goose Bay Area). Significant numbers of the inhabitants live in rural areas, giving rise to increased mismatch between the demand for and supply of skilled workers (Lysenko and Vodden, 2011).

Both the province as a whole and the region of Labrador have witnessed a continued reduction in the portion of the population aged 24 and under over the years. The aging of the 1950s baby boomers cohort and their retirement from the workforce without adequate replacement by a younger generation has had an unfavourable impact on the supply of workers.

The Labrador labour market is characterized by fluctuating demand for various resources and minerals and high labour demands caused by large-scale projects (Marshall, 2014). The increasing globalization of trade has resulted in the increased use of technology in the mining processes in the Labrador West region and development subject to external forces (Harris Center, 2013). For instance, fluctuations in the price of iron ore have led to unpredictable circumstances in the Labrador economy and have given rise to the need for the flexibility and temporariness that TFWs offer employers. Changes in technology have increased the need for specialist TFWs. Mining companies frequently make use of temporary labour to fill labour shortages, particularly in highly skilled technical areas. Gaps in the service industry and other low skilled positions (the result of spin-off effects of growth in other sectors) have also been filled by employers using TFWs.

The region's economy is fuelled by large-scale industry operations such as Voisey's Bay Nickel Mine in Labrador North, the Iron Ore Company of Canada (IOC) in Labrador City, and the Churchill Falls Hydroelectric Plant in Labrador West. This has created significant disparities between economic zones in Labrador where average incomes range from \$46,397 in Labrador West to \$24,698 in Labrador East Coast (Statistics Canada, National Household Survey).

There have been concerns expressed about the TFWP, including the choice of economic zones used by Statistics Canada to collect unemployment rates that do not accurately capture the labour market in Newfoundland and Labrador and the definition of "low-wage" which is seen to make it challenging for small and medium-sized businesses and some sectors within the provincial economy to access TFWs (Newfoundland and Labrador 2014).

Labrador as a region is combined with the Northern Peninsula and West Coast of Newfoundland in the Census Divisions for the purpose of the TFWP. This has created issues in the delivery of the TFWP as new regulations in the TFWP preventing businesses from hiring workers if the regional rate of unemployment is 6% or higher do not reflect the realities of the region. While the Census Divisions used by the TFWP show the unemployment rate at 15.9% (Figure 8), a closer look reveals that unemployment rates vary significantly between economic zones (Figure 9). Under previous regulations, Labrador West was a relatively large user of the TFWP and in 2012 had 208 TFW positions on positive Labour Market Impact Assessments (LMIA) in Labrador City and Wabush (Employment and Social Development Canada). While the unemployment rate of this zone is 5.9%, just below the cut-off as stipulated by the new TFWP regulations, its inclusion in the larger Census Division may have contributed to a severe drop in successful LMIA applications, which by 2015 had fallen to eight (Statistics Canada, National Household Survey). At the same time, the drop may also be associated with fewer applications, given the worsening state of the economy.

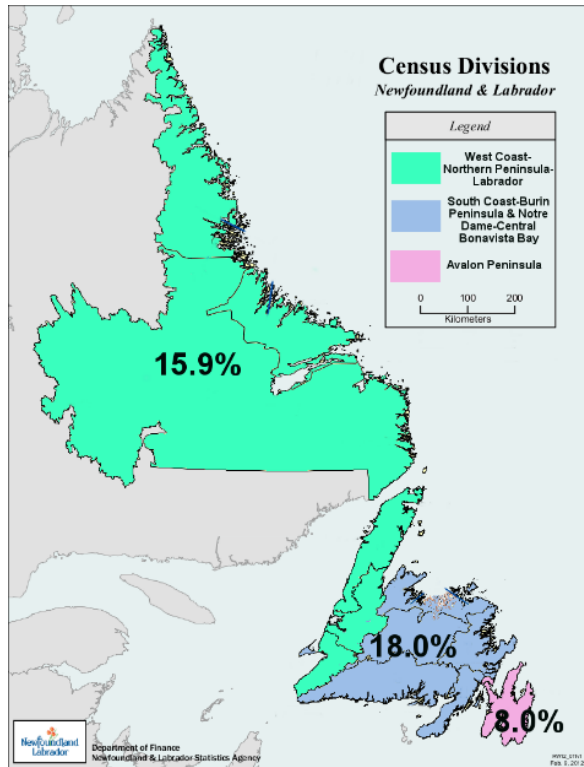


Figure 9: Unemployment Rates in Census Divisions used by TFWP

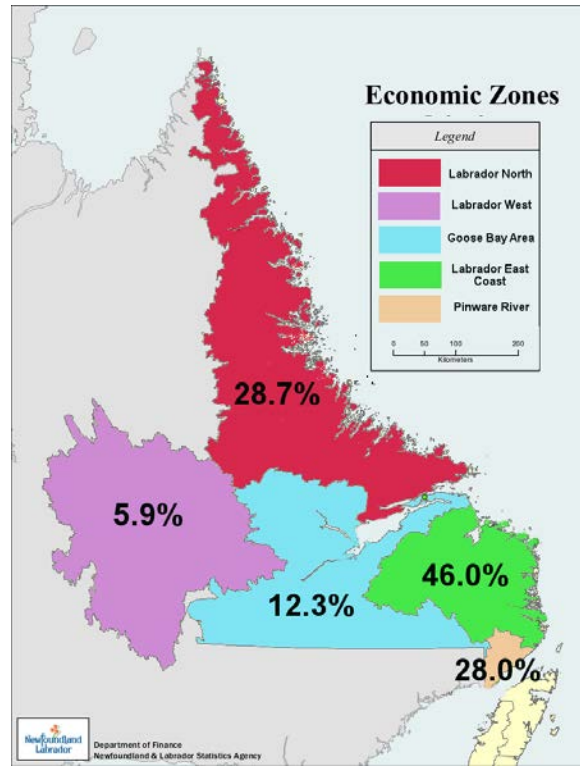


Figure 8: Unemployment Rates in Labrador Economic Zones

While the resource cycle may be at a low point in mid-2010s, it is likely to return and the same issues related to the TFWP can be expected to reappear unless these and other issues are addressed.

3.3 Pros and Cons of the TFWP: Media Analysis

The TFWP is designed for small, medium and large businesses in Canada to bring in foreign workers on a temporary basis when those businesses cannot find suitable Canadian labour. Although designed to be a temporary fix for Canadian labour shortages, research on the topic indicates that TFWs have become a permanent solution for many businesses in both rural and urban settings (Hennebry, 2012; Faraday, 2012; Gross, 2014). The way in which employers utilize the TFWP differs widely according to the occupation, setting (urban or rural), size and region of the country, but is especially favoured by rural employers. While the number of TFWs in the country peaked at 202,000 in 2012, a mere 1.7% of the 18.9 million Canadians available for work that year (CIC, 2014), the program nonetheless provides a crucial artery for rural employers whose regions preclude greater access to local recruitment and staffing.

A number of concerns have been raised over the administration of the TFWP. Research has shown that TFWs are more vulnerable to abuse and exploitation by employers, particularly in low- and semi-skilled occupations (NOC C and D) than other segments of the workforce (McLaughlin and Hennebry, 2014; Marsden, 2014; Lemieux and Nadeau, 2015). Others have argued that the TFWP discriminates against Canadian workers by taking jobs away from them, paying foreign workers less than Canadians, and bringing in more flexible and obedient workers (Mullings and Anderson, 2015; Gross, 2014). The living conditions of TFWs have also come into question, particularly of those in agricultural industries and low-skilled occupations (McLaughlin and Hennebry, 2014; McLaughlin, 2009). The lack of a formal path to permanent residency (mainly for TFWs in low-skilled occupations) adds to these concerns, as foreign workers remain precarious in their employment and unable to bring family or become a long-term part of the community (Preibisch and Otero, 2014). Overall, concerns range from rights violations to program inefficiency. These arguments have prompted major consultations and reforms to the program over the years.

The TFWP has been fairly controversial in policy discussions. Many service sector businesses claim they would close without the program, as they are unable to fill positions with the local labour market. They also find TFWs to have better work ethic and greater likelihood of taking risk than the local labour because many TFWs want to settle in Canada (Worswick, 2013). However, this may put TFWs at a greater risk of exploitation, as they are tied to their employer and afraid to complain lest they are sent back to their home country.

Some have criticized the program for keeping wages low (Worswick, 2013). In economic theory, if worker supply is inelastic, firms may have to increase wages beyond efficient levels to attract workers. By bringing in TFWs, employers are able to keep wages flat. This is fine for short-term demand, but in industries expected to have long-term demand, the low wages remove the market signal for young people to train in specific areas and enter the industry. Furthermore, there is a potential negative externality to the local labour market, as it reduces the job opportunities for low-skilled workers and can lead them to rely more heavily on social services.

There are also many difficulties in evaluating skills shortages in labour markets and whether TFWs are necessary. While the federal government forecasts skills shortages for the country, these forecasts are less reliable on a regional or provincial level (Gross, 2014).

TFWs are ineligible for many social services, including immigrant settlement services (Worswick, 2013). On the one hand, they are less of a drain on government services, but this also can put TFWs in precarious work, as they may come with low language skills and are not given opportunities to develop these skills, which is a key factor in receiving permanent residency.

Media analysis of NL based media (*The Telegram*, *The Aurora*) identified several main themes reappearing in the discussion of pros and cons of the TFWP.

3.3.1 CRITICISM OF THE TFWP

1. The TFWP is often criticized for being used to replace Canadians with cheaper foreign labour force. The aggravating factor is that the largest increases in the number of TFWs were recorded in low paying, low skill occupations in the food service and fish processing sectors (*The Telegram*, 2014h). The Canadian Labour Congress expressed concerns in this regard (*The Telegram*, 2016c). Mary Shortall, President of the Newfoundland and Labrador Federation of Labour, sees the use of TFWs as part of a low-wage economy where big food chains make profits but a million Canadians are unemployed (*The Telegram*, 2014c; 2014r; 2014u; 2014x).
2. Wage suppression and poor working conditions (*The Telegram*, 2014m). Atlantic director for Unifor Lana Payne, pointed out that while the TFWP was supposed to help employers dealing with skills shortages and fill high skill gaps until Canadians could be trained for those jobs, the program turned into a source of cheap labour and led to wage suppression in occupations with low wages and poor working conditions. As Payne emphasised, the TFWP has created “a permanent underclass of workers who have little to no rights, who are especially vulnerable as their conditions of employment and entry into the country are completely tied to their boss and who are quite hesitant to complain about any problems out of fear of losing their employment and being sent back to their home country” (*The Telegram*, 2014a). The precarious status of TFWs and their dependence on employers create a situation of vulnerability and may lead to abuses (*The Telegram*, 2014a; 2014c). Ron Thomas, president of United Steelworkers Union Local 5795 in Labrador City, pointed to the potential problems of TFW’s scared silence because they “are afraid to speak up against their employers because they feel they’re owned by them. ... If you spoke up against your boss you lose your house, your job, you have everything gone” (*The Aurora*, 2014a). Even if TFWs have the same wage, they would be more willing to go above and beyond their expected duties because they “come with a built-in indebtedness” and “are beholden to their employers for being allowed in the country” (*The Telegram*, 2014l).
3. TFWs are viewed as a subsidy for the fish processing sector, along with employment insurance (EI) which allows employers to use labour force seasonally without the financial burden of paying them year-round (*The Telegram*, 2014y; 2016b).
4. The Seafarers International Union of Canada, representing civilian sailors, criticized the federal government for issuing thousands of temporary foreign work permits for domestic shipping despite a high unemployment rate (25%) among Canadian maritime workers. According to Seafarers Union president Jim Given, more than two thousand qualified Canadian maritime workers lost their jobs and were “replaced by temporary foreign workers earning just \$2 an hour” (*The Telegram*, 2015).

5. Another point of criticism is the temporary component of the programme. TFWs are often employed in the positions that are in fact permanent. While the Canadian economy needs foreign workers at all skill levels, the immigration system makes it almost impossible to hire foreign workers with entry-level skills. The Canadian Federation of Independent Business (CFIB) proposed to introduce a special visa that would provide a pathway to permanent residency for such foreign workers. Foreign workers would be able to transition to permanent residency after working with an employer for two years. CFIB president and CEO Dan Kelly emphasized the willingness of small businesses to hire permanent workers, but since there is no legal channel to bring in people with entry-level skills, the TFWP is used to fill permanent labour market needs (*The Telegram*, 2014z). There is a need for national and provincial immigration policies that would allow TFWs to transition to permanent residency (*The Telegram*, 2014e; 2014j).
6. The argument goes on to point out that there is no shortage of people in Canada but fewer businesses are willing to pay decent wages and benefits. If jobs become meaningful and rewarding, they will be filled (*The Telegram*, 2012; 2014g). There are many small businesses that pay decent benefits and wages and have low turnover of employees (*The Telegram*, 2014o). TFWs send most of the money they earn in Canada back to their country of origin instead of spending it in the local economy (*The Telegram*, 2014o). However, the counterargument is that they still need to buy groceries, maintain their houses, etc. (*The Telegram*, 2014d). The main users and supporters of the TFWP are organizations such as the Canadian Federation of Business, Restaurants Canada, and the Canadian Manufacturers and Exporters. The restaurant business generally, and the fast-food industry specifically, is notorious for ill-treatment of employees (*The Telegram*, 2014k).
7. The TFWP was supposed to supplement the Canadian workforce in cases of skill and labour shortage and was not meant to be a long-term employment substitution (*The Telegram*, 2014a; 2014m). Tom Hawco, former senior regional office consultant responsible for the TFWP at Service Canada, emphasized the role of the TFWP as a necessary and important tool in local and national labour market adjustment and stressed the “temporary” aspect of the program. He shared his experience in negotiating short-term contracts with employers to bring in foreign workers such as MUN professors, rural physicians and experts in the oil and gas industry to meet local labour market needs. The contracts were strictly short-term (for a few months or a year) with a possibility of extension to a maximum of two years: “If the job was one that was likely to continue beyond that period we would require that a Canadian (usually a Newfoundlander) be trained for the position.” Before using the TFWP, all potential pools of workers already in Canada should be exhausted: i.e. aboriginal people, retirees, refugees, persons with disabilities, social assistance recipients, and those who might be able to work only part time due to their medical condition (*The Telegram*, 2014n).
8. Investment into training and better skill-matching are seen as potential avenues to reduce the reliance on the TFWP. Mary Shortall, President of the Newfoundland and Labrador Federation of Labour, advocates for long-term economic solutions instead of cheap temporary fixes: “The position of the labour movement is clear — It is time to put the focus on long-term solutions for meeting Canada’s skilled-labour needs and phase out the parts of the temporary foreign worker program that are being abused — in particular the low-skills, low-wage part of the program. We need a program that invests in home-grown skills to permanently deal with labour shortages and one that offers fairness to skilled workers from abroad by welcoming them into Canada with an opportunity to stay” (*The Telegram*, 2014x). Federal Employment Minister MaryAnn Mihychuk joined the critics of the TFWP and emphasized the importance of skills training and engaging the pool of potential workers already in Canada (Canadians, landed immigrants, and refugees): “if we had full employment, if we had those that are unemployed working, it would probably eliminate all temporary foreign workers” (*The Telegram*, 2016a; 2016c). Yvonne Jones, Liberal MP for Labrador, specified that increasing the

number of Canadians in the workforce and reducing federal dependency on the TFWP would require addressing issues of skills training and income inequality (*The Telegram*, 2014e).

9. The TFWP may have a negative impact on employability of Canadian tradespeople, especially apprentices, and interprovincial migrants from Newfoundland and Labrador. Experienced foreign workers are preferred to apprentices. The hiring of more foreign workers in Alberta has reduced the number of jobs for Newfoundlanders (*The Telegram*, 2010).

3.3.2 SUPPORT FOR THE TFWP

1. The TFWP is considered essential for companies that experience labour shortages and would not be able to operate at full capacity without TFWs. Canada's International Brotherhood of Boilermakers uses the program to bring in highly skilled and certified tradespeople from the United States and Ireland to fill temporary labour shortages (*The Telegram*, 2016c). Rising demand and a long (four-year) apprenticeship program, as well as the increasing retirement rate of the union members in the next decade, account for a shortage of these skilled workers. As specified by Joseph Maloney, the international vice-president of the boilermakers union, bringing in TFWs contributes to protecting jobs of boilermakers' union members because labour shortages during peak periods would lead to project delays and losses, including hundreds of millions of dollars caused by delays in maintenance. Temporary foreign boilermakers get the same wages and benefits as the union members, their rent and transportation are paid for, and they do not pay commissions or other hidden charges to labour brokers (*The Telegram*, 2014b; 2014s; *The Aurora*, 2014b). Another stakeholder, the Canadian Meat Council and meat companies, reported that a shortage of about 1,000 meat cutters and other staff was preventing them from operating at full capacity or increasing exports. Some meat companies cannot find enough Canadians willing to work in their plants even in the face of the economic downturn (*The Telegram*, 2016a).
2. Despite high unemployment, Newfoundland and Labrador faces labour shortages for several reasons. First, the seasonality of work in the province has created a situation where many people receiving income support are seasonal workers who need to be available when that fish plant or tourism business reopens each season. Second, geography, i.e. some potential workers live too far from the area with job openings. Third, the lack of workers with specific skills in demand. Aging and declining population, and out-migration also contribute to the labour shortage (*The Telegram*, 2014p; 2014u). Poor work ethic and unwillingness of locals to take certain jobs is sometimes mentioned as another, rather controversial, reason for labour shortages (*The Telegram*, 2014w). In her article promoting the expansion of the TFWP, Sharon Horan, chair of the St. John's Board of Trade, cited the *2014 Economic Outlook Survey* of business owners showing that 67% of respondents were concerned about not finding qualified workers to fill positions (*The Telegram*, 2014p).
3. The Canadian Federation of Independent Business (CFIB) and Vaughn Hammond, CFIB's director of provincial affairs for Newfoundland and Labrador, emphasised the need for the TFWP in the province: "There are times we cannot find people regardless of what we do. We can wage raises, offer benefits, do what is necessary and members are still not getting the applicants required (across the country)". "There's a need in Corner Brook, Deer Lake, Clarenville, Happy Valley-Goose Bay and Lab City for temporary foreign workers because there are businesses that simply cannot find the workers to keep their businesses going" (*The Telegram*, 2014f). President of the Restaurant Association of Newfoundland and Labrador, Michelle LeBlanc, said that many medium-sized and larger businesses are often dependent on the TFWP: "it's not easy to find interested and/or skilled

people at times. Sometimes there's an influx, and other times there's not quite enough" (*The Telegram*, 2014j).

4. The Labrador labour market has specific challenges when it comes to labour shortages in the restaurant and seafood processing sectors – especially for low-skill, low-wage and entry-level jobs. Labrador is grouped with the Northern Peninsula and western Newfoundland when the unemployment rate is calculated, which increases the unemployment percentage for Labrador. However, e.g. Happy Valley-Goose Bay has relatively low unemployment. *Jungle Jim's* restaurant in Happy Valley-Goose Bay was almost closed and 25 employees were at risk of losing their jobs due to the moratorium on new foreign workers for the food service industry. While local staff was employed in table waiting and bartending positions, cooks were not locally available due to the pool of hires for the Muskrat Falls project. Kevin O'Brien, former Newfoundland and Labrador Minister of Advanced Education and Skills, warned about negative effects of the moratorium on the fast food industry in Labrador West (*The Telegram*, 2014u; 2014f). Luc Erjavec, Restaurants Canada vice-president responsible for Atlantic Canada, predicted "a combination of shrinkage in hours and higher prices" as a result of the moratorium because higher pay would be required to attract labour, which would result in higher bills for restaurant customers and fewer customers (*The Telegram*, 2014u; 2014v). St. John's city council opposed the federal government ban on restaurants hiring TFWs introduced in April 2014. Hazel Ouano-Alpuerto, honorary consul general of the Philippine Consulate in St. John's, said the moratorium would devastate the local immigrant community (*The Telegram*, 2014i). Newfoundland and Labrador Employers' Council executive director Richard Alexander said that Canadians are not willing to pay the prices that would support a high enough wage so that businesses in the food service industry can hire only Canadians. Therefore, unless EI is reformed to force people to take available jobs, employers will have to bring in people from abroad (*The Telegram*, 2014c). Jordi Morgan, Vice-president of Atlantic Canada – Canadian Federation of Independent Business (CFIB), stated that employers in the food industry cannot use higher wages to attract new workers because they are already operating on razor-thin margins: "You might pony up \$25 an hour in Fort McMurray to serve coffee, in St. John's ... not so much." Newfoundland and Labrador entrepreneurs have to compete with the oil patch and the federal employment insurance system for workers" (*The Telegram*, 2014t). On the other hand, Mary Shortall, President of the Newfoundland and Labrador Federation of Labour, believes that if inability to access the TFWP forces consumers to pay more for products and services to allow employers to offer higher wages to attract Canadians needing work that will be good for the economy (*The Telegram*, 2014r).
5. A Labrador City couple could not find support workers to care for their disabled daughter. Seeing that many restaurants in town were hiring TFWs, primarily from the Philippines, Sylvia applied for a labour market opinion (LMO) to determine if she was eligible to hire foreign workers. Their job posting was advertised both locally and across Canada but the Canadian workers they found did not stay long. Finally, after waiting six months for the paperwork, they hired two TFWs who had already worked in New Brunswick and were willing to relocate and work for \$12.74 an hour (*The Telegram*, 2014d).

3.4 Labrador Employers Perspectives on TFWP

Our study was enriched by gaining perspectives of Labrador employers on the TFWP and labour market situation in the region. Respondents were recruited from three communities – Happy Valley-Goose Bay, Labrador City, and Wabush (but this does not mean that there are no TFWs in other parts of Labrador, given the unavailability of detailed data on TFW's numbers) – and different business sectors, i.e. mining and manufacturing industries, hotel, restaurant, and retail businesses. The number of their employees

varies from just a few to several hundreds. Some of them have operated for several years while others for several decades.

As highlighted in existing research and media reports, Labrador employers have faced labour market challenges. With one exception, all respondents have had difficulty attracting either skilled, semi-skilled or/and low-skilled workers in the last five years. Among reasons for the difficulty to recruit workers were demand for specialized skill sets, shortage of workers, small area (i.e. small size of communities and small population pool), and competition in the labour market. Employers find that it was difficult or very difficult to fill those vacancies and some emphasized a very long duration of vacancies: up to five-eight years. While the sample of this study was small, this shortcoming was at least somewhat partly remediated by asking respondents whether they were aware of other Labrador companies experiencing difficulty to attract workers. Five out of seven respondents answered positively and cited similar reasons for the challenge faced by other local businesses: i.e. skill shortages, labour shortage due to pay, small area, competition in the labour market, laziness of the local population and Employment Insurance (EI). These findings, together with other accounts in the available literature and media, point to a chronic labour shortage for particular types of workers.

Skill and/or labour shortages push Labrador employers to search for workers outside the region: in other Canadian provinces and/or abroad. Six out of seven respondents have hired TFWs in the last five years. The percentage of TFWs in their workforce varies from very few to fifty per cent (in absolute numbers from two to fourteen employees). This points to variations in demand for TFWs and different degrees of dependence of Labrador employers on the TFWP in terms of being able to operate their businesses.

The existing body of literature and media have raised concerns about un/availability of pathways for TFWs, mainly low-skilled ones, to obtain permanent residency. The critical accounts emphasize that migrant workers of all kinds, including care workers, seasonal agricultural workers and low skilled temporary labourers, play an integral role in subsidizing the care industry, the agricultural sector, manufacturing, food and beverage service and many other industries. They call upon the Canadian government to be honest about the economy's dependence on foreign labour and recognize its importance by providing a path to permanent residence for these workers. The critics advocate that low-skilled TFWs, should they wish, must have the same right of permanent residence as higher skilled workers. Measures such as these will go a long way toward reducing the temporalization of migrant labour in the country and reducing systematic abuses suffered by migrants.

Our findings, though the small sample size and potentially self-selection bias should be taken into account, show that Labrador employers have positive attitudes towards pathways for TFWs, including the low-skilled, to transition to permanent residency. Almost all of employer respondents had helped their TFWs to apply to become permanent residents of Canada. The one who had not helped cited not the lack of will but the lack of knowledge of the application process. Respondents perceived that helping TFWs to become permanent residents was a part of the process and a way to reward them.

"They worked well and we wanted to give back. "

"They want to live here and we can keep them."

"It was part of the process."

Opinions differ with respect to the difficulty of the immigration process. Some respondents found both the process of hiring TFWs and helping them transition to permanent residency difficult or very difficult.

Others thought of one of these procedures as difficult. For example, two respondents found hiring TFWs very difficult but considered the process of helping their employees with permanent residency as easy: they just signed papers and had to do nothing more.

When asked to list the main advantages of hiring TFWs, respondents mentioned their punctuality, availability to work, helpfulness, politeness, good customer service, required skill set, commitment to productivity, loyalty and commitment to employers.

"Very nice and good customer service."

"They are more productive and reliable than most Labradorians."

Among the challenges of hiring TFWs were the difficult, expensive and lengthy hiring process, uncertainty about their availability, lack of English skills, and accommodation shortages in the region. Several employers emphasized the lack of housing. It echoes some past media reports about poor housing conditions of TFWs when too many of them resided in the same house and their employer, when accused, pointed to the lack of available housing as a reason for the overcrowded living arrangements.

"It is difficult to attract people due to housing."

"English skills are lacking."

"Not knowing if they will stay."

In terms of advantages of helping TFWs become permanent residents, respondents believe it contributes to loyalty and makes their employment arrangement easier, i.e. eliminates the need for constant renewal of their visa and potential threat of deportation. However, the challenges of this process were long wait times, a lot of paper work, the policy changes that made the process more difficult, and not knowing how to help TFWs transition to permanent residency. Furthermore, one respondent pointed to the challenge of retaining TFWs after they become permanent residents and, to prevent turnover, suggested to extend the work term to four-five years before TFWs can apply for permanent residency.

Employer respondents consider multiple ways to address their future workplace needs. First, they are planning to utilize the local labour pool, including young people. They would employ more young people, especially part-time and in summer, and seek out students, e.g. those in engineering, through co-ops and internships. Some plan to attract workers from other firms and organizations (which wouldn't help the overall picture). Second, some respondents would try to maximize the potential of their current employees. For example, they would implement measures to increase retention of their current employees, e.g. by raising wages. Upgrading employees' skills when possible is also considered an option. Third, some respondents would look outside the region for workers. They would hire workers from other provinces and/or TFWs if they are available and the interview went well. However, one respondent pointed to the lack of housing as an obstacle to bringing in workers from outside. Another respondent felt that it would be too hard to attract workers from other provinces to Labrador. One respondent operating a business in the retail sector responded positively to the question about hiring TFWs to address future workplace needs but mentioned that they would rather not. The same respondent also pointed to the lack of other options to meet labour shortages. This attitude may reflect

the complicated nature of the hiring process given that this respondent finds the process very difficult. Last, a few respondents were ready to relocate work to fulfill needs if worthwhile.

All employer respondents were optimistic about the future of the Canadian economy; however, fewer of them believed that the provincial economy would grow over the next five years. Most respondents agreed that the province as a whole and Labrador in particular would face a shortage of skilled labour in the next five years and Labrador companies would have to hire more TFWs. Together with literature and media accounts, the findings point to the awareness of local businesses about challenging demographic and labour market situation in the region.

There have been a lot of discussions about whether TFWs complement or compete with the local labour force. Six out of seven respondents disagreed with the statements that TFWs take away jobs from Labradorians or Canadians. Opinions about the willingness of TFWs to work for less pay than local workers were mixed. Almost everybody saw the benefit of a multicultural workforce in terms of boosting creativity in the workplace. Respondents unanimously agreed that low-skilled TFWs should be able to become permanent residents.

Table 2: Employers' Perceptions (# of respondents)

	Strongly agree and agree	Neutral	Strongly disagree and disagree
The Canadian economy will grow over the next 5 years	7	0	0
The provincial economy will grow over the next 5 years	5	1	1
The province will face a shortage of skilled labour in the next 5 years	5	1	1
Labrador will face a shortage of skilled labour in the next 5 years	6	1	0
Labrador businesses will have to hire more temporary workers in the next 5 years	6	1	0
Low-skilled temporary foreign workers should be able to transition to permanent residency	7	0	0
Temporary foreign workers take jobs away from Labradorians	1	0	6
Temporary foreign workers take jobs away from Canadians	1	0	6
Temporary foreign workers will work for less pay than local workers	4	0	3
Temporary foreign workers are more productive and harder working than local workers	5	1	1
Temporary foreign workers have a good work ethic	5	1	1
A multicultural workforce enhances creativity in the workplace	6	0	1

4.0 CONCLUDING REMARKS AND RECOMMENDATIONS

Labrador employers have long faced a fundamental need to hire TFWs. TFWs have been employed at all skill levels, ranging from highly skilled specialized positions in extractive industries and mining, to unskilled labour in food and beverage service and related industries, with many others in between.

Recruiting TFWs can be beneficial to the local economy when TFWs work in the occupations or industries that are facing a short-term increase in demand, and where either the longer-term prospects for demand are not great or most new workers entering the labour market do not have the necessary credentials or skill sets to take up the jobs (Worswick, 2013; also see Media Analysis discussion above). This is more likely to be case for Labrador as the local economy was mainly driven by mining projects and increased activities in the resource sector in the last decade until 2015-2016 when the economy was hit by the collapse of the price of oil and minerals. This highlighted the boom and bust effects of the resource industry and importance of hiring TFWs to fill the short-term demand if the TFWP is appropriately designed and implemented.

Our employer respondents have reported difficulty in attracting skilled, semi-skilled or/and low-skilled workers in the last five years, citing the labour and skill shortages. Some have stated that without foreign workers, they would have to close their businesses or significantly reduce operations. A counterargument goes that not all local labour reserves have been utilized and the use of TFWs helps sustain a low-wage economy and serves as a subsidy to businesses that do not want to pay decent wages. These claims require more a careful assessment of the labour market situation and justification on the part of the federal and provincial governments.

In the future, labour shortages in Labrador are likely to be exacerbated due to aging and declining population, and out-migration. Both media analysis and conversations with Labrador employers show that business owners have concerns about not being able to fill positions in the next several years, despite also being pessimistic about the state of provincial economy (though caution should be made that the number of employers responding to our survey is relatively small and there is possibility of self-selection bias).

The concern about the TFWP is the potential risk that TFWs may take employment opportunities away from locals, especially young people, given the lower labour costs and higher labour flexibility of the TFWs. A large body of research has documented the difficulties that new labour market entrants face when entering Canada's job market, and immigrants and TFWs can compete with them in both high-skilled and low-skilled occupations (Worswick, 2013).

Thus, there is a demonstrated need for TFWs in Labrador. The volatile nature of the resource sector and inappropriate local skill sets makes an effective TFW policy for Labrador essential. Demographic changes are likely to exacerbate need for Labrador appropriate policy. At the same time, any policy needs to recognize the conflict between providing jobs for foreign workers and taking jobs from locals. In Labrador, local labour is available but underutilized. TFW issues need to be seen in the larger context of EI reform and education and skills training for the Canadian labour force as a whole. In the absence of any resolution to these and other complex issues in the short- to medium term, TFWs are likely to be an ongoing requirement in Labrador.

It is crucial to address the problem of information asymmetry among the employers, employees, and the governments in order to establish the genuine skill and labour shortages, especially in the short run, and ensure that the TFWs are not subject to abuses and exploitations. However, it is difficult to gauge such labour and skill shortages because highly reliable labour market information (employment, unemployment, wages, vacancies, and labour force participation, etc.) is scarce for Labrador. For example, job vacancy data are not available beyond the provincial level where there are potential labour and skill shortages at all skill levels in sales and service (mainly low-skill jobs), trades, transport and equipment operators (medium skilled), and health (medium to high skilled).

A national database to track the number of TFWs in the country by occupation and employer, which was mentioned among potential actions intended by the federal government, could significantly improve our understanding of the issue. However, it is essential to have access to such data not only at national and provincial levels but also at municipal level, given differences between regions and communities, as is true for Labrador. Having reliable and exhaustive data is indispensable for more refined policy analysis.

There is a need to address the information asymmetry problem with respect to labour supply and demand data. Such data need to be available at the local (municipal) level to be relevant and appropriate. There is potential for collaboration between municipal authorities and local employers to create labour information databases, in particular in areas where there is a demand for TFWs.

Recommendation 1: Municipal governments (mayors and town councils) and local businesses should partner to establish a labour supply and demand database at the municipal level.

Nuanced understanding of regional situation is crucial for decision-making. For instance, the TFWP uses a fairly crude instrument for LMIA allocations such as unemployment rate. The local unemployment rate is one of the most important indicators that the federal government decisions are based on through the LMIA of the Employment and Social Development Canada (ESDC) to approve or reject the TFW applications made by the employers. However, unemployment data are problematic for the Labrador region. As Figure 9 shows (see Chapter 3), unemployment rates vary across Labrador from 5.9% in Labrador West to 46.0% in Labrador South Coast. Therefore determining unemployment rates in a meaningful way is a problem of particular importance to Labrador. Such data gaps need to be filled in order to make better-informed decisions on the TFWs, relying on accurate labour market data at the regional and local economic zone levels.

Furthermore, at least in the case of Labrador, unemployment rates do not seem to be the best way to determine whether TFWs should be allowed, given the specificity of the local labour market situation. Labrador tends to experience labour shortages despite high unemployment. The regional labour force includes seasonal workers who need to be available when the fish plant or tourism business reopens each season. The rest of the time, they live off of income support. It is not uncommon that workers in rural areas may be unwilling to accept employment during their Employment Insurance Benefit Period (BOFBC, 2016:18). An important consideration here is not only whether the pay is high enough to entice these potential workers to opt for employment but also whether they have specific skills that are required for existing job vacancies (e.g. as in the above mentioned example of a Labrador restaurant searching for cooks). Geography is also an important factor given vast distances in Labrador. Theoretically, residents from a high unemployment area, such as, for instance, Labrador South Coast, could relocate to Labrador West to satisfy claims that local population should be employed first, before having recourse to the TFWP. However, intraregional mobility does not seem to be a realistic option, and it is important to assess the constraints to such mobility.

Therefore criteria for LMIA allocation need to be locally relevant. Unemployment rate does not seem to be the most appropriate measure to determine the use of TFWs in Labrador.

Recommendation 2: Labrador employers should be allowed to hire TFWs if they are not able to recruit a Canadian worker (Canadian citizen or permanent resident) during the required period for advertising the position.

Labrador businesses are likely to need to attract foreign workers. Among advantages of hiring TFWs are their punctuality, availability to work, helpfulness, politeness, good customer service, loyalty and commitment to employers, commitment to productivity, and required skill sets. In this light, concerted efforts are needed from all levels of governments, employers and community organizations to provide all necessary support to their success.

TFWs should be provided with sufficient language training and assisted with finding suitable accommodation, which is a serious problem in Labrador. Pathways to permanent residency should be established for all TFWs and not only for highly skilled ones. Given that some respondents pointed to complicated nature of permanent residency application process, the provincial immigration office could prepare information package for employers who would like to help their TFWs apply for permanent residency.

Recommendation 3: The federal government should offer language training to temporary residents in Canada and allocate additional funding for this matter.

Recommendation 4: The federal government and Newfoundland and Labrador provincial government, as well as potentially other partners (e.g. construction firms, property management companies, etc.), should invest in affordable housing in those Labrador communities that struggle to attract workers from other parts of Labrador, the province, Canada and/or the world.

Recommendation 5: The provincial government's Office of Immigration and Multiculturalism should introduce a specific stream for TFWs under the Newfoundland and Labrador Provincial Nominee Program.

Recommendation 6: The provincial government of Newfoundland and Labrador should invest more financial and human resources into the Office of Immigration and Multiculturalism to process immigration applications in an expedited fashion.

Recommendation 7: The provincial government's Office of Immigration and Multiculturalism should prepare a clear information package for employers who wish to assist their TFWs seeking permanent residency in Canada.

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APPENDIX I: Questionnaire

1.1. Your community:

1. Business location:

2. Type of business:

3. Number of employees:

4. How long (months or years) has your business been in operation?

5.1. In the last five years, has your company had difficulty attracting:

	Yes/No	If yes, please explain why	Type of vacancy	Duration of vacancy
Skilled workers				
Semi-skilled workers (NOC level C)				
Low-skilled workers (NOC level D)				

5.2. How did you find the level of difficulty of filling vacancies:

	Very easy	Easy	Neutral	Difficult	Very difficult
Skilled workers					
Semi-skilled workers (NOC level C)					
Low-skilled workers (NOC level D)					

6.1. In the last five years, are you aware of any other company/organization in Labrador that has had difficulty attracting:

	Yes/No	If yes, please explain why	Type of vacancy	Duration of vacancy
Skilled workers				
Semi-skilled workers (NOC level C)				
Low-skilled workers (NOC level D)				

6.2. How did those companies/organizations find the level of difficulty of filling vacancies:

	Very easy	Easy	Neutral	Difficult	Very difficult
Skilled workers					

Semi-skilled workers (NOC level C)					
Low-skilled workers (NOC level D)					

7. In the last five years, have you hired workers from other provinces? Yes/No
8. In the last five years, have you hired temporary foreign workers? Yes/No
9. If yes to (8), what percentage of your workforce are temporary foreign workers?
10. If yes to (8), did you help them become permanent residents? Yes/No (please explain why)
11. How did you find the process of:

	Very easy	Easy	Neutral	Difficult	Very difficult
Hiring temporary foreign workers					
Helping them become permanent residents					

12. Please list the three main advantages and challenges (preferably, in order of importance, starting with the most important) of:

	Advantages	Challenges
Hiring temporary foreign workers	i.	i.
	ii.	ii.
	iii.	iii.
Additional comments		
Helping them become permanent residents	i.	i.
	ii.	ii.
	iii.	iii.
Additional comments		

13. Which of the following options do you see as ways to address your future workplace needs? Are you planning to:

	Yes/No	Comments if any
Upgrade the skills or your current employees		
Implement measures to increase retention of current employees		
Employ more young people		
Seek out students through co-ops, internships, etc.		

Employ more workers from other provinces		
Employ more temporary foreign workers		
Attract workers from other firms and organizations		
Relocate work to fulfill needs		
Other (specify):		

14. Please indicate whether or not you agree or disagree with each statement:

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
The Canadian economy will grow over the next 5 years					
The provincial economy will grow over the next 5 years					
The province will face a shortage of skilled labour in the next 5 years					
Labrador will face a shortage of skilled labour in the next 5 years					
Labrador businesses will have to hire more temporary workers in the next 5 years					
Low-skilled temporary foreign workers should be able to transition to permanent residency					
Temporary foreign workers take jobs away from Labradorians					
Temporary foreign workers take jobs away from Canadians					
Temporary foreign workers will work for less pay than local workers					
Temporary foreign workers are more productive and harder working than local workers					
Temporary foreign workers have a good work ethic					
A multicultural workforce enhances creativity in the workplace					
Any comments:					

15. Any additional comments:

Thank you very much!