

# Federal Government Introduces New Process to Return Temporary Foreign Workers to Work Quickly

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On May 12, 2020, the Federal government introduced a new temporary process that will allow temporary foreign workers to get back to work quickly after many of them lost their jobs for reasons related to COVID-19.

Many temporary workers with employer-specific work permits lost their jobs when the COVID-19 pandemic started in the spring. While some of these workers were able to leave Canada and return to their countries of origin, others have been unable to leave due to international travel restrictions and/or a reduction in available flights. In the ordinary course, to change jobs a foreign worker would have to apply and wait for a new work permit to be issued before starting to work at their new job.

In response to these concerns, as well as the urgent need for additional employees in the agriculture, agri-food, and health care sectors, the government has announced, effective immediately, a new temporary policy to drastically reduce the time it takes for temporary foreign workers to start a new job.

Under the new policy, a worker who is already in Canada and has secured a job offer, typically backed by a labour market test, can get approval to start working in their new job even while their work permit application is being processed. This is expected to cut the process down to 10 days or less.

In order to be eligible, workers must:

- be in Canada with valid status;
- have an employer-specific work permit or have been working under a work permit exemption; and
- have submitted an application for a new work permit with a valid job offer under either the Temporary Foreign Worker Program or the International Mobility Program.

The worker must then submit a request to Immigration, Refugees and Citizenship Canada. The request will be reviewed within 10 days, and if approved, authorization to start working will be sent via e-mail.

There is no change to the role of the employer in the process of hiring foreign workers. An employer needs to have, or must obtain, a valid positive Labour Market Impact Assessment (LMIA) from Employment and Social Development Canada, name the worker in a position on the LMIA, and notify Service Canada. For an employer-specific, LMIA-exempt situation, the employer needs

to submit an offer of employment through the International Mobility Program Employer Portal."

## **In Our View**

Emond Harnden LLP will continue to monitor relevant information as it becomes available, including with respect to the temporary foreign worker program and other issues related to work permits. For further information or advice on your rights and obligations as an employer when dealing with COVID-19 and similar issues, please contact [Carolyn Dunlop](#) at [613-940-2760](#) or [Lauren Jamieson](#) at [613-563-7660](#) ext. 236.