

# Mobility: immigration alert

January 2022

## Canada

### Quebec introduces new flexibility to the Temporary Foreign Worker Program

#### Executive summary

The Federal and Quebec governments entered into an agreement, effective 4 August 2021, to respond to ongoing labour shortages faced in the province that have been further accentuated by the pandemic. The measures are aimed at creating flexibility in hiring foreign workers via the Temporary Foreign Worker Program (TFWP). These measures have been progressively implemented as part of an overall pilot project scheduled to run until the end of 2024.

#### Exceptions

As of 6 December 2021, and until 31 December 2024, certain National Occupation Classification (NOC) D occupations are exempted from the mandatory recruitment requirements under the TFWP. The exemptions from recruitment apply to the following occupations:

- ▶ 6611 - Cashiers
- ▶ 6622 - Store shelf stockers, clerks and order fillers
- ▶ 6711 - Food counter attendants, kitchen helpers and related support occupations
- ▶ 6731 - Light duty cleaners
- ▶ 6732 - Specialized cleaners
- ▶ 6733 - Janitors, caretakers and building superintendents
- ▶ 8612 - Landscaping and grounds maintenance labourers
- ▶ 8616 - Logging and forestry labourers
- ▶ 9612 - Labourers in metal fabrication
- ▶ 9614 - Labourers in wood, pulp and paper processing

- ▶ 9615 - Labourers in rubber and plastic products manufacturing
- ▶ 9617 - Labourers in food, beverage and associated products processing
- ▶ 9618 - Labourers in fish and seafood processing

#### Increase in proportion cap of low-wage positions

In low-wage occupations under the TFWP, organisations were previously capped at 10% per work location. Given the ongoing labour shortage in the province of Quebec, as of 10 January 2022, and until 31 December 2024, the threshold for the number of temporary foreign workers per workplace in low-wage positions has been increased from 10% to 20% in the following economic sectors:

- ▶ NAICS 113 and 1153 - Forestry and logging
- ▶ NAICS 311 and 312 - Food, beverage and tobacco product manufacturing
- ▶ NAICS 321 - Wood products manufacturing
- ▶ NAICS 326 - Plastics and rubber products manufacturing
- ▶ NAICS 332 - Fabricated metal product manufacturing
- ▶ NAICS 44 and 45 - Retail trade
- ▶ NAICS 55 and 56 - Business, building and other support services
- ▶ NAICS 621, 622 and 623 - Health care
- ▶ NAICS 72 - Accommodation and food services

This change applies regardless of whether an employer has previously hired a foreign worker in a low-wage position.



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## What this means

Such new measures will reduce overall delays and efforts required of employers in seeking work authorization for eligible foreign nationals. The changes will impact key industries who are facing known labour shortages.

Efforts are underway to implement further flexibility that form part of the agreement supporting Quebec businesses and the communities that rely on them. Plans include an expansion of the list of eligible occupations under the Facilitated LMIA program in Quebec. The expansion is set to include NOC level C occupations which refers to positions that usually require secondary school and/or occupation-specific training. Such occupations are often deemed essential, and their inclusion is a welcomed change.

Should you have any questions with respect to these new measures, please do not hesitate to contact your EY Law LLP professional.

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