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Global Skills Strategy – Latest Developments in Workforce Mobility

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In November 2016, the federal government announced the launch of a Global Skills Strategy (the "**Strategy**"), with the goal of stimulating Canada's economic growth and, as a result, increasing employment opportunities for all Canadians. On June 12, 2017, in order to maximize the positive impact of the Strategy, the government launched a two-year pilot project, the Global Talent Stream (the "**Stream**") designed to encourage and facilitate the migration of highly specialized workers towards Canada.

As part of the pilot project, Canadian businesses qualifying under one of the two following categories may benefit from the newly announced measures:

Category A: This category is intended for businesses selected and referred by one of Employment and Social Development Canada (**"ESDC"**)'s designated partners.[1] Employers are selected because they are innovative and have succeeded in demonstrating their willingness to hire highly specialized foreign workers with unique skills sets. This specialization is usually illustrated in the candidate through advanced knowledge of the industry in which the employer operates, an advanced degree in a related area of specialization and/ or a minimum of five years of experience in the relevant field, as well as a high salary (usually over $80,000).

Category B: Employers will also be eligible if they are looking to recruit highly skilled workers to fill certain positions specifically set out in the Global Talent Occupations List.[2] It is worth noting that these positions are mostly in the information technology sector (software engineers and designers, computer engineers, computer programmers and interactive media developers, web designers and developers, etc.)

Employers who qualify under one of the above-mentioned categories are required to develop an initial "Labour Market Benefits Plan", in active collaboration with ESDC, the purpose of which is to assess the employer's commitment to growing the Canadian labour market. For example, Category A employers will have the obligation to create employment opportunities for Canadian citizens and permanent residents, whereas Category B Employers will have to commit to investing in training activities for Canadian citizens and permanent residents. These mandatory benefits must be complemented by two additional commitments, which will be chosen by the employer, at its discretion and in collaboration with ESDC. Applications for registration in the Global Talent Stream shall be processed within a standard timeline of ten business days from the moment the application is received by a new special-purpose team created by ESDC. It should be noted that each application involves a processing fee of $1,000 per position requested, which fee is payable by the employer.

Once his or her employer is accepted into the Stream in accordance with the above requirements, a

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foreign worker submitting an online work permit application from outside the country will benefit from a fast track processing period of two weeks. The Stream shall thus significantly reduce processing times for the issuance of temporary work permits, which can currently run over periods of several months between the filing of the application and the issuance of the work permit when proceeding by way of a Labour Market Impact Assessment (**"LMIA"**), which will certainly benefit growing technology sector companies in Canada.

Another aspect of the Strategy is to establish a shortened two-week standard processing period for foreign nationals applying to fill an executive or managerial (class 0) or professional (class A) position, within the meaning of the National Occupational Classification (**"NOC"**), under the "International Mobility Program". This applies when the worker can benefit from an exemption to the LMIA requirement and his or her employer has submitted an online offer of employment through the Employer Portal. For instance, intra-company transferees and eligible professionals under the North American Free Trade Agreement (NAFTA) will be able to benefit from this expedited processing.

Moreover, the foreign worker's spouse/common-law partner and dependents submitting their applications at the same time as the foreign worker will also benefit from fast track processing of their applications.

On the other hand, businesses looking to make significant, job-creating investments in Canada, as well as certain universities, will be able to benefit from a Dedicated Service Channel (the **"DSC"**). This DSC will provide the assistance of an account manager in the determination of needs and strategic orientations. Again, in order to be eligible to the DSC, the company must have been selected and referred by one of the designated DSC referral partners[3].

Work permit exemptions for short stays

Finally, new exemptions were announced in regards to short-term work permits. First, highly skilled workers seeking an executive or managerial (NOC 0) or professional (NOC A) position shall be exempted from the work permit requirement if they intend on coming to Canada for a period of no more than 15 days, once every six months, or 30 days, once every twelve months. The same applies to researchers coming to Canada for a period not exceeding 120 days, once a year, to partake in a research project in a publicly-funded degree granting post-secondary institution or affiliated research institution. It should be noted, however, that the temporary worker or researcher may not divide up his or her stay, inasmuch as the reference here is to consecutive calendar days.

While these new changes have been welcomed with great enthusiasm across the country, several questions remain unanswered in regards to their implementation, particularly in Québec, due to the separation of powers in the field of immigration and the lack of designated partners in the province. Therefore, it will be necessary to keep an eye on the additional information to be disclosed by the various governmental bodies in order to assess the real impact of the new measures brought about by the Global Skills Strategy. To be continued...

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1. A list of these partners is available on the Government of Canada website.
2. This list can also be found on the Government of Canada website.
3. A list of these partners is available on the Government of Canada website.

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