

POEA market update

Nov 2 Series of 2017

Canadian Temporary Foreign Worker Program (TFWP) Undergoes Major Changes

The Immigration, Refugees and Citizenship Canada (IRCC) has announced that, effective immediately, the four- year cumulative duration rule will no longer apply to temporary foreign workers in Canada. This rule, also known as the "four-in, four-out" rule, meant that certain foreign workers became ineligible to work in Canada for four years upon completion of four years of work in Canada.

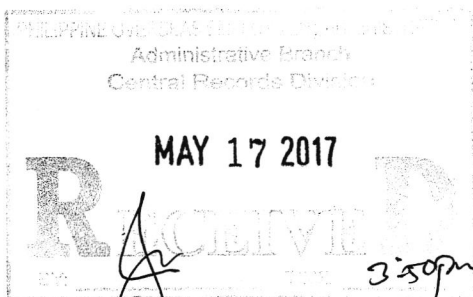
The rule was originally put in place by the previous Conservative government in April, 2011. At that time, the government stated that the provision was implemented primarily to prevent situations in which workers remain in Canada for such a prolonged-period that they begin to lose ties with their country of origin without gaining permanent residence in Canada.

However, the rule faced difficulty in implementation as it affects not just workers themselves but also families, employers, and communities who had established economic and social ties. On December 13, 2016, the IRCC, together with the Ministry of Employment, Workforce Development, stated that it was immediately ending the four-in-four-out provision "in order to prevent unnecessary hardship and instability for both workers and employers." The statement added, "for those temporary foreign workers who do not currently have access, the government is committed to further developing pathways to permanent residency so that eligible applicants are able to more fully contribute to Canadian society. Work on this issue continues.

The four- year rule does not apply to all foreign workers in Canada. Exemptions included workers in managerial (National Occupational Classification 0) and Professional (NOC A) positions, workers in Canada under NAFTA, and workers with a provincial nomination certificate.

Reminder to the Employers:

- Canadian employers wishing to hire a foreign worker must first receive government approval before the hiring take place. This comes in the form of a Labour Market Impact Assessment (LMIA). In order to receive a positive LMIA, it must be determined that the hiring of a foreign worker will have a positive or neutral effect on the Canadian labour market.



Marketing Branch

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