

September 18-19, 2006 ■ Hyatt Regency Calgary

The Canadian Institute's

Legal and Human Resource Guide to

EMPLOYING FOREIGN WORKERS



Filling the Skills Shortage in the West

Get valuable information from leading recruiters, immigration lawyers, government officials, and human resources experts, including:

- Understanding the key differences between recruiting labour and recruiting executives
- Tips for obtaining labour market opinions
- Taking advantage of NAFTA and GATS to transfer professionals
- Developing a business case to submit to the Provincial Nominee Program
- Dealing with the worst case scenario: legal recourses if employees are denied entry at the border
- Strategies for developing an integrated multicultural workplace

Receive practical information you can put to use for your clients immediately in this critical post conference seminar:

Mastering the Nuts and Bolts of Immigration Applications:
Temporary Work Permits and the Provincial Nominee Program

Conference Co-Chairs:

Jeffrey S. Lowe
Chief Inspirational Officer
Lowe & Company, Canadian Business
and Immigration Lawyers

Michael Greene
Partner
Sherritt Greene Barristers & Solicitors

Don't miss the chance to hear from:

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Alberta Economic Development

Economic Immigration
British Columbia

Canadian Consulate General



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Are you prepared

to deal with the skills shortage in Western Canada?



Billions of dollars worth of major development projects in western Canada are at risk of grinding to a halt due to shortage of skilled workers. Accountants, managers, IT and other professionals are all in short supply. Companies are increasingly turning to foreign workers to fill the gap.



Employing foreign workers raises issues such as finding and recruiting workers, navigating Canada's immigration system, and dealing with employment law issues and labor relations challenges once your new employees have arrived.

The Canadian Institute's Employing Foreign Workers conference brings together leading immigration lawyers, human resources consultants, and officials from Citizenship and Immigration Canada and the Ministries of Economic Development from Alberta and British Columbia to provide you with a comprehensive legal and human resources guide, including:

- Working with a recruiting firm versus conducting recruiting in-house
- Assessment of the candidate under the Provincial Nominee Program
- Consideration of the Work Permit application by Citizenship and Immigration Canada
- Complying with regulations: meeting provincial licensing requirements
- Dealing with the worst case scenario: legal recourses if employees are denied entry

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DISTINGUISHED FACULTY

Co-Chairs:

Michael Greene
Partner
Sherritt Greene Barristers & Solicitors

Jeffrey S. Lowe
Chief Inspirational Officer, Lowe and Company
Canadian Business and Immigration Lawyers

Speakers:

Marilynn Balfour
Director, Career Resources
Bowen Workforce Solutions

Bob Clark
General Manager Business Services
OPTI Canada Inc.

Martin A. Clutterbuck
Workforce Planning Manager
Flint Energy Services

Stephen Cryne
Executive Vice President
Canadian Employee Relocation Council

Wendy A. Danson
Barrister & Solicitor, McCuaig Desrochers LLP

Kevin Davidson
Operations Manager
Maxwell Drummond International

Jim Gurnett
Executive Director, Edmonton Mennonite Center
for Newcomers
President, Alberta Association of Immigrant
Serving Agencies

Joe Kenney
Immigration Consultant, J. Kenney Consulting
Former Director, Economic Immigration
Programs, Ministry of Economic Development,
Government of British Columbia

Vance Langford
Barrister & Solicitor, Burstall Winger LLP

Kim Lamoureux
Recruitment Manager
Flint Energy Services

Ralph Lombardo
Operations Supervisor,
Canada Border Services Agency
Calgary International Airport

Gary Maier
NAITfind Coordinator

Ian Mellor
Director
Investor Services and Economic Immigration
British Columbia

L. Frank Molnar
Partner, Field Law

Gary Paterok
Manager, NAITfind
Representative
Canadian Consulate General, Seattle

Brent Rathgeber, Q.C.
Executive Director
Progressive Contractors Association
of Canada

Andrew R. Robertson
Partner, Macleod Dixon LLP

Don Rutherford
President, Culture Connect

Karen D. Swartzenberger
Barrister & Solicitor
McCuaig Desrochers LLP

Alice Wong
Manager, Economic Immigration
Alberta Economic Development

Kevin Zemp
Partner, Bennett Jones LLP

Workshop Leaders:

Rishma Shariff
Barrister & Solicitor, Caron & Partners LLP

Cheryl L. James
Barrister & Solicitor, McCarthy Tétrault LLP

Monday, September 18, 2006

8:00 Registration Opens and Coffee Served ☕

9:00 Opening Remarks from the Co-Chair

Jeffrey S. Lowe
Chief Inspirational Officer, Lowe and Company
Canadian Business and Immigration Lawyers

9:15 Finding, Recruiting and Hiring Foreign Workers

Kevin Davidson
Operations Manager
Maxwell Drummond International

Joe Kenney
Immigration Consultant, J. Kenney Consulting
Former Director, Economic Immigration Programs,
Ministry of Economic Development, Government
of British Columbia

Brent Rathgeber, Q.C.
Executive Director
Progressive Contractors Association of Canada

Once the decision is made to look internationally for new employees, where does the search begin? Is it more efficient to contract with a recruiter or do all recruiting in house? What impact would each option have on work permit and/or immigration processing? What countries have a ready supply of the necessary skills? How is Canada marketed as a destination? What questions must be asked when interviewing outside Canada? What legal obligations and liabilities arise when recruiting workers from another country? What will you need from your internationally recruited worker to begin the process of bringing him/her to Canada?

- Finding the skill sets you need
- Understanding the key differences between recruiting labour and recruiting executives
- What kind of workers can you realistically expect to get work authorization for in Canada?
- Working with a recruiting firm versus conducting recruiting in-house: Impact on work permit or immigration process
- Developing a relationship with the source country
- Can overseas agents help?
- Special considerations in the post 9-11 era
- Marketing Canada as a destination
- Essential assessments of potential workers:
 - health related issues
 - criminal background checks
 - previous work experience
- Preparing workers for the transition to Canada
- Work permit versus immigration from the company's perspective
- Protecting your organization from legal liability

10:45 Networking Coffee Break ☕

11:00 Bringing In Temporary Foreign Workers: Skilled Workers, Low-Skilled Workers and Obtaining Labour Market Opinions

Karen D. Swartzenberger
Barrister & Solicitor
McCuaig Desrochers LLP

Vance Langford
Barrister & Solicitor
Burstall Winger LLP

Representative
Canadian Consulate General, Seattle

An effective means to bring foreign workers to Canada is through the Foreign Worker Program managed by Service Canada, formerly Human Resources and Skills Development Canada (HRSDC). Under the Foreign Worker Program, the employer seeks a labour market opinion based on criteria for assessment by Service Canada. If a positive labour market opinion is obtained, the employee can apply to Citizenship and Immigration Canada for a temporary work permit. In this session, get practical tips to help streamline the process.

- Recruitment strategies: how and when foreign workers can contribute
- Practical tips for obtaining labour market opinions:
 - defining the occupation using the National Occupational Classification (NOC) system
 - establishing and defending wages and working conditions
 - demonstrating the need for foreign workers: advertising and recruiting efforts
 - Canadian labour market benefits
 - regulated occupations: certification and licensing requirements
 - union consultations and labour disputes
 - processing times and how to stay informed
- Distinguishing between skilled workers and unskilled workers
- Blanket applications for labour market opinions
 - implementing a comprehensive recruitment plan
 - making agreements in principle with HRSDC
- Obtaining the work permit:
 - exceptions: knowing when a labour market opinion is not required
 - assessment of the work permit application by Citizenship and Immigration Canada
 - visa office strategies, eligibility to apply at a Canadian port of entry
 - maintaining and extending status: technical tips

12:15 Networking Luncheon for Delegates and Speakers



1:45 Using NAFTA, IRPA and GATS to Transfer Professionals, Executives and Key Employees

Wendy A. Danson
Barrister & Solicitor
McCuaig Desrochers LLP

Jeffrey S. Lowe

Chief Inspirational Officer, Lowe and Company Canadian Business and Immigration Lawyers

The North American Free Trade Agreement (NAFTA), the Immigration and Refugee Protection Act (IRPA), and the General Agreement on Trade in Services (GATS), all have provisions for Work Permits without having to obtain Labour Market Confirmations from Service Canada. Find out when and how to use these methods to get key employees and professionals working when you need them.

- Using the NAFTA Professional category
 - when does it apply? Understanding the professional categories
 - what credentials are required? Meeting credential and licensing requirements
 - what restrictions are placed on activities in Canada?
 - what is the maximum time period for the work permit? Initial time period and renewal
 - How long does it take to process?
 - Where can you process the application?
- Using the NAFTA Intra-Company Transfer
 - when does it apply? Managerial and specialized positions
 - What is "specialized knowledge"?
 - what credentials are required? Employment history and experience
 - what restrictions are placed on activities in Canada?
 - what is the maximum time period for the work permit? Initial time period and renewal
- Using the IRPA Intra-Company Transfer
 - when does it apply? Managerial and specialized positions
 - How does this differ from the NAFTA Intra Company Transferee?
 - what is the maximum time period for the work permit? Initial time period and renewal
 - How long does this take to process?
 - Where can you process the application?
- Using GATS Work Permits
 - when does it apply? Citizenship and qualifications
 - what credentials are required? Employment history and experience
 - what restrictions are placed on activities in Canada?
 - what is the maximum time period for the work permit? Initial time period and renewal

2:45 Fully Utilizing Canada's Existing Immigrant Workforce

Marilynn Balfour

Director, Career Resources Bowen Workforce Solutions

Alberta's existing immigrant workforce may present an untapped resource for employers. 14,000 new immigrants arrive in Alberta each year, many with post-secondary education and extensive work experience, but traditionally have had difficulty

connecting to Canadian corporations. Learn how to tap into this talent pool, allowing immigrant workers to realize their potential in Canadian companies.

- Understanding the hurdles:
 - lack of Canadian experience
 - lack of recognition of foreign credentials
 - lack of familiarity with the Canadian way of doing business
- Developing corporate capability for successfully integrating immigrants into the workplace
- Preparing the immigrant for a positive work experience
- Identifying systemic barriers for success

3:30 Networking Refreshment Break

3:45 Using the Provincial Nominee Program to Obtain Permanent Residence

Ian Mellor

Director Investor Services and Economic Immigration British Columbia

Kevin Zemp

Partner Bennett Jones LLP

Another potential solution to long term labour shortages are the Provincial Nominee Programs (PNP), employer-driven immigration programs operated by the provincial governments in conjunction with Citizenship and Immigration Canada (CIC). In contrast to the system of temporary work permits, the provincial nominee program leads to workers obtaining permanent resident status in Canada.

- Understanding the role of the PNP
- Application: which employers may apply under the PNP?
- Developing a business case to submit to the PNP
 - demonstrating the employer's need for the occupation
 - documenting the inability to fill the position with a qualified Canadian resident
 - working with sector specialists
- Recruiting skilled workers and issuing Guaranteed Job Offers
- Nominating workers already in Canada on temporary work permits
- Assessment of the candidate by the PNP
 - related work experience
 - qualifications
 - ability to settle in Canada
- Assessment of the candidate by CIC
- Directions for the future: where is the Provincial Nomination Program going in 2006?

5:00 Co-Chair's Recap Conference Adjourns

Tuesday, September 19, 2006

8:30 Coffee Served ☞

9:00 Opening Remarks from the Co-Chair

Michael Greene

Partner

Sherritt Greene Barristers & Solicitors

9:15 Case Study: Best Practices for Hiring Foreign Workers by Flint Energy Services

Martin A. Clutterbuck

Workforce Planning Manager

Flint Energy Services

Kim Lamoureux

Recruitment Manager

Flint Energy Services

Flint Energy Services has been recognized as a leader in Alberta in the successful use of foreign workers. Hear first hand the challenges faced and overcome from the recruiting stage, through the immigration hurdles, to the ongoing challenges of a multi-cultural workforce.

10:15 Preparing Foreign Workers for the Border Crossing: Tips and Traps at the Port of Entry

Michael Greene

Partner

Sherritt Greene Barristers & Solicitors

Ralph Lombardo

**Operations Supervisor, Canada Border Services Agency
Calgary International Airport**

The preliminary work has been done, the applications approved, the workers hired, and the project awaits them. The most frustrating thing that can happen at this point is that the new employees are detained upon arrival. Find out what to do to ensure the border crossing goes smoothly.

- Understanding the role of CBSA at the port of entry
- Laying the groundwork: what the employer must do in advance
- Preparing employees:
 - employees arriving under the temporary foreign worker program
 - employees arriving under the Provincial Nominee Program
- Tips and traps for smoothly navigating the border crossing
- Dealing with the worst case scenario: legal recourses if employees are denied entry

11:15 Networking Coffee Break ☞

11:30 Managing Labour Relations: Successfully Working With Your Union

L. Frank Molnar

Partner

Field Law

Successful management of a multicultural workforce requires a good working relationship with the union(s) involved. From the earliest stages of seeking labour market opinions to the later stages of integrating new workers, the relationship between the employer and the union is crucial. Learn best practices for working with the union in order to create the best working environment for all employees.

- Understanding the position of the union: foreign workers as opportunity or threat?
- Obtaining union consent to recruit foreign workers: when is written consent required in order to obtain a labour market opinion?
- Considering the relationship between foreign workers and the union:
 - temporary foreign workers
 - permanent residents under the PNP
- Legal rights and recourses
- Establishing parity of treatment between unionized and non-unionized workers
- Strategies for developing an integrated multicultural workplace

12:15 Networking Luncheon for Delegates and Speakers



1:30 Best Practices for Credentialing, Licensing and Training of Foreign Workers

Moderator and Speaker:

Stephen Cryne

Executive Vice President, Canadian Employee Relocation Council

Panelists:

Bob Clark

**General Manager Business Services
OPTI Canada Inc.**

Gary Maier

NAITfind Coordinator

Gary Paterok

**Manager
NAITfind**

Once foreign workers are on the job site and ready to begin employment, the last thing an employer wants is a delay while employees' credentials are assessed, or Canadian licensing requirements complied with. Find out how to speed up the process and get employees working. Also hear what essential training must be completed upon the arrival of new employees and how to streamline the process.

- Assessment and recognition of foreign credentials
- Complying with the Trade Certification Process
- Gaining recognition of foreign credentials before workers' arrival
- Identifying specific occupations with special credentialing and licensing requirements
- Essential training which must come first
 - safety procedures
 - English language training
- Taking advantage of programs offered by Apprenticeship and Industry Training
- Developing on the job programs for ongoing training and skills updating
- Preventing legal liability for improperly trained workers

2:45 Networking Refreshment Break

3:00 Avoiding Employment Law Pitfalls When Dealing with Foreign Workers

Andrew R. Robertson
Partner
Macleod Dixon LLP

The use of foreign workers raises unique employment law concerns. Standard contracts used for local employees may not be sufficient, and worse, may create unexpected legal liabilities. From hiring to terminating, benefits to obligations, understand the special considerations when dealing with foreign workers to ensure that all legal obligations are met.

- Identifying and avoiding common pitfalls when transferring foreign employees to work in Canadian subsidiaries
- Identifying and avoiding common pitfalls in hiring foreign workers to work in Canadian companies
- Drafting the contract:
 - what provisions must be included?
 - what jurisdiction governs?
 - rights and obligations of the employee
 - rights and obligations of the employer
- Benefits which may be provided to foreign workers versus benefits that must be provided to foreign workers
- Terminating the employment of foreign workers: special considerations
- Collateral Issues:
 - cultural differences and expectations
 - family concerns: Is the spouse expecting to work? Are there children in schools?

- planning for return trips to the worker's home jurisdiction
- other complications that may blindside you

3:45 Orienting and Integrating Foreign Workers into the Company and the Community

Jim Gurnett
Executive Director, Edmonton Mennonite Center for Newcomers
President, Alberta Association of Immigrant Serving Agencies

Don Rutherford
President
Culture Connect

Alice Wong
Manager, Economic Immigration
Alberta Economic Development

The employer's duty to foreign workers arguably does not end when the whistle blows at the end of the shift. Importation of large groups of foreign workers who may be separated linguistically, culturally and socially from their co-workers and neighbors implies an obligation to assist these new employees in orienting and integrating themselves in both the workplace and the community. This is essential from a business standpoint in order to minimize employee turnover and create a harmonious working and living environment.

- Employer obligations and best practices for integrating foreign workers
- Helping foreign workers adjust to the Canadian culture and working environment
- Helping Canadian employees adjust to a multicultural workplace
- Living in the big city versus remote locations: hazards and opportunities
- Protecting the employer's investment: minimizing employee turnover and "loss" of foreign workers
- Considering the infrastructure implications of massive importation of foreign workers to remote locations and the duties of responsible employers and developers

5:00 Chair's Closing Remarks Conference Concludes

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Register at 1-877-927-7936 or in Toronto 416-927-7936 or www.CanadianInstitute.com

Post-Conference Seminar Wednesday, September 20, 2006

9:00 a.m. – 12:00 p.m.
(Registration Opens at 8:30 a.m.)

Mastering the Nuts and Bolts of Immigration Applications: Temporary Work Permits and the Provincial Nominee Program

Cheryl L. James
Barrister & Solicitor
McCarthy Tétrault LLP

Rishma Shariff
Barrister & Solicitor
Caron & Partners LLP

Whether preparing them alone or in cooperation with lawyers, consultants, clients or recruiters, an in-depth understanding of the paperwork required for the two most common methods of bringing foreign workers into Canada is essential. This detailed, hands on workshop will give you practical experience and tips that you can put into practice today. The time you invest now will be earned back tenfold in valuable time saved on your immigration applications.

Essential documentation to obtain Temporary Work Permits

- Securing a favorable labour market opinion
 - proving the need: lack of qualified Canadians to do the job
 - complying with regulations: meeting provincial licensing requirements
 - consulting with the union: when written consent is necessary
 - documenting recruitment efforts
- Reviewing the employee's application to CIC

Essential documentation for the Provincial Nominee Program

- Developing a business case to submit to the PNP
 - demonstrating the employer's need for the occupation
 - documenting the inability to fill the position with a qualified Canadian resident
 - working with sector specialists
- Recruiting skilled workers and issuing Guaranteed Job Offers
- Nominating workers already in Canada on temporary work permits
- Reviewing the employee's application to CIC

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TOP 3 REASONS TO ATTEND:

The Canadian Institute's Legal and Human Resource Guide to EMPLOYING FOREIGN WORKERS

- 1 Hear directly from Canada Border Services Agency and the Provincial Nominee Program
- 2 Learn from the experiences of Flint Energy Services
- 3 Get practical, technical tips from leading immigration lawyers

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