

ISSUE: TEMPORARY FOREIGN WORKER PROGRAM

Adopted by CAPE

CAPE Council for Access to the Profession of Engineering is a membership-based organization serving immigrants with engineering backgrounds in Ontario. We have nearly fifteen hundred members. We have also formed a coalition of over fifteen community associations serving immigrants with engineering backgrounds.

An ongoing survey of our 1457 members, dated May 13, 2008 shows that:

- 60% of them are unemployed, 26 percent are underemployed not necessarily in the engineering field and only 14% are working in the engineering field
- Over 28% hold a Masters degree or higher
- The average number of years of previous engineering experience of these members is 12 years
- Our membership originates from over 90 countries
- Nearly 50% of these engineers have been in Canada for more than 4 years, and
- 66.25% fall under the categories of Civil Engineers, Mechanical Engineers, Electrical & Electronics Engineers, Petroleum Engineers and Mechanical Engineering Technologists

Temporary Foreign Worker Program

According to Human Resources and Skills Development Canada, "Every year Canadian employers hire thousands of foreign workers to help address skill and labour shortages. Human Resources and Social Development Canada (HRSDC) and Citizenship and Immigration Canada (CIC) work to ensure that the employment of foreign workers supports economic growth and helps create more opportunities for all Canadians."¹

Human Resources and Social Development Canada/Service Canada (HRSDC/SC) have recently added 21 new occupations to the Expedited Labour Market Opinion Pilot Project to expedite the processing of Labour Market Opinions (LMO) for employers who want to hire temporary foreign workers in Alberta and British Columbia for full-time work.

Under the Expedited Labour Market Opinion Pilot Project, new occupations that were added to the pilot project on January 14, 2008 included Civil Engineers, Mechanical Engineers, Electrical & Electronics Engineers, Petroleum Engineers and Mechanical Engineering Technologists.

It is CAPE's position that given the employment situation of immigrants with engineering credentials in Ontario, and the availability of this pool of foreign trained workers in Ontario, this pool should be the first choice for recruitment by engineering employers in Canada, particularly in those provinces which require immediate workers in the above categories, before such a pilot such as the Expedited Labour Market Opinion is implemented.

¹ http://www.hrsdc.gc.ca/en/workplaceskills/foreign_workers/index.shtml

ISSUE: PROVINCIAL NOMINEE PROGRAM – ‘ENGINEERS’ RECRUITED OVERSEAS?

Engineering is legislated as a regulated profession in Canada under the Professional Engineers Act R.S.O. 1990, CHAPTER P.28. Licensing of engineers in Canada is a provincial responsibility. To fulfil their government-given mandate to regulate the practice of engineering in the public interest, Canada's 12 engineering licensing bodies have set high standards for engineering practice and education, the ethical conduct of engineers, and admission into the profession.²

The provincial regulatory bodies for Alberta, British Columbia and Prince Edward Island, in common with other provinces, require applicants to demonstrate (in addition to academic accreditation) a total of four years of satisfactory work experience in order to obtain a professional license which entitles them to use the title of ‘Professional Engineer’ (P.Eng). “At least one of these years must be gained in a Canadian Environment. Normally, work experience in a Canadian Environment is gained in Canada, under the supervision of a Canadian Professional Engineer”³.

Almost every Province in Canada has an established Provincial Nominee Program which “offers accelerated immigration for qualified skilled workers”⁴. Alberta, British Columbia, Prince Edward Island, Ontario, Manitoba, Saskatchewan, Nova Scotia, New Brunswick, Newfoundland and the Yukon all have Provincial Nominee Programs.

However, it has come to CAPE’s attention that three provinces in particular, Alberta, British Columbia and Prince Edward Island have made recent changes to the specific occupational categories that can be accelerated through the program, and these include:

- Alberta – “Engineers”⁵
- British Columbia – “Engineers (All Fields)”⁶
- Prince Edward Island – “Construction Engineer, Electrical Engineer, Mechanical Engineer”⁷

Since a foreign worker cannot call himself or herself an engineer or professional engineer in any Canadian province without obtaining licensure in the province, how do the employers then recruit ‘engineers’ from overseas under the Provincial Nominee Program? Given that it is not possible as a foreign worker, in the vast number of cases, to obtain Canadian experience prior to coming to Canada (unless one is already employed by a Canadian company overseas in which case one’s experience may count as ‘Canadian experience’) thereby not being licensed in the specific provincial jurisdiction, the changes made by Alberta, British Columbia and Prince Edward Island to their Provincial Nominee Programs to include ‘engineers’ are legally indefensible.

It is CAPE’s position that the employer drive for recruitment of ‘engineers’ under the Provincial Nominee Programs in Alberta, British Columbia and Prince Edward Island is at variance with Provincial Professional Engineer Acts and regulation.

² <http://www.peng.ca/english/profession/bodies.html>

³ <http://www.apeg.bc.ca/reg/pengappdocsrequired.html#Experience>

⁴ <http://www.ecdev.gov.bc.ca/ProgramsAndServices/pnp/index.htm>

⁵ http://cctt.ca/CMS/get_file.asp?id=E7B1B7020CF0424A9643803EF33AD04A&ext=.pdf&name=ENG%20GEOLOGICAL%20AND%20GEOPHYSICAL%20PRO%20ACT%20OF%20ALBERTA%201981.pdf

⁶ http://www.qp.gov.bc.ca/statreg/stat/e/96116_01.htm

⁷ http://www.gov.pe.ca/law/statutes/pdf/e-08_1.pdf