

ESDC DETAILED ACTION PLAN

to the recommendations of the Audit of the Temporary Foreign Worker Program of the Spring 2017 Reports of the Auditor General of Canada

Report Ref. No.	OAG Recommendation	Departmental Response	Description of Final Expected Outcome/Result	Expected Final Completion Date	Key Interim Milestones (Description/Dates)	Responsible Organization/ Point of Contact (Name, Position, Tel #)	Indicator of Achievement (For Committee Use Only)
R1 (para 41)	Employment and Social Development Canada should review current policies, guidance, and processes to identify opportunities to strengthen the assessment of employers' recruitment efforts. The Department should ensure that Temporary Foreign Worker Program officers can more fully verify the accuracy of employers' statements and that employer's use the program only as a last resort.	<p>Agreed.</p> <p>Employment and Social Development Canada (ESDC) recognizes the importance of ensuring that Canadians and permanent residents have first access to available jobs.</p> <p>The Department currently conducts assessments of employer's efforts to hire Canadians as part of their application for a Labour Market Impact Assessment. The Department is committed to reviewing its policies and providing officers with appropriate guidance to strengthen verification of employer recruitment efforts. In addition, as announced by the Government in December 2016 increased requirements for employers to reach out to under-represented groups (indigenous, youth, newcomer and disabled individuals) will be implemented in Summer 2017.</p>	Clear policies and guidance to adequately assess employers' recruitment efforts.	August 2017	<p>Review current recruitment policies – April 2017</p> <p>Revise recruitment policies based on the review results to support the development of operational guidance – May 2017</p> <p>Implement new recruitment policies by providing departmental staff with strengthened guidance, tools and processes to assess employer recruitment efforts. Implementation measures would include the development of operational guidance, tools and training to ensure consistent national implementation of the policy – August 2017</p>	<p>Paul Thompson, Senior ADM Skills and Employment Branch</p> <p>Nancy Gardiner, ADM Program Operations Branch</p>	
R2 (para 44)	Employment and Social Development Canada should establish a quality assurance framework for the Temporary Foreign Worker Program.	<p>Agreed.</p> <p>As part of ongoing efforts to improve our operations, the Department launched a quality assurance (QA) pilot program in April 2017 to achieve national consistency in processing labour market impact assessments. In addition to monitoring the processing of labour market impact assessments, the quality</p>	Achieve consistency in the processing of Labour Market Impact Assessments in accordance with national guidance.	December 2017	<p>Launch QA Pilot – April 2017</p> <p>Evaluate QA pilot results – September 2017</p> <p>Launch full program based on results of pilot – December 2017</p>	<p>Nancy Gardiner, ADM Program Operations Branch</p>	

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	The framework should ensure that program officers' decisions relating to the application process are consistent with program requirements and that employers hire temporary foreign workers only as a last resort.	assurance program will help inform future policy decisions as well as the development of clear guidance to support the assessment process. An evaluation of the pilot will be undertaken in the summer with the goal of full implementation by late Fall 2017.					
R3 (para 58)	Employment and Social Development Canada should ensure that Temporary Foreign Worker Program officers have access to relevant Employment Insurance data and sufficient Record of Employment data for use in their assessments of employer applications for temporary foreign workers.	<p>Agreed.</p> <p>The Department currently has access to several sources of Labour Market Information (LMI) to inform the assessment of labour market shortages, including Record of Employment (ROE), Employment Insurance (EI) data and a range of LMI that is posted on Job Bank. The Department is committed to expanding and improving the quality of its LMI. For example, the Department has already removed the restriction whereby officers previously could only access ROEs issued by employers up to 90 days prior to TFW application receipt. While the Department acknowledges that Employment Insurance data is an important source of information, it is only one element of LMI that an officer should consider.</p> <p>The Department also notes that unemployment in any given area does not necessarily mean that there are Canadians or permanent residents available to fill job vacancies. People may face barriers to joining the labour market due to a number of issues that may</p>	<p>Improved information sharing between relevant departmental programs that respect personal information safeguards.</p> <p>Available and relevant LMI to assess labour shortage, giving Canadians and permanent residents the first opportunity at filling job vacancies.</p>	September 2018	<p>RoE data access expanded beyond 90 days – March 2017</p> <p>Develop policy for use of new LMI tool, including relevant EI data – September 2018</p>	Paul Thompson, Senior ADM Skills and Employment Branch	

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		include access to transportation, childcare needs, adequate skills training, and other impediments to labour market participation. ESDC has a number of Grants and Contributions programs aimed at reducing these barriers, including indigenous programming.					
R4 (para 62)	Employment and Social Development Canada should ensure that the additional labour market information on job vacancies and wages is available and used by the Temporary Foreign Worker Program. The Department should also develop clear and detailed guidance for program officers on how to use the information in their assessments of employer applications for temporary foreign workers.	<p>Agreed.</p> <p>The Department is committed to further expanding access to LMI in its assessment of employer applications. It is worth noting that previous reforms to the TFW Program in 2014 have decreased the number of approved low-wage TFW positions by 79% between 2013 and 2015.</p> <p>The Department has worked with Statistics Canada and will begin receiving an annual wage survey in Spring 2018. Further, Annual Job Vacancy data is already received and has been integrated into the existing LMI tools available during the assessment process. This data will become more useful over time and will allow for better trends identification and analysis.</p> <p>In addition, the Department is developing a systematic approach to better integrate LMI for use in Labour Market Impact Assessment (LMIA) processing which will result in the availability of an additional LMI tool by Fall 2018.</p>	Available and relevant LMI to assess labour shortage, giving Canadians and permanent residents the first opportunity at filling job vacancies.	November 2018	<p>Integration of Job Vacancy data into existing LMI tools (Employment Outlooks posted on Job Bank) used by the Temporary Foreign Worker (TFW) Program – December 2016</p> <p>Integration of Wage Survey data into existing LMI tools (Prevailing Wages posted on Job Bank) used by the TFW Program – April 2018</p> <p>Implementation of a new LMI tool (that will integrate EI and other LMI data) to assist Program Officers in assessing the existence of a labour shortage – November 2018</p> <p>Implement updated guidance in support of the LMI tool for program officers – November 2018</p>	<p>Paul Thompson, Senior ADM Skills and Employment Branch</p> <p>Nancy Gardiner, ADM Program Operations Branch</p>	
R5 (para	Employment and Social Development	Agreed.	Inspections focused on the highest risks within the	April 2017	Implement Risk Model – April 2017	Élise Boisjoly, ADM	

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71)	Canada should develop and implement a comprehensive risk-based framework to identify enforcement activities for all categories of temporary foreign workers. The framework should include investigating specific sectors where higher levels of risk may exist.	ESDC recognizes the importance of program enforcement. The Department implemented a comprehensive risk-based model in April 2017 for inspection activities that will be used to select employers and sectors for inspection where the greatest risks of non-compliance exist.	TFW Program, increasing likelihood of detecting non-compliance.			Integrity Services Branch	
R6 (para 75)	Employment and Social Development Canada should ensure that its investigators have access to and use Record of Employment and Employment Insurance information that could be pertinent to their investigations.	<p>Agreed.</p> <p>ESDC considers it a priority to provide inspectors with access to all pertinent data.</p> <p>The Department continues to expand and improve on its processes, including extending the period over which ROE records can be reviewed. The Department will establish a protocol and procedures by April 2018 to provide inspectors with access to further pertinent EI and ROE data for their inspections, while respecting the privacy and security of personal information.</p>	Improved information sharing between relevant departmental programs that respects personal information safeguards so that Officers have access to relevant data and information in order to conduct inspections.	April 2018	<p>Expanded availability of RoE data – April 2017</p> <p>Expanded use of EI data and employer data (other than ROE) – April 2018</p>	Élise Boisjoly, ADM Integrity Services Branch	
R7 (para 76)	Employment and Social Development Canada should work with	<p>Agreed.</p> <p>As agreements with provincial and territorial partners are pivotal to the overall administration of the TFW</p>	On-going engagement with P/Ts.	December 2017	<p>Develop engagement plan – April 2017</p> <p>Compilation of P/T stakeholder feedback – December 2017</p>	Paul Thompson, Senior ADM Skills and	

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	provinces and territories to develop and finalize information-sharing agreements and use the information obtained to inform its enforcement activities.	<p>Program and the protection of vulnerable TFWs, the Department will continue to engage these partners in information sharing discussions with the intent to finalize information sharing agreements as soon as possible.</p> <p>To this end, the Department finalized an engagement plan in April 2017 that prioritizes negotiation of Information Sharing Agreements with the provinces and territories identified as having the highest volume of temporary foreign workers. Engagement with these key partners will be undertaken by late Fall 2017.</p>				Employment Branch	
R8 (para 83)	Employment and Social Development Canada should use its expanded powers to increase the scope of its inspections by ensuring that all the relevant conditions are covered. It should also conduct more on-site inspections and explore the option of conducting some without notice, to further enhance its ability to detect non-compliance.	<p>Agreed.</p> <p>ESDC is committed to the protection of foreign workers who come to Canada under the TFW Program. The Department has significantly increased the scope of its inspections, from previously inspecting whether employers provided the appropriate wages, occupation and working conditions to foreign workers, to additionally now assessing whether an employer has provided: an abuse free workplace, remained compliant with federal/provincial/territorial laws, cooperated during an inspection, and retained documentation necessary to demonstrate compliance. Furthermore, officers will expand the scope of an inspection underway should they uncover evidence of potential non-compliance.</p> <p>The Department has also increased the number of on-site inspections it conducts at employer’s premises to enhance the protection of vulnerable temporary foreign workers. Finally, the Department will undertake an</p>	<p>Increased number of on-site inspections will enable the Department to enhance the protection of vulnerable TFWs.</p> <p>Assessment of the risks and benefits of unannounced onsite visits, which, if deemed appropriate, will provide the Department with an additional option to use in cases of suspected non-compliance by an employer.</p>	April 2018	<p>Update appropriate procedures to clarify when an onsite inspection is required – April 2017</p> <p>Complete the risks and benefits assessment and, if appropriate, revise inspector guidelines and protocols and launch the implementation of new unannounced onsite inspections – April 2018</p>	Élise Boisjoly, ADM Integrity Services Branch	

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		assessment of the risks and benefits by April 2018 of conducting unannounced onsite inspections.					
R9 (para 87)	Employment and Social Development Canada should explore options to streamline and speed up its process of approving findings that identify employers as non-compliant.	<p>Agreed.</p> <p>ESDC understands the importance of finalizing findings of non-compliance in a timely manner. The Department has already undertaken a number of initiatives to improve and streamline the approval process of non-compliant cases including the evaluation of integrity business processes and practices under the TFW Program. An analysis of the current process was completed and a proposed streamlined process is being developed for implementation in June 2017. This process is expected to result in reduced overall inspection approval time and deliver better service and fairness for TFW employers and workers.</p>	More timely decisions on inspections for TFW Program employers.	June 2017	Implement new national process – June 2017	Élise Boisjoly, ADM Integrity Services Branch	
R10 (para 99)	Employment and Social Development Canada should finalize and implement its performance measurement strategy. It should conduct analyses to determine the Temporary Foreign Worker Program’s impact on the labour market.	<p>Agreed.</p> <p>ESDC completed development of its Performance Measurement Strategy (PMS) in January 2017. The PMS outlines performance metrics, targets and deadlines enabling assessment of the program’s impact on the Canadian Labour market. Data collection has begun for some measures and additional sources of information are under development. This information will be used to support continuous program review and improvement.</p> <p>While the Department carefully tracks use of the Program by employers, analysis of the economic impacts given its complexity is best done through a rigorous program evaluation. Accordingly, the</p>	Implemented Performance Management Assessment Strategy	November 2018	<p>Develop Performance Measurement Strategy – January 2017</p> <p>Performance data collection and analysis of results – June 2017 and ongoing</p> <p>Commence program evaluation – November 2018</p>	<p>Paul Thompson, Senior ADM Skills and Employment Branch</p> <p>Jacques Paquette, Senior ADM, Strategic & Service Policy Branch</p>	

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		Department's Evaluation Plan calls for the Program to be evaluated in 2018 once adequate information is available on the impact of the 2014 reforms. The evaluation will examine the anticipated benefits of the Program on different sectors of the labour market.					