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# Labour Mobility Mechanism

## Operation Guidelines USA\*

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### Introduction

In the framework of government to government relationship between Mexico and Canada, and as a result of the Labour Mobility Working Group's meeting held on April 7 and 8, 2011, under the Canada Mexico Partnership, both countries agreed to move on from the Pilot Project stage to a broader labour mobility program of Mexican workers in other provinces and work positions according to the Canadian employers' job offers.

The new stage, called "Labour Mobility Mechanism", aims to meet the increasing demand for Canada's labour force across the sectors, work positions and skill levels required under the Temporary Foreign Workers Program (TFWP), which endeavors to address the temporary shortage of labour force and skilled personnel in Canada based on employer demand. When warranted, the TFWP allows employers to hire foreign workers from any country, work position – be it of high or low qualification– for a work position that cannot be covered by Canadian citizens or permanent residents. This program is managed jointly by the Ministries of Employment and Social Development of Canada/Service Canada (ESDC/SC) and Citizenship and Immigration Canada (CIC).

The Labour Mobility Mechanism will also offer an employment option for nationals abroad, without generating imbalances in the Mexican labour market; for this the Secretariat of Labour and Social Welfare in Mexico will manage recruitment of workers requested by Canada based on a detailed analysis of supply and demand inside the country.

Among its features, the Labour Mobility Mechanism aims to provide prompt and efficient service to Mexican workers who meet the job profile to be placed in a job position in Canada under decent, safe, legal and orderly conditions.

This Labour Mobility Mechanism is regulated and coordinated by the Canadian and Mexican federal governments with the participation of the Ministries of Employment and Social Development of Canada/Service Canada and Citizenship and Immigration Canada as well as the Canadian provincial authorities within the sphere of their powers, by Mexico, the Secretariat of Foreign Affairs (SRE) and the Secretariat of Labour and Social Welfare (STPS) through the General Coordination for the National Employment Service (CGSNE).

The federal governments of Mexico and Canada, through their corresponding agencies (Canada: ESDC, CIC and the provincial authorities / Mexico: CGSNE of the STPS, SRE) will cooperate in providing use of the Mechanism for the recruitment of Mexican labour force requested by Canadian employers.

## **Main Objective**

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The main objective of the Labour Mobility Mechanism between the governments of Mexico and Canada is to ensure an orderly, legal and secure flow of temporary workers with full respect for their labour rights and equal respect as is afforded to Canadian workers that perform the same occupations, considering the complementarity of the two countries' labour markets.

## **How the Mechanism operates in Mexico**

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- The STPS will promote the Labour Mobility Mechanism to employers in Canada, including follow-up with labour contacts provided by Canada, in order to offer employers the use of the Mechanism to hire Mexican temporary workers.
- The National Employment Service, through the State Employment Offices, distributed nationwide, will be the sole authority responsible for recruitment and selection of candidates, as well as monitoring the procedures for their hiring and return, thus ensuring that the care provided to them is personal and completely free, without the involvement of intermediaries.
- Candidates interested in participating in the Labour Mobility Mechanism shall complete the steps in person and exclusively at National Employment Service offices.
- Each candidate shall submit a job application just for one vacancy and one specific occupation.
- The National Employment Service will verify that the worker meets the initial requirements and the occupational profile requested by the employer for the job position offered.
- The General Coordination for the National Employment Service is the only channel through which Canadian employers may receive nominations from the National Employment Service offices.
- Final selection of candidates to fill a vacancy shall be the exclusive responsibility of the Canadian employer.

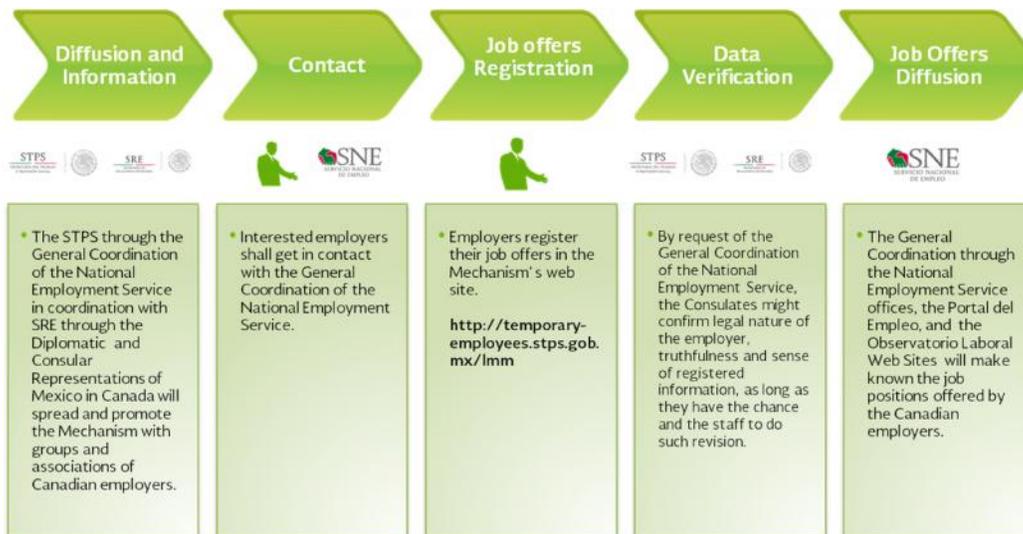
- When the employer obtains a Labour Market Impact Assessment (LMIA) from the Ministry of Employment and Social Development of Canada, he/she will send it to the General Coordination for the National Employment Service together with the employment contract or job offer, depending on the skill level. For occupations at the C and D levels of the NOC, the employer must send an employment contract; for occupations at the A and B levels of the NOC, the employer must send a job offer. Both documents should contain the working conditions (working hours, wages, taxes, deductions, social security, etc.)

<http://www5.hrsdc.gc.ca/noc/English/NOC/2011/html/Matrix.html>

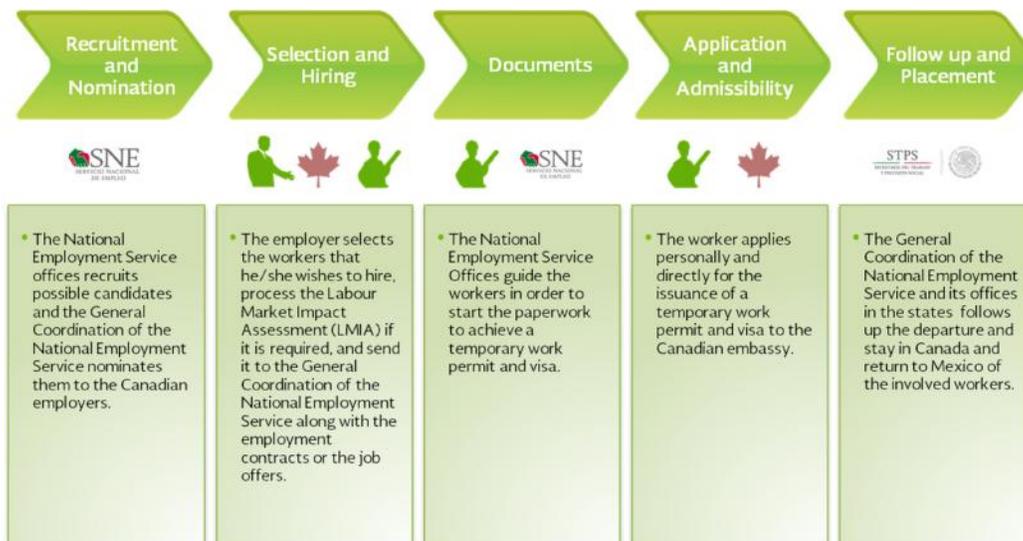
- All employment contracts will be temporary and/or seasonal and their lengths will depend on the employer's needs. Contracts can be extended for up to four years of hiring.
- Canadian employers will cover the costs associated with the application for a temporary work permit and the visa for those who have been chosen to fill a position in Canada. The employer will reimburse these expenses and provide up to 50 dollars Canadian more for administrative costs related to the application within 10 days following the arrival of the worker in Canada.
- The cost of air transportation from Mexico to the Canadian workplace and back to Mexico will be paid entirely by the employers for workers in occupations classified under the NOC as C or D level.
- In the case of occupations classified under the NOC at the A and B level, the employer will fund the cost of airfare and he/she will deduct this from the employee's wages according to the timeframe and number of payments as has been agreed upon together.
- Among other obligations, employers must register the hired workers in the social security and provincial medical coverage systems once the employee is eligible, and until such time, employers must contract private insurance that covers the employee's medical expenses during this period. Employers should also provide support in finding adequate accommodation during the employees' stay in Canada. Accommodation and living costs shall be borne by the employee, unless there is a better agreement between employer and employee. In the event that the employer provides accommodation for the worker, the latter will have the option of staying at the accommodation provided by the employer or renting housing as suits him financially at the time he considers such appropriate.
- In any situation in which the workers themselves consider it to be necessary, during their stay in Canada they may request assistance, protection or guidance from the Consular offices of Mexico in that country. Workers should not be subjected to pressure or intimidation by employers, as a result of consulting their consular representative office.

## Operating Process

### Diffusion of the program and job offers registration



### Recruitment, hiring and workers placement



## How the Mechanism Operates in Canada

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- Employers interested in hiring Mexican workers through the Labour Mobility Mechanism should contact the STPS Representative in Canada and/or the Mexican Consulates in Canada; these representatives in turn will indicate such interest to the General Coordination for the National Employment Service and/or will invite the employers to visit the Website of the Mechanism to get more information and to register their job offers

<http://temporary-employees.stps.gob.mx/lmm>

- The employers will request from the Ministry of Employment and Social Development of Canada, a Labour Market Impact Assessment under the Immigration and Refugee Protection Law and associated policies and regulations. It should be noted that Canada has different requirements for those processes depending on the occupations and skill levels in question.
- The Ministry of Employment and Social Development Canada will evaluate the job offers from the Canadian employers for the temporary foreign workers and assess possible effects on the Canadian labour market, whether positive, negative or neutral; based on this analysis, it will issue a Labour Market Impact Assessment to the employers. Approximately 50% of the applications require a Labour Market Impact Assessment although some regulated occupations are exempted under international agreements and/or due to the significant benefits they provide to the Canadian economy.
- Employers who obtain a positive Labour Market Impact Assessment will select the employees they require and send the LMIA together with the employment contract or job offer to the General Coordination for the National Employment Service of the STPS.
- Once the workers get the visa and the authorization letter for the issuance of a work permit, the employers will send by mail to the General Coordination for the National Employment Service, the worker's airline ticket (e-ticket), and if necessary the hotel reservation for an overnight stay for him/her in the event of a connecting flight involving more than 5 hours of wait time. If the employer does not collect the worker at the airport, he/she should send the bus ticket or reservation with the necessary instructions in order for the worker to be able to travel smoothly from the destination airport to the town where the workplace is located. Likewise, the employer shall provide the CGSNE with information on the person who will collect the worker at the airport or at the corresponding bus station.
- The appropriate federal, provincial or territorial authorities will deal with questions or demands from workers who feel that their employer is not complying with the labour standards.

## Operating Process

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### Contact, Hiring and Stay



\* Version: August 5<sup>th</sup>, 2015.