

ADVISORY No. 01-2014
On the Moratorium on the Temporary Foreign Worker Program
Involving the Food Services Sector in Canada

On 24 April 2014, Employment and Social Development Canada (ESDC) Minister Jason Kenney announced an immediate moratorium in the **food services** sector's access to the Temporary Foreign Worker Program (TFWP) due to reported abuses by some erring employers. The moratorium would remain in effect until the completion of the ongoing review of the TFWP.

ESDC clarified that temporary foreign workers who have been approved for a work permit by Citizenship and Immigration Canada (CIC) but have not yet arrived in Canada will not be affected. They remain eligible for a work permit at the port of entry, barring any other reason for inadmissibility to Canada.

The TFWP allows Canadian employers to hire foreign nationals to fill temporary labor and skill shortages after verification that qualified Canadian citizens or permanent residents are not available. As a result of the moratorium, the federal government suspended the issuance of Labor Market Opinions (LMO) that allowed employers to hire foreign workers in the food services industry.

Accordingly, LMOs will not be processed to the following employers:

- 1) Employers classified under the North American Industry Classification System 722 (NAICS 722) (*i.e.* "establishments primarily engaged in preparing meals, snacks and beverages, to customer order, for immediate consumption on and off the premises. This subsector does not include food service activities that occur within establishments such as hotels, civic and social associations, amusement and recreation parks, and theaters. However, leased food-service locations in facilities such as hotels, shopping malls, airports and department stores are included"); and
- 2) Employers applying for LMOs for the occupations related to specific National Occupational Classification Codes (NOC 2006), as follows:

NOC Code	NOC Title
6641	Food Counter Attendants, Kitchen Helpers and related occupations
0631	Restaurant and Food Service Managers
6212	Food Service Supervisors
6453	Food and Beverage Servers
6611	Cashiers
6241	Chefs
6242	Cooks
6252	Bakers
0611	Sales, Marketing and Advertising Managers
0621	Retail Trade Manager
0632	Accommodation Service Managers
0651	Other Service Managers
6211	Retail Trade Supervisors

6213	Executive Housekeepers
6214	Dry Cleaning and Laundry Supervisors
6215	Cleaning Supervisors
6216	Other Service Supervisors
6221	Technical Sales Specialists – Wholesale Trade
6251	Butchers, Meat Cutters and Fishmongers – Retail and Wholesale
6411	Sales Representatives – Wholesale Trade (Non-Technical)
6421	Retail Salespersons and Sales Clerks
6451	Maitres d' hotel and Hosts/Hostesses
6452	Bartenders
6484	Other Personal Service Occupations
6622	Grocery Clerks and Store Shelf Stockers
6632	Other Elemental Sales Occupations
6651	Security Guards and Related Occupations
6661	Light Duty Cleaners
6662	Specialized Cleaners
6663	Janitors, Caretakers and Building Superintendents
6681	Dry Cleaning and Laundry Occupations
6682	Ironing, Pressing and Finishing Occupations
6683	Other Elemental Service Occupations

OFWs bound for Canada are strongly advised to refer to the “Questions and Answers” on the Moratorium on the Food Services Sector’s access to the Temporary Foreign Worker Program (TFWP) published by ESDC on www.esdc.gc.ca and to consult first with their prospective employers prior to their travel to Canada.

Filipino workers who undertake a trip to Canada at this time – whether to take up employment positions as above listed on the basis of an LMO issued prior to the moratorium, or as workers returning to any of the above positions due to previously authorized leaves of absence, should be prepared to contact their employer and/or the nearest Philippine Consulate, should any question arise at their port of entry or disembarkation.

Meanwhile, Overseas Filipino Workers, whether from the Philippines or from third countries, may explore other employment options in Canada, such as the Federal Skilled Worker Program (FSWP), through the CIC website at www.cic.gc.ca

Philippine Foreign Service Posts and the Philippine Overseas Labor Offices in Canada continue to monitor the situation and stand ready to extend assistance to Filipino workers affected by the moratorium especially in emergency situations.

TFWP Emergency Hotlines

Philippine Embassy in Ottawa	- +1 613 614 2846
Philippine Consulate General in Toronto	- +1 416 922 7181
Philippine Consulate General in Vancouver	- +1 604 685 1619 / 7645
Philippine Overseas Labor Office in Toronto	- +1 416 975 8252
Philippine Overseas Labor Office in Vancouver	- +1 604 682 5770

For the information and guidance of all concerned.