

April 28, 2014

VIA E-MAIL / MAIL

The Hon. Jason Kenney, PC, MP
Minister of Employment and Social Development
Office of the Minister of ESDC
140 Promenade du Portage
Gatineau, Quebec
K1A 0J9

Dear Minister:

The moratorium on temporary foreign worker permits in the foodservice sector has created a great deal of anxiety amongst our members and their employees, including their temporary foreign workers, in regions where they have had no success hiring Canadians or permanent residents.

We are concerned about restaurant businesses having to shut down parts of their businesses, curtail their operations and hours, put expansion plans on hold and in some cases to shutter their restaurants, putting their Canadian staff out of work and negatively impacting the economy of their communities. We are prepared to work with you to restore the credibility and integrity of this program and end the suspension of LMOs in locations and situations where they are desperately needed, as soon as possible.

One immediate concern that must be addressed is the unfair advantage the suspension establishes for companies that operate foodservice businesses, where foodservice isn't the primary business, such as hotels, universities, stadiums, hospitals, etc., but compete directly with restaurants. Whether a line cook, kitchen helper, or server works in a pub on or off campus or in a restaurant located in a hotel or right next door shouldn't matter. The suspension should be applied fairly based on NOC codes alone and not industry classification 722.

There are also situations where the suspension rules are not clear:

- How does the suspension apply to existing TFWs who already have their VISAs and their renewals in process? At what stage of the renewal would they be affected, e.g. pre-LMO, post-LMO but pre-work permit? If these renewals are voided, workers, who are the breadwinners for their family, could be sent home at short notice at significant expense with little time to find replacements.

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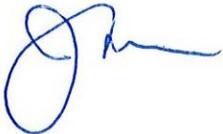
- What happens to TFWs who have a single-entry VISA who want to leave the country to visit family and friends and return to their jobs?

In addition to the concerns our members have raised about their ability to keep their businesses open, the suspension has triggered emotional turmoil among TFWs in our industry. For example one TFW saw a person coming toward her residence in uniform, and ran back terrified, thinking he was coming to take her away when it was a utility reader. We've heard of another TFW whose LMO permit is set to expire next month, who almost had a nervous breakdown.

We support your Ministry in quickly investigating complaints about the TFW program and ensuring that all users of the program meet the requirements and intent of the program as well as all other employment standards obligations. However, it is unfair to penalize the majority of restaurants that operate in complete compliance.

Again, we wish to work with you to end the fall-out and gut-wrenching consequences of this broad-stroke decision as soon as possible.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Joyce Reynolds', with a large loop at the start and a long horizontal stroke extending to the right.

Joyce Reynolds
Executive Vice President, Government Affairs