

<b>Title:</b>	<b>Employment of Canadian and Foreign Applicants</b>
<b>Category:</b>	Human Resources – Recruitment/Appointment
<b>Policy No.:</b>	D2004
<b>Replaces:</b>	4.1.1.6 – Employment of Foreign Nationals
<b>Applicability:</b>	All Employees
<b>Effective Date:</b>	December 6, 2005
<b>Source(s):</b>	Langara Council
<b>Approval:</b>	[President’s signature is on the original copy of this policy]

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## 1. PURPOSE

To establish the priority for the appointment of Canadian and foreign employment applicants and to ensure compliance with federal legislation regarding the hiring of foreign workers.

## 2. DEFINITIONS

**Canadian Applicant:** an applicant for employment who is either a Canadian citizen or has Permanent Resident status (formerly known as a Landed Immigrant).

**Canada Chile Free Trade Agreement (CCFTA):** a reciprocal agreement modelled on the NAFTA with similar rules and requirements to NAFTA and also applies to the same four categories of business persons.

**Employment Validation:** is necessary when the offer of employment to a foreign worker requires a labour market opinion by the Government of Canada. In order to determine whether to validate an offer of employment, the Government of Canada will evaluate the potential effect that hiring the foreign worker may have on the Canadian labour market. All foreign applicants require validation of their offers of employment unless they are exempt due to international agreement such as NAFTA or CCFTA.

**Foreign Applicant:** an applicant for employment who is not a Canadian citizen or a Permanent Resident.

**Guest Lecturer:** a person invited by the College to give a series of lectures that do not constitute a complete academic course and is of less than one academic term or semester.

**Guest Speaker:** a person invited by the College to perform an activity such as delivering a lecture, making a speech at a meeting, or presenting a “paper” in a seminar. More than one speech/presentation may be made provided it does not constitute a series of lectures.

**North American Free Trade Agreement (NAFTA):** is a reciprocal agreement between Canada, the United States and Mexico that facilitates the cross-border movement of business persons. NAFTA applies to four specific categories of Business persons: business visitors, professionals, intra-company transferees, and traders and investors.

**Professionals:** a category of business persons qualified in an occupation listed in the NAFTA, CCFTA or other such trade agreements. Teachers at the college level and Librarians who possess the specified education requirements and alternative credentials are examples of occupations in the Professional category.

**Work Permit:** a legal document that entitles a foreign applicant to work in Canada. Usually, it is valid only for a specified job and length of time. A Work Permit is required from the Government of Canada prior to a foreign applicant receiving an appointment to a position.

### 3. AUTHORITY

#### 3.1 Related Acts and Regulations

[Canada Chile Free Trade Agreement](#)  
[Immigration and Refugee Protection Act \(IRPA\) and Regulations](#)  
[North American Free Trade Agreement](#)

#### 3.2 Related Policies

Not applicable.

### 4. RELATIONSHIPS WITH COLLECTIVE AGREEMENTS

[B.C. Nurses' Union Collective Agreement](#)  
[Canadian Union of Public Employees, Local 15, VMECW Collective Agreement](#)  
Langara College Administrator's Association Terms of Employment  
[Langara Faculty Association Collective Agreement](#)

### 5. POLICY

5.1 Where external recruitment initiatives are required, the College will give priority to qualified Canadian applicants for appointment to temporary and permanent vacancies.

5.2 The College will hire qualified foreign applicants in accordance with the Regulations and Procedures established by the Government of Canada.

- 5.3 Where it is determined to be in the best interests of the College and/or its students, qualified foreign applicants classified as Professionals in the NAFTA and the CCFTA or other such trade agreements, may be considered for a temporary appointment simultaneously with Canadian applicants. Such determination will be made by the hiring manager, appropriate Executive Committee member and the Director, Human Resources or delegate.

## 6. GUIDELINES/STANDARDS

Citizenship and Immigration Canada. FW 1 Foreign Worker Manual. Ottawa, Ontario: 2005.

## 7. EXCEPTIONS

Not applicable.

## 8. PROCEDURES

- 8.1 Temporary and permanent vacancies will be filled by internal applicants in accordance with collective agreements or terms of employment provisions.
- 8.2 Where there are no qualified internal applicants, Human Resources will advertise the vacancies externally. The Human Resources department acting in consultation with the hiring manager will make the decisions concerning appropriate advertising media.
- 8.3 Subject to 5.3 above, selection committees will first consider qualified Canadian applicants for appointment.
- 8.4 In the event that there are no qualified Canadian applicants, the College may consider a foreign applicant for appointment. The Human Resources department will identify the appropriate acts and regulations.
- 8.5 The appointment of a qualified foreign applicant will fall into one of the following categories:
- a. An American, Mexican or Chilean citizen qualified for a temporary vacancy of less than 12 months, in an occupation in the Professional category;
  - b. A guest lecturer; or
  - c. A foreign applicant for any permanent vacancy in any occupation, or a foreign applicant for a temporary vacancy not included in (8.5a) above.

- 8.6 A qualified foreign applicant appointed to a temporary position under 8.5a or 8.5b must obtain a work permit. However, these foreign applicants are not subject to the employment validation requirements of the Government of Canada.
- 8.7 The appointment of a qualified foreign applicant to a position under 8.5c requires an employment validation by the Government of Canada.
- 8.8 A guest speaker is exempt from requiring either a work permit or an employment validation.

**9. RESPONSIBILITY**

For inquiries relating to this policy, contact the Director, Human Resources.

**10. APPENDICES**

Not applicable.