



UNIVERSITY OF MANITOBA POLICY

Policy:	HIRING NON-CANADIANS
Effective Date:	August 1987
Revised Date:	August 1993
Review Date:	
Approving Body:	Vice-President (Academic) and Provost
Authority:	
Responsible Executive Officer:	
Delegate: (If applicable)	
Contact:	Vice-President (Academic) and Provost
Application:	Academic/Support Staff

This policy is under review.

Effective October 2001, Human Resources Development Canada changed the federal policy on recruiting foreign workers. These changes include the provision that foreign applications can be considered at the same time as Canadian applicants and permanent residents; there are not longer any Tier 1 and Tier 11 advertising requirements.

The new requirements, which include giving priority to Canadians and permanent residents who meet the advertised requirements for the position, are currently provided in a letter to deans, directors and department heads from Jean Zushman, Director, Immigration Services, November 2002.

November 12, 2002

To: Dean, Directors, Department Heads

From: Mrs. Jean Zushman, Director, Immigration Services

Subject: Recruitment and Appointment – Foreign Academics (Full-Time)

This memo replaces the January 14, 2002 memo “New HRDC Policy on Advertising for Foreign Academics” and the procedures outlined in Policy 610 “Hiring non-Canadians”. The University’s policy of hiring Canadians first will remain in effect.

Effective October 22, 2001, Human Resources Development Canada (HRDC) announced a new “Policy on Advertising for Academics” which replaced all former policies on foreign academics. This policy covers all disciplines, including those previously exempt from two-tier advertising.

Universities must ensure that all conditions in the applicable collective agreements are met.

Advertising:

- Advertisements are to provide broad exposure of the vacancy to Canadians and permanent residents who would be potential candidates for the position.
- Advertisements should be as specific as possible regarding qualifications for the position (i.e. duties and responsibilities, area of expertise, education, experience, licences, etc.)
- All advertisements must include the following wording: “All qualified candidates are encouraged to apply; however Canadians and permanent residents will be given priority.”
- The medium for advertising may be by web, print, electronic, etc; however, universities must be able to demonstrate that the medium chosen is appropriate for the specific discipline/sub-discipline.
- Advertisements must be placed, where applicable, in accordance with Article 18.B.4.1 of the Collective Agreement including University Affairs and the CAUT Bulletin (both have electronic placement capabilities).
- Positions advertised outside of Canada are also to be advertised in Canada.
- Positions must be publicized for a reasonable period of time. This would normally mean a closing date for receipt of applications one-month after the advertisement appears.
- Advertisements will continue to be reviewed in the Office of the Vice-President (Academic) and Provost prior to placement.

Selection:

- Applications from foreign candidates may be reviewed simultaneously with applications from Canadians and permanent residents. All Canadians and

permanent residents who meet the minimum advertised qualifications must be in the pool from which the short list will be generated. The Search Committee must be prepared to document and justify how the short list was developed.

- Preferential consideration must be given to Canadians and permanent residents who meet the qualifications of the advertised requirements of the position and they are to be invited to participate in the selection process, i.e. interviews.

Note: Canadians and permanent residents who are found qualified are to be offered the position before it can be offered to a foreign candidate.

Canadians may be interviewed interchangeably, however it is recommended that qualified Canadians and permanent residents selected for interview be interviewed, insofar as it is practical, prior to the scheduling of foreign candidate interviews or prior to the interviews of foreign candidates.

Reporting:

- When requesting an employment confirmation, universities are required to provide HRDC specific information on the recruitment and selection process including an explanation of the reason the position is being offered to a foreign candidate, with a report on the top three Canadian or permanent resident candidates (if applicable). "Foreign Academic Recruitment Summary" form (Appendix A).
- Universities are to report annually on the total number of academics hired, including the number of foreign academics. The format for this report is being drafted by HRDC and will be forwarded to this office at a later date. We have agreed with the Regional Office of HRDC that the first University of Manitoba report is due January, 2003.
- The Government of Canada will review this policy in 2004-2005.

Recommendation for Appointment of Foreign Worker:

- Before any offer, oral or written, is extended, the Dean/Director must forward a Summary of Search form (703.1 or 703.11, as appropriate) to the Vice-President (Academic) and Provost. The package must include the following:
 - Foreign Academic Recruitment Summary (Appendix A) to be signed by the Dean/Director. Note: job description and job requirements do not need to be attached as they are expected to be reflected in the advertisement.
 - Copy of advertisement as it appeared in at least one of the chosen media.

- A separate list indicating where and when advertisements were placed.
- Curriculum vitae of the selected candidate.
- A written summary of the search process by the Chair of the Search Committee. If the recommended candidate is not a member of an under-represented group or a Canadian or permanent resident, a detailed explanation should be provided. In addition the Chair should provide the reason for the vacancy (i.e. resignation, retirement, death, new position, etc.).

Note: The curriculum vitae for each unsuccessful Canadian or permanent resident or a member of an under-represented group should not be forwarded. These may, however, be requested by the Vice-President (Academic) and Provost if the written summary submitted by the Chair of the Search Committee or the Foreign Academic Recruitment Summary form have insufficient information.

- The Dean/Director will be notified by telephone that an offer may be extended. The Foreign Academic Recruitment Summary form, the advertisement, the list of advertisement placements and the Chair's written summary will be held by the Director, Immigration Services; all other material, including the Summary of Search form will be returned to the Dean/Director.
- An offer of employment may be extended to the foreign national and a letter of offer may be sent. All letters of offer must include the wording "Please note the Board of Governor's approval is subject to the acceptance by Human Resources Development Canada and Citizenship and Immigration Canada of your entry into Canada for employment purposes."

Confirmation of Offer of Employment to Foreign National:

- When the foreign national has accepted the job offer the Dean/Director should forward a Foreign Worker Application form, Application for a Labour Market Opinion, to the Director, Immigration Services Room 208 Administration Building.
- Arranged (previously immigrant/permanent resident) requires that the process must be finalized prior to coming to Canada to work.
- The expectation is that all offers will be temporary to ensure an earlier entry into Canada to take up employment. The processing time for arranged offers varies in length from post to post, e.g., 9-18 months.
- Faculties and Departments can access the two new HRDC forms on the Vice-President (Academic) website:
www.umanitoba.ca/admin/vp_academic/forms.html#recruitment

- The temporary or arranged form, the Foreign Academic Recruitment Summary form and a copy of the advertisement will be forwarded by the Director, Immigration Services to Human Resources Development Canada. In the case of physician recruitment the form is routed through Manitoba Health.
- Human Resources Development Canada, normally within 15 working days, will send the Confirmation of Offer of Employment letter to the Canadian Consulate, Embassy or High Commission where the foreign academic's application will be processed. In the case of physicians, Manitoba Health will forward the form to Human Resources Development Canada following confirmation from the College of Physicians and Surgeons of Manitoba that the physician is approved for registration.
- A copy of the Confirmation of Offer of Employment letter will also be sent to the Director, Immigration Services who will forward the letter immediately to the Dean's/Director's Office for distribution. The Dean/Director should ensure that a copy is sent to the foreign academic to include with her/his application form to the Immigration processing centre noted in the Confirmation of Offer of Employment letter.

Spousal Work Permits:

- Spouse definition has been expanded to include common-law and same-sex couples. Definition: an individual who is cohabiting with a person in a conjugal relationship, having so cohabited for a period of at least one year. This also includes a partner where the minimum cohabitation period could not be met due to "persecution or any form of penal control".
- A spouse, as defined above, may be issued an open/unrestricted or open/occupation restricted work permit without first having their job offers confirmed by HRDC. The work permit will be granted for a period that ends no later than the work permit of the principal foreign worker, or duration of employment for the principal worker which must be of at least six month's duration. Please note that certain occupations may require medical clearance.

If you have any questions or concerns regarding the above changes, please do not hesitate to contact me for assistance. I may be reached by telephone 474-8399; fax 275-1160 or e-mail: pam_trupish@umanitoba.ca