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—
Chair

The Honourable Shawn Murphy

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• (0905)

[English]

The Vice-Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)): I call this meeting to order.

Prior to introducing our guests and moving on to the meeting, a last-minute request came in to video-record this meeting today. If there is no objection, the meeting can be recorded through the House broadcasting service. We have to suspend for a moment to set it up.

There are no objections. Thank you. The meeting will suspend for a couple of minutes while we proceed.

Mr. Terence Young (Oakville, CPC): Is that because you are in the chair?

The Vice-Chair (Mr. Daryl Kramp): I can assure you it's not because I'm in the chair.

Actually, the chair has some difficulties with last-minute notices on issues such as this. Perhaps after this meeting we can take five minutes to discuss this, because I think it is important to this committee for future deliberations.

• _____ (Pause) _____
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The Vice-Chair (Mr. Daryl Kramp): Good morning to all, and welcome to the meeting of the Standing Committee on Public Accounts. Pursuant to Standing Order 108(3)(g), our order of reference today is chapter 2, "Selecting Foreign Workers Under the Immigration Program", of the fall 2009 report of the Auditor General of Canada.

Our witnesses today are Sheila Fraser, the Auditor General; Richard Flageole, Assistant Auditor General; Suzanne Therrien, principal; Janice Charette, deputy minister, from HRSD; Andrew Kenyon, director general, temporary foreign workers directorate; Neil Yeates, deputy minister, Citizenship and Immigration; Les Linklater, assistant deputy minister, Citizenship and Immigration; and Claudette Deschênes, assistant deputy minister operations.

Prior to hearing prepared statements from our witnesses, I would like to draw the attention of the committee to a retirement from the Auditor General's office. We had one last week. Sincere thanks and gratitude for a number of years in service were expressed. Today I've been advised that Richard Flageole will be leaving and going off into the land of happy, blissful retirement status. I'm sure he will be otherwise occupied, with his energy and ambitions, as of Monday, after 35 years with the office. It's a tremendous accomplishment.

I've been told that his first hearing was on immigration. Here we are today, 35 years later, and we are still on immigration, albeit with some different timely results, I am sure, but always with investigation and contributions made by all. So let's give a wonderful reception and expression of gratitude to Richard.

[Applause]

The Vice-Chair (Mr. Daryl Kramp): Now I will call on our witnesses, starting with Sheila Fraser, the Auditor General.

Your opening statement, please.

Ms. Sheila Fraser (Auditor General of Canada, Office of the Auditor General of Canada): Thank you, Mr. Chair.

[Translation]

Thank you for this opportunity to discuss our chapter on selecting foreign workers under the immigration program. As you mentioned, joining me at the table are Richard Flageole, Assistant Auditor General, and Suzanne Therrien, Principal, who were responsible for the audit.

Canada has an ongoing need for permanent and temporary workers with various skills, and it must compete with other countries to attract them. It is critical that the government's programs for facilitating the entry of these workers be designed and delivered to meet the needs of the Canadian labour market.

I should note that the work for this audit was completed in June 2009. We are consequently not in a position to comment on actions taken since then.

[English]

We found that Citizenship and Immigration Canada made a number of key decisions without first properly assessing the costs and benefits, risks, and potential impact of these decisions on its programs and delivery mechanisms. Some of these decisions have caused a significant shift in the types of workers being admitted to Canada. We saw little evidence that this shift was part of any well-defined strategy to best meet the needs of the Canadian labour market. CIC needs to evaluate the performance of its current programs and develop a clear vision of what each one of these is expected to contribute.

Our audit found that the inventory of applications in the federal skilled worker category had almost doubled since 2000. In December 2008, more than 620,000 people had been waiting an average of 63 months for a decision on whether they would be granted permanent residency. Measures introduced through ministerial instructions in 2008 to limit the number of new applications—for example, processing only those that meet new, more narrowly defined criteria—were not based on sufficient analysis of their potential effects. While it was still too early to assess the full impact of these measures, trends in the number of new applications received between January and June 2009 indicated that the measures might not have the desired effect.

In addition, the department's ability to reduce the inventory of old applications received prior to the introduction of new ministerial instructions, also known as the backlog, could be significantly impaired. At the time of our audit, CIC was unable to determine when this backlog would likely be eliminated or define what would be a reasonable timeframe in which to do so. Their latest estimate in 2008 indicated that the backlog might not be eliminated for another eight to 25 years. The committee may wish to ask the department what the current situation is in that regard.

In June 2009, the overall inventory, including both old and new applications, still totalled approximately 594,000. This represented a decrease of 6.5% in the overall inventory since the introduction of the ministerial instructions.

• (0910)

[Translation]

Our chapter also identified serious problems in the design and delivery of the Temporary Foreign Worker Program that is co-managed by GIC and Human Resources and Skills Development Canada. For example, there was no systematic review to ensure that offers are genuine. Work permits could therefore be issued for jobs or employers that do not exist.

Furthermore, we found that there was no systematic follow-up by either CIC or HRSDC to verify that employers in Canada are complying with the terms and conditions, such as wages and accommodations, under which work permits are issued. This creates risks to program integrity and could leave many foreign workers, such as live-in caregivers and lower-skilled temporary foreign workers, in a vulnerable position.

Despite a commitment to do so following our April 2000 report, CIC had not yet implemented a quality assurance framework to obtain assurance that decisions made by its visa officers are fair and consistent.

Finally, we noted that both departments implemented programs to facilitate the recognition of foreign credentials. At the end of our audit the federal government was working with provinces and territories to develop a pan-Canadian framework for foreign qualification assessment and recognition.

[English]

Mr. Chair, we are pleased to report that CIC and HRSDC have agreed with our recommendations. They shared their action plans with us and we believe they addressed the issues raised in this chapter. The committee may wish to have both departments report on

their progress and results achieved in implementing these plans, in particular regarding the completion by CIC of a visioning exercise with provinces and territories for foreign worker programs; the management by CIC of the inventory of applications, both old and new; and of the related processing times and changes made or planned to the design and delivery of the temporary foreign worker program.

Mr. Chair, this concludes our opening remarks. We would be pleased to answer any questions that committee members may have.

Thank you.

The Vice-Chair (Mr. Daryl Kramp): Thank you, Madam Fraser.

We will now hear from our second witness today, from the Department of Citizenship and Immigration, Mr. Neil Yeates, deputy minister.

• (0915)

[Translation]

Mr. Neil Yeates (Deputy Minister, Department of Citizenship and Immigration): Good morning, Mr. Chairman and thank you, Madam and gentlemen. My name is Neil Yeates, and I am Deputy Minister of Citizenship and Immigration Canada. I am joined by Les Linklater, Assistant Deputy Minister of Strategic Policy and Programs, and Claudette Deschênes, Assistant Deputy Minister of Operations, at CIC.

I would like to thank the committee for inviting me to speak. Today I will focus my brief remarks on Chapter 2 of the Auditor General's report, and afterwards, we will be happy to answer your questions.

[English]

First of all, CIC agrees with the Auditor General's recommendations related to the selection of foreign workers. In recent years my department has taken a number of positive steps to facilitate the timely arrival and fair employment of foreign workers to meet Canada's labour market needs. For example, we have increased the admission ranges for immigrants nominated by the provinces and territories so that the benefits of immigration can be distributed all across the country. The Canadian experience class helps people with recognized skills in Canada who are integrating, along with helping skilled temporary workers and international students to stay here permanently.

[Translation]

Changes to the Live-in Caregiver Program will now make it easier for live-in caregivers to obtain permanent residence, by making the program more flexible for them and helping to protect their rights.

And finally, the new authority for the minister to issue instructions provides a flexible tool to prioritize those applications that best support the government's goals for immigration.

[English]

In the few minutes I have left, I would just like to highlight some of our progress to date, in response to some of the Auditor General's specific recommendations.

Since we issued our "Action Plan for Faster Immigration: Ministerial Instructions" in November 2008, the backlog of federal skilled workers, those who applied before the legislative changes took effect on February 27, 2008, has been significantly reduced. It now stands at fewer than 400 persons, a reduction of almost 40% from its peak of 641,000. Including the applications we received since the changes took effect, the number of applicants awaiting a decision has been reduced by 18%. Of the final decisions rendered since the instructions took effect in November 2008, 80% have been completed in an average of seven months. This is compared to wait times of up to six years before the changes.

The first set of instructions limited skilled worker applications to 38 occupations and allowed us to make progress in managing applications. But we have still received significantly more applications than we can process or accept under the levels planned. So we are consulting broadly with stakeholders, provinces and territories, and the public to ensure instructions remain responsive to our economic needs but also help us to manage the flow of applications. An evaluation of the federal skilled worker program is now under way and a national evaluation of the provincial nomination program will begin this fiscal year. Taken together, these initiatives will lead to the development of an immigration road map over the next two years.

Recently proposed regulatory amendments to the temporary foreign worker program will clarify the roles of my department and Human Resources and Skills Development Canada and will establish specific criteria to guide the assessment of the genuineness of an employer's offer of employment to a temporary foreign worker. These changes will establish consequences for employers who fail to meet their commitments to workers and grant the government more authority to review the actions of employers and third parties acting on their behalf.

[Translation]

And finally, this summer we will start rolling out Release 2 of the Global Case Management System internationally. We have been using GCMS internally since 2004 to process applications for Canadian citizenship. It is already helping us to detect and prevent fraud. GCMS is a fundamental component of our service innovation agenda, and it lays the foundation for future improvements. These are just some of the ways we are working to address the Auditor General's concerns in a timely fashion.

We are ready for your questions now.

[English]

The Vice-Chair (Mr. Daryl Kramp): Thank you, Mr. Yeates.

We'll now go to our last presentation, from the Human Resources and Skills Development deputy minister, Ms. Janice Charette.

Ms. Janice Charette (Deputy Minister, Department of Human Resources and Skills Development): Good morning, and thank you, Mr. Chair and committee members.

As the chair said, my name is Janice Charette. I'm the Deputy Minister of Human Resources and Skills Development Canada. I'm joined this morning by Andrew Kenyon, who is the director general of our temporary foreign workers directorate.

I'm pleased to be here today to speak to you about HRSDC's current and planned activities to respond to the recent audit of one element of the immigration program, the temporary foreign worker program, for which my department has certain responsibilities.

● (0920)

[Translation]

I will focus my remarks on HRSDC's responsibilities regarding the Temporary Foreign Worker Program, and I would be happy to respond to questions. This gives me the opportunity to clarify HRSDC's role with respect to the Temporary Foreign Worker Program.

[English]

The authority for the temporary foreign worker program is derived from the Immigration and Refugee Protection Act and its associated regulations. The program is jointly managed by HRSDC and CIC. In terms of foreign workers, generally speaking, you could say that while CIC deals with the workers, HRSDC deals with the employer side.

Let's start with an employer who has identified the need to hire foreign workers. An employer would start the process by applying to HRSDC, largely through one of our Service Canada offices, for a labour market opinion. This is necessary before they can hire a foreign worker or get pre-approved to hire a large number of foreign workers. This labour market opinion, or LMO, is an assessment of the potential impact of hiring a foreign worker on the Canadian labour market. To ensure that LMOs reflect current labour market conditions, HRSDC implemented a policy requiring that an LMO be used to support a work permit application within six months of its issuance, after which it is no longer valid.

When assessing an application for an LMO, HRSDC and Service Canada consider whether the wages and working conditions are comparable to those offered to Canadians working in the occupation; the employer has made reasonable efforts to hire or train Canadians for the job; the foreign worker is filling a labour shortage; the employment of the foreign worker will directly create new job opportunities or help retain jobs for Canadians; the foreign worker will transfer new skills and knowledge to Canadians; and the hiring of the foreign worker will not involve a labour dispute or the employment of any Canadian worker involved in such a dispute.

[Translation]

Why does HRSDC have this responsibility? We're the labour market department. We have a network that allows us to monitor the local labour markets across the country. We welcomed the Auditor General's report and recommendations, and we are in agreement with the audit findings. In fact, the Auditor General's recommendations align favourably with our plans for the program's overall direction in the medium and longer terms.

[English]

As you'll recall, the Auditor General had four recommendations specific to HRSDC's responsibilities within the temporary foreign worker program: that the program be evaluated according to schedule; that HRSDC should provide a clear direction and tools to officers engaged in issuing labour market opinions and implement a quality assurance framework; that HRSDC and CIC clarify roles and responsibilities with respect to assessing employer genuineness; and that HRSDC and CIC implement mechanisms to enhance program integrity and work protections.

[Translation]

We continue to work on many fronts to address the Auditor General's recommendations. I would like to describe to you some of this important work, which is underway now. As recommended by the Auditor General, we continue to develop clearer directives, tools and resources to help our field officers issue labour market opinions. We are also moving forward on a quality assurance framework to improve the consistency of decision-making across Canada.

[English]

In addition, as my colleague mentioned, we're working with CIC to finalize a set of proposed amendments to the immigration and refugee protection regulations and to coordinate implementation plans in order to clarify departments' respective roles and responsibilities in assessing the genuineness of employers and job offers.

We've also signed an information-sharing agreement with CIC. This agreement will allow us to strengthen program integrity and facilitate HRSDC's compliance work by better tracking the flows of foreign workers to Canada and following up with employers to assess their compliance within program requirements.

Finally, we're undertaking a range of activities to enhance program integrity. For example, in early 2009, we introduced policies to limit the validity of labour market opinions to six months to help ensure that the flow of temporary foreign workers to Canada more closely reflects current labour market conditions.

In April 2009, we implemented a policy to revoke confirmed labour market opinions when new information comes to light that would have resulted in a negative decision.

HRSDC has launched a new initiative to assess employers' compliance with the requirements of the program and the conditions set out in the labour market opinion. We're asking employers to provide documentary evidence that they paid agreed wages and provided appropriate working conditions to foreign workers. Where non-compliance is evident and corrective action is not taken,

employers will be issued a negative labour market opinion, preventing them from hiring foreign workers.

We've piloted this approach in British Columbia and Alberta and have concluded 250 reviews; 93% were found to be compliant, with only 11 employers unable or unwilling to take corrective action. Should they apply for a labour market opinion in the future, their past compliance records will result in a negative labour market opinion.

We've also signed information-sharing agreements with British Columbia, Alberta, and Manitoba. Negotiations to reach similar agreements with Saskatchewan—soon be signed—Ontario, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador are expected to conclude later this year. These agreements allow us to share information on employer violations of labour standards and information about labour market opinion applications submitted through Service Canada. These agreements are vital in helping us to improve program integrity and address instances of worker abuse or mistreatment.

● (0925)

[Translation]

We will continue to pursue other activities, over the coming months, aimed at ensuring the overall integrity of the Temporary Foreign Worker Program.

I welcome your views and questions on the Departmental Action Plan, and how HRSDC is responding to the Auditor General's recommendations in order to strengthen program integrity and worker protections. Thank you.

[English]

The Vice-Chair (Mr. Daryl Kramp): I thank all of our witnesses for their comments today.

As we turn to our members for questioning, I fully imagine that there's not a member here or in the House who isn't impacted to some degree by this issue. So I expect there will be some spirited questions.

We will start with Mr. Derek Lee, representing the opposition, for seven minutes, please.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Thank you, Mr. Chair.

Of course, as MPs we are all familiar with immigration matters. We all run immigration offices out of our constituency offices. My shop deals about 80% with immigration, and it's pretty similar in most of the urban areas.

I want to go right to HRSDC. I appreciate your earlier remarks, but I want to focus on the genuineness of job offers. My colleagues and I know there are a lot of fake jobs out there. So I want to know what HRSDC is doing—because the Auditor General has spotted this—not to deal with deficiencies in employment standards, but the actual genuineness of the job offer itself. What are you doing to assure some consistency, quality, or genuineness of those job offers?

Ms. Janice Charette: Thank you, Mr. Lee.

I'll speak about two particular initiatives. Following a pilot initiative, we implemented our monitoring initiative where we work with employers to do the follow-up to ensure that they comply with all of the conditions associated with the issuance of a labour market opinion and live up to the commitments they have made.

We piloted that monitoring initiative in British Columbia, Alberta, and Manitoba in 2008, and we rolled it out across the country in April 2009. We've done about 250 or so of these employer compliance reviews. In a number of cases we identified where there were weaknesses and worked with employers. In about 57 cases we worked with employers once we identified shortcomings, and they addressed the concerns we had.

Mr. Derek Lee: In these cases, you find the employer. I'm talking about the fakes.

Ms. Janice Charette: The employer compliance reviews will actually get at finding that there isn't in fact a genuine job offer.

That takes me to the second part of our initiative. I think both Mr. Yeates and I mentioned that our departments have been working together on a series of regulatory amendments. They were pre-published, and we received a significant amount of stakeholder input, which we're now in the process of looking through. They were pre-published in December, and that pre-publication period is now over. We're looking at all of the input.

The objective of these regulations is to clarify the factors that will allow us to assess the genuineness of the job offer. As part of these new regulatory authorities, we'll be able to, for example, publish the names of employers who are not living up to the conditions. That information would be available to individuals who are seeking employment in this country. The names would actually be published.

• (0930)

Mr. Derek Lee: Does the fact that you hope to put in a regulatory framework that will allow you to assess genuineness mean that you're not in a position to assess genuineness now?

Ms. Janice Charette: It will strengthen and clarify our capacity to assess the genuineness of the job offers. As I said, we've already taken steps to do this, and this will further strengthen our authority.

Mr. Derek Lee: Do you have any management statistics on how many fake jobs you currently find out there?

Ms. Janice Charette: As I said, in the employer compliance reviews we've done, we have found that 11 employers were not compliant. I don't have the statistics with me on the exact nature of the non-compliance. I'd be happy to get back to the committee.

Mr. Derek Lee: I think the Auditor General is kind of hoping that you'll be able to make an assessment of this stuff over time. I hope the new system will do that. Good luck with that; it's important.

Now I want to turn to the immigration side and the selection of skilled workers. The Auditor General has spotted a lack of a clear, functional, effective rationale in the implementation of the selection criteria and in the bringing in of new skilled workers.

I forgive the whole system. Going back over the years, it was simply a category and people applied and lined up. Suddenly, there are 300,000, 400,000, and 500,000 people lined up as skilled workers.

Would you agree that if it takes three, four, or five years for a skilled worker to get here, it won't satisfy the labour market here? It's too late. If we need bricklayers in year one, allowing somebody to come five years later doesn't satisfy that need. Would you agree with that?

Mr. Neil Yeates: In a general way, yes. We are concerned about the length of the processing times. There is, of course, the option of having temporary foreign workers fill a very immediate need, and there are also the provincial nominee programs the Auditor General noted....

Mr. Derek Lee: Yes, sir, the provincial nominee program was good. It got you off the hook. It allowed for a fast-track process for skilled workers. That's great, and that was one of the objectives of it. But lying behind that is still the lack of a mechanism, which the Auditor General has spotted. Other than the temporary foreign worker program or the provincial nominee program, we don't have built into the system now an ability to get workers here when we need them.

Can you indicate whether you have something in the works that will allow us to do that?

Mr. Neil Yeates: Certainly. As the member would know, Mr. Chair, we did implement the first set of ministerial instructions with a view to having a more focused and targeted approach to the selection of foreign workers. We're currently working on developing a second set of ministerial instructions. We're consulting now with the public, stakeholders, and the provinces and territories, because as we have found, we still have a large number of applications in those 38 categories. The more we have to process, the longer it takes.

We're looking to come up with a revised set of instructions over this spring, and that will help us to really focus our efforts going forward.

Mr. Derek Lee: You will do it in a way that will satisfy the Auditor General. It will be something rational, something that works.

Mr. Neil Yeates: Well, one always hesitates to judge satisfying the Auditor General. She will decide that herself.

Mr. Derek Lee: We're looking at management and at a process. She looks at the whole system. We're not the immigration committee. She would be looking at a system that appears to work and has a rationale and has results you can measure.

I hope we're not just going to end up where we've been for the last 25 years, throwing Jell-o at the wall, and having great big lineups that don't meet the needs of the job market.

Mr. Neil Yeates: We are very much taken with the importance of making sure that we effectively align the intake with job market needs. As you say—we would agree—that needs to be done in a timely way. So that is the system we're trying to get to. We have a significant backlog to deal with in the meantime, so we have to balance these two things.

The Vice-Chair (Mr. Daryl Kramp): Thank you, Mr. Yeates.

Now, Madam Faillie, seven minutes, please.

[Translation]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Thank you, Mr. Chairman.

Thank you for being here with the committee today. As you are no doubt aware, in a previous session, I sat on the Standing Committee on Citizenship and Immigration. I was always concerned about the department's statistics and the information given to your partners.

Until quite recently—and even last week—the available information that your partners use dated back a number of months. I file an access to information request and received a response. That response tells me that your outside clients, that is to say the partners you consult—as it says here that you conducted a broad consultation—work on the basis of information that dates back one year. They never have the most recent figures.

Can you explain to us why your partners are treated this way? You talk about an alignment between the needs expressed by your partners, and yet the information they receive from the department is always one year old?

• (0935)

Mr. Neil Yeates: Mr. Chairman, I can start to answer that.

[English]

We've started in CIC a process of releasing data quarterly to make it public. The first quarter for this year will be going out I believe next week. We're putting all of that information onto our website every three months. That's something we've just started. We agree that information needs to be available on a timely basis.

[Translation]

Ms. Meili Faille: That doesn't seem to be the criticism made. I'm talking here about a memo signed by Elizabeth Ruddick. It was sent to all departmental officials including yourself. At the very end, the memo states that, for all exceptions, that is to say distribution, posting of a portion of the 2008 figures, the minister's approval must be obtained before the figures are distributed.

Why don't you give your partners, the provinces, the most recent information?

The provinces can't work with what's on your website. You're asking your partners to consult the website and work with figures that are not up to date.

Mr. Les Linklater (Assistant Deputy Minister, Strategic and Program Policy, Department of Citizenship and Immigration): Mr. Chairman, with your permission, I'll answer.

We have agreements with the provinces and territories for the exchange of information between them and CIC. Every three months, we exchange data with the provinces and territories.

With regard to the distribution of overall statistics on our website, as the deputy minister just mentioned, we recently received the minister's approval to develop a new system through which, every three months, we'll be posting up-to-date preliminary statistics for the previous three months.

[English]

So in this way we hope to be able to be more forthcoming in terms of having recent information on the website that will date for the most recent quarter. I believe the Privacy Commissioner is aware of this, and the Information Commissioner, and feel that this is an appropriate move.

[Translation]

Ms. Meili Faille: In the past, it has helped the Standing Committee on Citizenship and Immigration to know where the department was headed in terms of program management and analysis. In advance, we obtained a document, a follow-up table, in which we found the targets and backlogs by overseas office.

Would it be possible for you to provide us with that information? That would give us an overview of how the program is being applied at the various overseas offices and of the resources allocated to them. It would be a good idea to have an overview. The document exists—I was one of the analysts who developed it. I would like to get a copy of it. Is that fine with you? Yes?

[English]

Mr. Neil Yeates: I'm told that yes is the short answer to that.

[Translation]

Ms. Meili Faille: It's because if you nod your head, it doesn't appear in the blues. Thank you.

Immigration candidates are entitled to know how long it will take before their applications are processed. At our offices, we often receive complaints to the effect that they don't know how much time it will take. People are referred to your site.

We know the processing times for applications filed before February 2008 and those for applications filed after 2008. What alternative solutions do you propose for the applications processed before February 2008? If I look at your statistics, it will take nearly five years to process 80% of the cases submitted before February 27. Have you assessed the possibility of refunding the money that applicants have submitted and, if so, when?

• (0940)

[English]

Mr. Neil Yeates: Actually, we would like to make our way through the backlog as quickly as possible. We are sensitive to the time people are spending waiting. We are concerned about that.

At various times we have asked if people wanted to maintain their application or simply to receive a refund. Interestingly, most people do want to maintain their application, so we have to continue with the processing—but we do make that offer to them.

We have made good progress in the past 12 months. As I mentioned in my opening remarks, that backlog has been reduced by nearly 40%. So we'll see.

In the future it really will depend on getting out a new set of ministerial instructions and then how we balance these two things, the new applications versus the ones in the backlog. That's what we're working on now and what we're talking about to provinces, territories, and stakeholders.

[Translation]

Ms. Meili Faille: You seem to know where your backlogs stand, so can you give the committee those statistics as well? What is your strategy for the applications received before 2008? We know that those filed since 2008 are being processed quickly.

I have one final question. You state in your action plan that implementation of the computerized management system will stop during the year. Can you give us some details on that?

[English]

The Vice-Chair (Mr. Daryl Kramp): A brief response, please.

Mr. Neil Yeates: Yes, I can start off, Chair.

We are implementing a new case management system this spring. It's a system that's long been in gestation, so we're very pleased that it is finally moving forward. It's called the global case management system.

We have great expectations that it's going to allow us to manage much better our caseload around the world because it will allow cases to be processed from any office using this single system. So it's going to provide a platform for us, as I say, for workload sharing and more rapid processing. Offices and missions around the world deal with seasonal peaks and valleys in their work. In a paper-based system, it's not that easy to shift work around, but this new system will allow that to be done online, which is a huge step forward for us.

The Vice-Chair (Mr. Daryl Kramp): Thank you.

Now to Mr. Christopherson, please, for seven minutes.

Mr. David Christopherson (Hamilton Centre, NDP): Thank you very much, Chair, and thank you all for your attendance today.

And, Mr. Flageole, congratulations on reaching the finish line. You certainly have been a prime example of the professionalism that comes out of the Auditor General's office. I'm getting worried. We haven't even got to the AG yet and we're losing all these great people. I hope there's a lot of concentrated effort to scouring the planet, trying to find somebody who can replace you and everyone else who's leaving this crucial department. I wish you the best of luck, Richard, and thank you for your contribution to our work and to the betterment of making this a better place to live. Thank you so much.

I want to move now to Mr. Yeates' opening comments. If I can, on page one, you said "It"—meaning the backlog—"now stands at less than 400,000 persons, a reduction of almost 40 percent from its peak of 641,000." I would point out this still leaves you about where we were ten years ago; it was over 300,000; we're around that now, so it's good we're getting there, but your big achievement is we're now only ten years behind. To continue the quote:

Including the applications we received since the changes took effect, the number of applicants awaiting a decision is down 18 percent. Of the final decisions rendered since the Instructions took effect in November 2008, 80 percent have been completed in an average of seven months. This is compared to wait times of up to six years before the changes.

So one would be led to believe that once the instructions came along, things got significantly better. However, the Auditor General, in her statement this morning said:

In December 2008, more than 620,000 people had been waiting an average of 63 months for a decision on whether they would be granted permanent residency or not. Measures introduced through ministerial instructions in 2008 to limit the number of new applications—for example, processing only those that meet new or narrowly defined criteria—were not based on sufficient analysis of their potential effects.

These are the wonderful instructions that you're bragging about.

While it was too early to assess the full impact of these measures, trends in the number of new applications received between January and June 2009 indicated that the measures might not have the desired effect.

First of all, Auditor General, would you again explain, in other words, what your concern is about this? And then obviously, Deputy, I'm going to ask you to respond.

● (0945)

Ms. Sheila Fraser: Thank you, Chair.

Obviously, the department put in these ministerial instructions to try to limit the numbers of categories and so reduce the number of applications to be able to process them more quickly. The initial indications we saw were that there was not as significant a reduction in the number of applications as might have been expected, so there was a possibility that... We talk about the backlog being pre-ministerial, but there is a possibility there will be a second backlog, because when you start with a new system, you can process the first application in a week. If we're already at seven months—and it would seem from the deputy's statement that a backlog is starting in the new system as well—the committee might want to ask how many applications have been received and how many have been processed and what the backlog is in the new system. I think that is what we were trying to get at; we didn't have a lot of time to show that, but that was our worry.

Mr. David Christopherson: Okay, Mr. Yeates, consider yourself having been asked those three questions.

Mr. Neil Yeates: Thank you very much, Chair.

It was evident, and I think the Auditor General agrees with this, that we needed some mechanism to limit the intake of applications. Canada is a very popular destination for immigrants. Members may have seen the Gallup poll in the fall that indicated that, given the choice, some 45 million people around the world would like to move to Canada. It was the second most popular destination after the U.S. We don't have a shortage of people who want to come here. Our issue is how we manage that flow, and we need a system to do that.

I think we feel this first attempt at ministerial instruction, trying to limit the number of occupations we would accept, was a start, arguably imperfect, often as these first attempts are, but we definitely feel this is the right way to go. From here we've got two challenges, I think: further refining these instructions to give us a more targeted set of occupations than we had in the first 38. Our experience to date, that some of the particular occupations that were identified have proven to be very popular and likely more than we need to take in, in terms of the labour market assessment—

Mr. David Christopherson: I don't want to be rude, sir, but could you get to the specific questions, please?

Mr. Neil Yeates: Yes. So what that leads us to is then refining a second set of instructions and at the same time tackling the backlog. For the inventory we have of new applications, we are processing those, about 80% of them in seven months. Our target had been six to 12 months, so we think we basically are on track there. We are ahead of schedule in terms of what we had thought we would be able to do in terms of dealing with the pre-instruction, the backlog.

Mr. David Christopherson: Can you give us those numbers, though? That's what we're looking for, those numbers.

Mr. Neil Yeates: Yes. Rough numbers: we had about 641,000 applications in the pre-instruction backlog. We're down to 400,000 now. That's quite a bit more than we had thought.

Then in terms of the new intake, we're at about, as of the end of December last year, 129,000 new applications.

Mr. David Christopherson: Auditor General, what are your thoughts on the implications of those numbers, now that we've heard them?

Ms. Sheila Fraser: I think there's an issue about the processing time for the new applications, because as there are more and more applications, the length of time is going to expand. When you start from zero, your processing time can be quite quick.

I think the issue is how narrowly to define. There probably has to be additional refinement—which is what I think the deputy minister is referring to—in those job categories, to limit them even further. We would hope that this time there would be more analysis to support that narrowing.

● (0950)

Mr. David Christopherson: So we need more analysis, and it needs to be timely. We cannot wait too long.

Ms. Sheila Fraser: Absolutely.

The Vice-Chair (Mr. Daryl Kramp): Thank you, Mr. Christopherson and Madam Fraser.

Now Mr. Saxton, please, for seven minutes.

Mr. Andrew Saxton (North Vancouver, CPC): Thank you, Mr. Chair.

First, on behalf of the government, I'd also like to thank Mr. Flageole for his many years of service, and I wish him many years of happiness in retirement as well. Thank you.

My first set of questions will be directed towards Mr. Yeates—or his colleagues, to give him a break. First, I note that the backlog of the federal skilled workers has been reduced, as my colleague mentioned earlier, from 641,000 to 400,000. This is a 40% reduction, and that's not insignificant. I'd like to find out how you accomplished that, please.

Mr. Neil Yeates: Basically the short answer, I think, Member, is by a lot of hard work from the missions overseas and here in Canada.

We have set up a centralized intake office in Sydney, Cape Breton, to try to have a more efficient process for the first level of determination of the applicability for the new instructions. Our sense so far is that that's working well. They come into Sydney and then are sent out to missions around the world for further processing if they meet the criteria. That's on the new applications.

On the old, we've continued to process those as quickly as we can. Essentially, it has just been a lot of, as I say, discipline and hard work, churning through all of these cases. We did meet our level plan target for 2009. We were pleased to do that because it was a year with various challenges around the world in trying to meet those targets.

We feel we're reasonably on track. We certainly feel the weight of trying to get rid of that backlog as quickly as possible.

Mr. Andrew Saxton: Thank you.

You still receive more applications than you can process. Can you explain to us how you're going to be dealing with this going forward?

Mr. Neil Yeates: Yes. Perhaps I can just pick up on what the Auditor General has said.

The number of new applications that we have received under the ministerial instructions is somewhat higher than we expected. Of course, as I said, many people are looking to come to Canada, so they look for ways to fit their applications into whatever categories we propose. That's just the reality of the immigration business.

We will be looking in the future, with a second set of instructions late this spring, to how we can further moderate that supply. That's the discussion we're having now with the provinces and territories and others, because it really needs to be tied to labour market demand.

The first set of instructions was issued just before the recession in 2008. The work that had been done was during 2008, and of course now the economic situation is quite different. We're emerging from that recession. So to what extent are those occupations still in demand? We've been working with HRSDC, using what's called the Canadian occupational projection system—COPS, for short—that looks at all of these different occupations and over a five-year period which ones we're expected to be in need of over that period of time.

So we're doing that kind of analysis, which we think is a reasonably robust kind of analysis, as much as it can be. This kind of work is never perfect. There are many variables and factors out there. Trying to predict specific occupations is challenging. There are many different factors, but we are basing it on the best analysis that we have available. We have shared that with provinces and territories and are seeking their input into what they see as their specific provincial labour market demand relative to the occupational categories.

Mr. Andrew Saxton: Thank you.

Is there an optimum level for a backlog? Is it zero, or what level do you think is optimum? Is the wait time perhaps another issue?

Mr. Neil Yeates: We think it's optimum that people be processed within less than a year. Given everything that's involved, we think it's what we should be aiming for. If you can excuse our somewhat arcane language, we would prefer to have no backlog and only a working inventory of cases. It's what we would prefer.

We really need to moderate the supply of applications we have to give us a six- to 12-month working inventory. It's essentially what we have now with the new applications. We are keeping up with it, but there's going to be a trade-off in terms of how much work effort we can put towards the backlog versus the new inventory.

• (0955)

Mr. Andrew Saxton: Thank you.

Can you please discuss your visionary exercises with the provinces and territories?

Mr. Neil Yeates: Yes. We picked up on the advice and recommendations made by the Auditor General's office to work with the provinces and territories to try to develop a common vision for immigration. It's a little unusual in that it's an area of shared jurisdiction.

We met with the provinces and territories over the last few months. As you can probably appreciate, it's never easy to get a large group of people with somewhat different interests to agree on a common vision, but we're making progress. We'll be having further meetings this spring, which we expect will culminate in a meeting of ministers in June. Our intent is to have something we can present to ministers for their approval.

Mr. Andrew Saxton: Thank you, Mr. Yeates. We'll give you a break now.

My next question is for HRSDC. Can you please explain your relationship with the provinces and territories?

Ms. Janice Charette: It's an interesting question. I presume you mean our relationship with the provinces and territories in this area.

Mr. Andrew Saxton: Yes.

Ms. Janice Charette: We have a table called the Forum of Labour Market Ministers, which is supported by a deputies' table and a senior officials' table. It's the table where we talk about labour market challenges. As you can imagine, the last year or so has been dominated by a discussion on how the provincial, territorial, and federal governments are reacting to deal with the impact of the recession and the downturn on the Canadian labour market.

We had a discussion prior to that on the impact of the immigration program as a supplement to the domestic labour market. In fact, one of the pieces of work that deputy ministers asked to be done is a joint meeting of the immigration federal-provincial table and the labour market table. I hesitate to guess the time, but it occurred about 18 months ago. It was last November, about 18 months or so ago.

At that time, we were trying to sort it out, because there are two different tables. We look at the labour market and our immigration colleagues look at the immigration side. Throughout the federal-provincial dialogue, we wanted to make sure we were looking at the issues in a consistent and coherent way and there wasn't anything falling between the two sides. I think we found the discussion to be very useful, very productive, and very constructive, and it continues.

I suspect that as we see the recovery occur and there's again an emergence of pressure to increase temporary foreign workers in some parts of the country, the conversation will come back to the labour market table.

Mr. Andrew Saxton: Thank you.

The Vice-Chair (Mr. Daryl Kramp): Thank you, Mr. Saxton.

Thank you, Mr. Yeates and Ms. Charette.

Ms. Ratansi.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Thank you, and welcome all.

As you heard from my colleagues—

The Vice-Chair (Mr. Daryl Kramp): You have five minutes.

Ms. Yasmin Ratansi: Yes, yes. I'm very short and sharp.

As you heard from my colleagues, immigration is a large irritant of any MP's office because people are quite concerned about backlogs, about the fact that they do not get visas on time. You have reduced it from up to 400,000. The professionals especially decide Canada is not really the place to be, if Australia is giving it to them. You said 42 million people want to come, but the world population is six billion. Even one quarter of Africa doesn't want to come here, and we need the people. So really let's be realistic about what we're looking at.

When I look at the temporary foreign workers and at what the Auditor General has said—that a number of key decisions have been made without benefit or risk analysis—I wonder whether temporary foreign workers are regarded as a panacea to overcome that backlog of permanent residents. That's number one.

Number two, do you have any data as to how many temporary foreign workers we have in the system? We had a recent incident in Toronto where five people fell to their death. These were temporary foreign workers with no security. As the Auditor General has rightly pointed out, they're vulnerable. They do not get the right checks and balances. They do not have security when they are doing construction work, and that's what we're hiring them for.

Do you have any data as to how many we have in the system and what the issues are? Madame Charest talked about the checks and balances and regulations. How many people do you have to ensure that the regulations are in place? How do you put in safety measures when you don't have the number of people? You're not there to police them on a daily basis.

If you could just help me understand this, perhaps we can have a discussion further on.

• (1000)

Mr. Neil Yeates: Very good. Perhaps I can start.

There are approximately 200,000 temporary foreign workers in Canada. There is a balance and certainly a relationship to the permanent immigration stream. Some of those do make their way into permanent immigration. A number of provinces in particular are having temporary foreign workers come in to the provincial nominee programs, and there is also an avenue through the Canadian experience class.

So in terms of the protection of foreign workers, as we talked about earlier, we have been moving forward on improving the regulatory system. We talked about the need to better assess the genuineness of job offers, making sure that employers are following through with their commitments. All of those things, I think, are important in ensuring that temporary foreign workers have the protections they require.

Ms. Yasmin Ratansi: But how do they get protected when they're hired on a construction site and they have no checks and balances? They probably have a language issue, and I do not know whether that's being checked when foreign workers come in. Does anybody check their linguistic skills? Is there a requirement to understand rules and regulations, safety procedures? Is there something there? These are people who are working. It's not bogus; I'm talking about genuine workers who get killed, and there are a lot in the construction industry. What is happening?

Mr. Neil Yeates: I'll ask Les to speak more specifically to the requirements for temporary foreign workers.

Mr. Les Linklater: As HRSDC mentioned in their remarks earlier, when an employer approaches them to determine whether or not they can hire a foreign worker, the employer has to lay out very clearly the requirements of the job. Quite often, official language ability is one of the requirements, but it's not necessary for a job offer to be validated by HRSDC.

When it comes to processing the actual workers' applications, CIC at the mission overseas does take into account what the job requires and the skills of the individual before the officer. They will make a decision based on the individual's demonstrated ability to meet the requirements of the job.

Ms. Yasmin Ratansi: Then who goes and checks on the employer to ensure that he or she is providing that safety after they have arrived, after they have been approved? Then they're on the job site. Who checks?

Mr. Les Linklater: We have to remember that immigration is an area of shared jurisdiction and occupational health and safety is an area of provincial jurisdiction. So one of the key issues that we want to strengthen through our new regulatory package is to be able to work better with the provinces.

Deputy Charette mentioned the need for information-sharing agreements between jurisdictions so that we can share better information on employers to allow that spot-checking to happen more systematically. Certainly when we become aware of an infraction or a potential infraction on the part of an employer, we would refer that either to the relevant provincial authorities or to CBSA for an investigation.

Ms. Yasmin Ratansi: I have more questions, but I won't ask.

The Vice-Chair (Mr. Daryl Kramp): Thank you, Mr. Linklater.

Now Mr. Young, please, for five minutes.

Mr. Terence Young: Thank you.

I want to disagree with my parliamentary colleague across the way, Mr. Christopherson, with regard to your accomplishments in reducing the backlog, which I think are significant. The only fair assessment is from February 2008 forward when the new rules came in. In parallel, you reduced the old list by 241,000 workers, while at

the same time reducing the waiting time by over five years for 80% of new applicants. I think that's a major accomplishment. It's good management, and you deserve to be congratulated.

My question is along that line. You mentioned you need some mechanism to limit the intake of applicants because there are so many applicants and because 450 million people in the world want to come to Canada. Do you have a recommendation for the minister on how to do that, and if you do, what might it look like?

Mr. Neil Yeates: Thank you.

I should just note that it was 45 million, but it's still a lot of people either way.

Mr. Terence Young: That's the official number.

Voices: Oh, oh!

Mr. Neil Yeates: Yes, it's a lot.

Mr. Terence Young: There are a lot we don't know about.

Mr. Neil Yeates: Yes, that's right.

I think really the shape of it will be a revised list of occupations that are seen to be in demand over the next five years, based on our national assessment, and then put that alongside assessment by provinces and other stakeholders. One of the tricky things about doing this is trying to assess things at a national level versus regional and local—labour market demand—and trying to balance all of that into a list of occupations.

We're also thinking about various options in terms of how we might manage these kinds of occupational lists. Just to give you an example, if we have an occupational demand for college instructors—which has been actually fairly popular and is on the current list of 38—over the next five years for, say, 1,000, and these are just hypothetical numbers, I think we need to look at an option where, once we hit 2,000, 3,000, 4,000, or 5,000 applications in our system, we perhaps not take any more applications for college instructors until we've worked our way through that inventory of applications for that particular occupation.

There are various ways we could go about looking at moderating these taps. We have in our backlog quite a few cases that we think may be of interest to provinces, even for their provincial nominee programs, so we have sent lists of these cases to provinces and territories for them to take a look at as well. That's another option, as a way of working through this remaining 400,000.

● (1005)

Mr. Terence Young: Do you think six to 12 months is the appropriate inventory? Is that your goal?

Mr. Neil Yeates: Yes, we think that's reasonable in the grander scheme of things.

Mr. Terence Young: My second question is with regard to live-in caregivers and domestics. We've heard credible testimony in this place about workers who are basically powerless people. They have had to hand over their passports, which means they're basically trapped in a job. They have to work long hours, sometimes 12 hours or more. They are asked to shovel snow. There is a whole range of things that is very unfair.

How are you helping live-in caregivers by protecting their rights? What new ways have you found to protect the rights and to help these powerless people?

Mr. Neil Yeates: Thank you.

In December of last year, we put forward some regulatory amendments that are effective now, April 1 of this year, to strengthen the protections for live-in caregivers.

There are a number of important things there. Employers must now provide health insurance at no cost to the caregiver until the caregiver is eligible for provincial health coverage; employers must register caregivers with provincial workplace safety authorities, so workers' compensation; employers must cover all of the recruitment costs, including costs of a third-party recruiter, and those cannot be recouped from a caregiver; employers also must cover one-way transportation costs for their caregivers to their place of work here in Canada; and employers and caregivers must sign and submit an employment contract to HRSDC and CIC. So that will help clarify the responsibilities of the employer and the caregiver.

As well, we have some other changes that will allow caregivers to complete the work experience requirement for them to apply for permanent residence, extending the period from three to four years, allowing overtime to apply to the calculation of residence, and removing the standard requirement for a second medical examination when they're applying for permanent residence. I'm also setting up a system with HRSDC that will be in place next month for emergency processing within three weeks of new work permits for caregivers who find themselves in an untenable situation. Lastly, we're expanding and updating our information products for caregivers and for employers.

So we think actually quite a range of regulatory measures have just now come into force.

The Vice-Chair (Mr. Daryl Kramp): *Merci, monsieur Yeates.*

Maintenant, madame Beaudin.

[Translation]

Mrs. Josée Beaudin (Saint-Lambert, BQ): Thank you, Mr. Chairman. I want to thank the witnesses for being here today. I would like to ask a brief question.

I am particularly concerned, of course, about the human resources issue. My colleague talked about live-in caregivers. You listed certain measures that you have put forward to defend the rights of live-in caregivers. Is any regular follow-up being done with employers? You talked about a number of measures concerning employers, but I wanted to know more about the rights of live-in caregivers. Are you conducting regular follow-up with employers, or in cooperation with Human Resources and Skills Development

Canada regarding fraud and fraudulent job applications, among other things?

• (1010)

Mr. Neil Yeates: Ms. Charette can answer your question.

Ms. Janice Charette: As I said in my comments, we are responsible for relations with employers.

[English]

Maybe I can add to what Mr. Yeates commented on earlier in terms of some of the changes with respect to the live-in caregiver program.

One of the things we've also introduced at the front end of the process—and I think this responds to questions raised earlier around genuineness—is that employers now who are applying for a labour market opinion as part of the live-in caregiver program have to submit to us a signed attestation of their identity, along with their application, to try to deal with some of the concerns that have been expressed previously about this program. That attestation will have to be witnessed by a guarantor, who will have to testify that they met with the employer and that the identity being represented in the application to us is true and accurate. So that will deal with making sure that the live-in caregiver and employer application is genuine.

As well, we'll be asking for their Canada Revenue Agency business number, which is a representation that they're actually proceeding with the source deductions, and so on, on behalf of the employee.

In addition to that, we come to the issue of the employer compliance reviews, which we're dealing with as part of the overall temporary foreign worker program, where we do follow up with employers to make sure they are living up to all the conditions, which Mr. Yeates went through, in terms of explaining the health insurance and the one-way transportation costs.

And the other piece that I think is important, which Mr. Yeates mentioned at the end, is the information we're now providing to the live-in caregivers themselves as they're coming into the country, so that if they find there is an issue in the employment relationship, they know who to call so that there can be the appropriate follow-up done.

[Translation]

Mrs. Josée Beaudin: That's good, thank you.

I'm nevertheless concerned. In my constituency, a number of threats have been made by employers. Furthermore, foreign workers are not necessarily receiving adequate housing.

You say you have conducted 250 reviews in Alberta and British Columbia. That was 250 reviews, but how many employers were hiring live-in caregivers?

[English]

Ms. Janice Charette: I'm sorry, I don't have the breakdown of which categories of temporary foreign worker are aligned with the compliance reviews. I can go back and try to get that information for you, Madame.

[Translation]

Mrs. Josée Beaudin: Thank you very much.

Ms. Meili Faille: With regard to the foreign worker program, you said earlier that you had conducted consultations with the provinces. Was the objective to establish a vision for the program? Did you conduct an extensive review of the program to make it more effective?

[English]

Mr. Neil Yeates: Sorry, is this the live-in caregiver program?

[Translation]

Ms. Meili Faille: No, I'm talking about the foreign worker program in general. You say here that you conducted a broad consultation. I would like to know what plan you've come up with to process the backlog and how you expect to make the program more effective.

In the context of the department's operational priorities, the plan is to cut 114 positions from this program. I'm trying to understand how you have aligned yourselves with the provinces.

Mr. Neil Yeates: Perhaps Mr. Linklater could give you some details.

Mr. Les Linklater: With regard to our visioning the future exercise, we have undertaken to examine the program as a whole with the provinces and territories. The idea is to determine how we can make the process work better between the permanent program and the temporary program, in this instance the links between the federal and provincial programs in the context of the permanent program.

[English]

Our long-term goal with the visioning exercise is to understand how to best meet structural and cyclical labour market needs through immigration, long-term skills needs, short-term pressures, and the variety of programming that best suits the response to these types of pressures.

On the resource side, I believe the figures you cited relate to corporate resources that were previously dedicated to the program but not actual processing resources in the field.

•(1015)

The Vice-Chair (Mr. Daryl Kramp): Thank you, Mr. Linklater.

Now, Mr. Shipley, please, five minutes.

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Thank you, Mr. Chair, and thank you, witnesses.

In terms of the temporary foreign worker program, I have to tell you how important that is in terms of the agriculture industry that sweeps across parts of Canada, particularly in my area. One of the issues coming up is that it's becoming so expensive in terms of Ontario's minimum wage being so high compared with other provinces. Also, there are some requirements that employers have to put in place in terms of the cost of having them come over.

Can you just explain and differentiate for me, please, a little bit the federal-provincial responsibilities, and then follow through with the employer compliance component of it? You've talked about the pilot projects, and those are coming in. That is great. First of all, if you

could talk about the federal-provincial responsibilities, that would help me.

Ms. Janice Charette: I can start, Mr. Chair.

I'll talk about the employer responsibilities. I believe you're talking about the seasonal agricultural worker program element of the temporary foreign worker program overall.

Mr. Bev Shipley: Yes.

Ms. Janice Charette: Under the seasonal agricultural worker, which is, as I said, a component of the overall program, there are specific employer obligations. For example, an employer is expected to pay the temporary foreign worker's round trip transportation cost, including airfare and ground transport between wherever that seasonal agricultural worker is coming from—let's say, a Mexican farm worker—and the location of work.

Their employer is expected to pay the worker's immigration visa cost-recovery fee and provide seasonal housing that has been approved by the appropriate provincial or municipal body or private inspection service. That gets to your point about the federal versus the provincial responsibility. So we have the employer responsibility. The province actually looks at the state of the housing to make sure it's adequate.

We also expect that the employer will register the worker with workers' compensation and a private or provincial health insurance plan. So we have the expectation of registration, and the province actually runs the workers' compensation and the health insurance or otherwise a private insurance plan. The employment contract would be prepared outlining wages, duties, conditions, and that would be signed with the seasonal agricultural worker.

We've also put in place a program to provide to the workers who are coming in through this program information in multilingual format about their rights and what protections are in this country, including the description of the provincial responsibility with respect to labour standards. If there were issues, they would then have the contact information to get in touch with the responsible provincial authorities that largely are responsible for labour standards in that particular sector.

Mr. Neil Yeates: I might just add something from a CIC perspective. We process the visa applications. About 80% of workers are returning year after year. It's actually a fairly stable movement. From our perspective, it works quite well.

Mr. Bev Shipley: I'll shift gears a little bit here. You talk about the backlog. You want to get to what you called a working inventory. When do you see that happening?

Also, you have 129,000 under the new system. I guess this is the preamble to it. The AG has said it continues to go. What sort of timeline are you looking at for being able to get to a working inventory?

Mr. Neil Yeates: Eliminating the backlog is really going to depend on how we are able to balance the work with the incoming inventory. As far as the inventory of new applications goes, as I say, we are keeping up with that at the moment. It actually declined a little bit from September to December, so there is evidence that we are in fact keeping up with the incoming.

It's really going to depend on what a new set of ministerial instructions is going to do, the impact it will have on the incoming applications, and therefore the amount of processing capacity we will have to deal with the backlog itself. It will likely take several years to do that. We had the initial reduction of 40%, but that was related to the start-up, as the AG noted, of a new system. We'll have a much better sense once a second set of ministerial instructions is completed.

• (1020)

The Vice-Chair (Mr. Daryl Kramp): You have fifteen seconds.

Mr. Bev Shipley: I have a quick one. Are we meeting the growing market demand for foreign workers?

Mr. Neil Yeates: I think we're finding at the moment that the levels plan we have, which we table every year in Parliament, *grosso modo*, is around the right level. It is supplemented with temporary foreign workers. In general, we would say yes. We'll see what happens in the future as our labour market demographics continue to change. We assess that every year, to set the levels.

The Vice-Chair (Mr. Daryl Kramp): Thank you, Mr. Yeates.

Mr. Christopherson, go ahead for five minutes, please.

Mr. David Christopherson: Thank you very much, Chair.

If I could, I just want to pick up on something Mr. Lee said in his opening remarks and emphasize the amount of constituency time spent on all matters of immigration right now. It is between 70% and 80% of the workload of constituency staff right now. At some point, we have to do something about this. It's unfair to the people who need the service because our staff have varying degrees of education, and we don't hire or pay for staff of the status needed to provide the kind of legal advice that's ultimately given. Whether or not someone's application gets moved along more quickly should not be determined by whether or not they were lucky enough to go to an office of someone like Mr. Lee, who has been elected for 25 years, or somebody in office for three months who doesn't even have an e-mail system in place, let alone is able to deal with complicated applications.

So I'm hoping that someday we'll do what was done in Ontario with workers' compensation. The same thing happened there with workers' compensation, as the workload on that got so big that members were actually going to appeal tribunals because there was no one else to help. It was taking up hours and days of MPPs' time. So they set up separate institutions, separate centres of advice, for both employers and employees on WCB matters so that the MPP's office would initially take it to a certain point and then hand it over to experts, who could pick it up and run with it. The system, for the most part, works well and achieved the goal of taking that workload out of the constituency offices, to let those offices deal with the myriad of other things that come into a provincial member's office.

I just put this idea out there for my colleagues. At some point, we have to get away from our constituency offices evolving into de facto sub-regional immigration offices. That's what they've become, and it's a huge problem. At some point, we have to come to grips with this.

Second, notwithstanding my friend Mr. Young's cheerleading for "team government", the reality is that the backlog is still where it was 10 years ago. The AG said this morning it could take between eight and 25 years to get caught up; and as to the new process, we've already heard again from the AG that she has some concerns that we may be developing a systemic backlog down the road, if I'm not misinterpreting what she said. She's nodding, yes, that is indeed the point she made.

So this report is not glowing. There is some improvement being made, but by no means should anyone believe it's some fantastic solution, that once we passed the 2008 deadline, when the ministerial instructions came in, life was all hearts and flowers versus being awful before that. The situation is nowhere near that clean.

My last question, if I have time to slip it in, deals with the really important issue on page 38 of the Auditor General's report, the recognition of foreign credentials. It has become an ugly cliché in Canada that we have the smartest cab drivers in the world. It's an honourable profession, and so is delivering pizzas when you need to have a buck to put money on the table, but we can't afford to have doctors and engineers driving cabs, and the reason is they don't have recognition of their foreign credentials. I see a chart here indicating that we've spent \$125 million in seven or eight years and the problem has not become any better.

What exactly are we going to do and when are we going to do something effective to put these new Canadians to work doing the jobs we need them to do, like providing health care?

Ms. Janice Charette: I'll start.

I guess I have two parts in my response to the points you're making, sir. One deals with information on the necessary qualifications that we need to provide to the individuals who want to come to Canada. With the launch of the Foreign Credentials Referral Office, housed at CIC, that information is being provided, both to newcomers who have already come to Canada as well as through our offices abroad. But that's only part of the answer, as you said.

The other piece of the puzzle is how we are working with the regulatory bodies and the professional associations to make sure that newcomers to Canada have a process to go through that recognizes both their educational and work experience credentials so they can understand where they'll be able to fit into the Canadian employment picture. There has been a framework agreed by all provinces and territories, along with the federal government, called the pan-Canadian framework for the assessment and recognition of foreign qualifications. That framework has all governments in the country committed to four principles: fairness, transparency, timeliness, and consistency. So when an individual who wants to come to Canada is actually going through one of these bodies to have their credentials recognized, they will know within a year whether their credentials will be recognized; and if not, because there's a gap they must fill, whether through course work, work experience, or examinations, they will know.

Finally, the third piece of this is that if they're not going to have their credentials recognized and they have not been able to fill a gap, what other occupations may be available to them?

This framework was agreed in November 30, 2009, and we're going through a process of identifying priority occupations to implement it, largely reflecting where the greatest labour market demand is. So all governments are working towards identifying our first set of occupations for December of this year.

● (1025)

The Vice-Chair (Mr. Daryl Kramp): Thank you.

Thank you, Madam Charette.

And now Mr. Dreeshen, please.

Mr. Earl Dreeshen (Red Deer, CPC): Thank you, Mr. Chair.

Thank you to all the witnesses for being here today.

I'd like to speak to Mr. Yeates about the global case management system. You mentioned that when you look at the second release, you'll be able to look at detecting and preventing fraud. I wonder if you could talk about that for a moment and let us know what problems you've seen and what types of solutions you feel will be addressed with that particular system.

Mr. Neil Yeates: Thank you very much.

The global case management system will basically house all of the cases that we process. It allows us to do searches, for example, on common addresses. Members may be aware of some situations where 200 people used the same address. It's been an issue in citizenship applications, and GCMS, which we've had in place for citizenship since 2004, allows us to detect that. When we only had mission-based or individual-based information systems, there was no real easy way to do that, so this is a huge advantage for us.

The second piece is really being able to move our caseload around the world in a seamless way. Right now we have to literally shift files around the world, which is not a very easy thing to do. It's time consuming and so on. This system will allow somebody in one mission to process cases from another mission, if they have some extra time. This really is going to allow us to be more efficient and to better use the resources we have. Demand comes and goes at missions around the world. It's not quick to try to shift people around

the world at the different missions, so having an information system that allows us to process people from anywhere is going to make a huge difference.

Mr. Earl Dreeshen: Do you have any predictions of how much of the backlog is due to the types of issues you've just presented?

Mr. Neil Yeates: I think it's been essentially having a system that has accepted a large number of applications that are way more than we've had processing capacity for and way more than we've actually set out in the annual levels plan. So you put those two things together and de facto you're going to end up with a backlog.

Certainly, the system can be made more efficient, and that's really what we're trying to do. It's hard for us to put a number on that, but we feel it's critical for us going forward to have a modern case management processing system that will allow us to deal with workload and work flow.

● (1030)

Mr. Earl Dreeshen: We hear about unscrupulous immigration consultants and that type of thing. Again, looking at the backlog, which is created sometimes by the extra effort and research you have to put in, in order to manage those particular cases, would getting a handle on that help with the backlog as well?

Mr. Neil Yeates: Yes, it's certainly part of the overall puzzle. As members would know, there are many aspects to the immigration system in terms of dealing with applications and third-party consultants. As you may know, the minister has announced plans to come forward with some legislative and regulatory amendments this spring to strengthen that regime.

We find, unfortunately, that fraud is endemic in the immigration business. There are huge issues overseas with ghost consultants charging people fees for services they probably don't actually need and promising things they can't get. Our new case management system will allow us to better track that, look at trends, and see what's in front of us. That's going to be a continuing challenge for us.

Mr. Earl Dreeshen: Okay. Thank you.

The Vice-Chair (Mr. Daryl Kramp): Thank you, Mr. Dreeshen.

Now, Madam Fry.

Hon. Hedy Fry (Vancouver Centre, Lib.): Thank you very much, Mr. Chair.

I note that the Attorney General and everyone has asked the question here about the fact that the backlog has doubled since 2000. Most of the people present here know that in 2004 I was specifically given the title and the job to deal with seven departments, including the two departments here—HRSDC and CIC—to find a way to deal with foreign credentials and foreign-trained workers, whether it was a local backlog here or whether it was people who intended to come. We had set up a plan.

One part, to deal with this backlog of people and to deal with people coming in the future—to fast-forward them—was a portal. The money had been set for this portal. It was going to be a portal in which all jurisdictions—provinces, municipalities, trades, trade unions, universities, credentialling bodies—were going to find a way to let people know before they even came here about whether they were ready to come in and what they needed there. It was plugged in so that it would happen. I want to know what happened to that.

Secondly, it says here that there wasn't an “appropriate” amount of information about retention of nominees from the PNP program. I know that during our discussions for a whole year with provinces, they identified that many provinces brought in nominees and that they left after a year to go to three big cities—Vancouver, Toronto, and Montreal. We know that data was there. Why is it said that it isn't there?

Finally, I would like to know this: what about that whole plan that was set up, the five-point plan that was funded, that had gone through cabinet, that had begun to work specifically on physicians to deal with the pan-Canadian strategy? What happened to that? Why are we now, six years later, deciding that none of this is happening and that none of that—the data, the information, the plan—was set in place?

I want to know what happened. I need to know that, because we were no longer in government in 2005.

I'm not pointing a finger. I know that you had the information to advise this particular government on what had been planned to be done. I just don't know what happened here.

Mr. Neil Yeates: I can start off, Member.

You're quite right that foreign credential recognition has proven to be a very difficult set of issues to deal with. We would agree that getting a lot of the services overseas is critical here so that people can know, before they come to Canada, what the status of their credentials is likely to be.

Hon. Hedy Fry: Yes, Mr. Yeates, you agree with me. I'm asking what happened. I want to know what happened.

Mr. Neil Yeates: Yes.

I'm going to ask Mr. Linklater to speak to the work that's been done on the portal and so on.

Hon. Hedy Fry: Thank you.

Mr. Les Linklater: Certainly.

Indeed, work has proceeded with the provinces and territories on a foreign credential recognition portal, work that is shared between CIC and HRSDC as well as the provinces and territories.

On the website, the “Going to Canada” portal has a subset and also links to HRSDC and CIC. There is a great deal of information around the credential recognition process as provinces have provided content. The federal government is supporting the provinces in assisting them to develop the content that they wish to put on the portal and make it available to applicants both overseas and in Canada.

Hon. Hedy Fry: Thanks, Mr. Linklater.

I know this is happening. I just need to find out what happened between 2005 and now that this all went into a hole in the ground somewhere and it's taken all this time to start reinventing a new wheel. That's the question I'm asking. It's about the accountability of what went on. All that data, all that information, a full plan—what happened to it?

• (1035)

Ms. Janice Charette: Perhaps I can try to respond, Mr. Chair.

Rather than reinventing the wheel—to use the language the member used—I think what we've tried to describe, or what I've tried to describe and perhaps have not done a very good job of, is that in fact it's been a series of efforts as opposed to going around in a circle. It's all been building on...back to work that was started back in 2003-04, with the five-point action plan, working with the regulatory bodies and some of the professional associations.

We've put in place some of these new tools, including the portal. We've been working with those organizations to try to clarify processes. The Foreign Credentials Referral Office takes that a next step further.

The framework allows us to make sure, and says that all governments—as you know, provinces and territories have a significant role to play in establishing the standards and requirements within their jurisdictions—are committed to making sure that these processes are happening in a way that's fair, transparent, more timely, and more consistent. I think it's all actually working toward the same objective that you describe. It's progressive rather than restarting.

The Vice-Chair (Mr. Daryl Kramp): The chair has a couple of quick questions, if he may.

On page 3 of the Auditor General's report—this question is to the CIC—it says the CIC still has little assurance that overall decisions by these officers are fair and consistent.

We've all seen situations where there is not consistency, sometimes in how they're treated through our offices, or in how some of the applicants are being treated. Yet it says that while the department has developed a quality assurance framework that is available, immigration program managers are not required to use it to report it. Why not?

Mr. Neil Yeates: I'll ask Madam Deschênes to speak to our work on quality assurance.

Ms. Claudette Deschênes (Assistant Deputy Minister, Operations, Department of Citizenship and Immigration): Over the years there's been an attempt to implement an integrated program on quality assurance. We agree with the Auditor General that we need to make sure it is systematic. Temporary workers are now coming to Canada and being processed for immigration through Canadian offices. We're setting up a framework so that all of them have to report in a systematic fashion, and we are moving the work to be more integrated. It's a matter that we should have had it in place in a more systematic fashion, but it's being put in place now. We'll continue to grow it to ensure that we cover the whole range of our programs and we can look at quality assurance through the different programs and how it can impact, one to the other.

The Vice-Chair (Mr. Daryl Kramp): Thank you.

The Auditor General has also stated that efficiency gains will be limited until the information technology system is implemented. It's been under development for 10 years.

I'd like to know where the ball has to stop here. It's in one of three departments. Is it in CIC, because you're unable to define or apply what you really want in this system? Is it in Public Works, because they have not been able to effectively secure or appropriate? Or is it because Treasury Board has not provided the authority for the necessary funds?

In which department does the problem lie? Ten years is unacceptable.

Mr. Neil Yeates: GCMS has had a difficult history, as you've noted, Chair. There are issues around the scope of the project and the cost of the project. Whenever you have long-term IT projects, things keep changing—your environment; you go back and change the system. There have been some big lessons there about these big IT projects. So it's been a tremendous challenge.

The good news is that GCMS has successfully been in use since 2004 for citizenship—so okay, that part of the system has worked. The case management part for processing for immigration will be rolled out in June; we're on track for that. It's within the budget that was re-scoped. So we're on budget now. Starting in June, it will roll out over the next year to all of the missions around the world. So we are finally getting to the point we need to reach.

• (1040)

The Vice-Chair (Mr. Daryl Kramp): Thank you.

Madame Faille.

[Translation]

Ms. Meili Faille: Ms. Fraser, based on the evidence we've heard today, what is your understanding of the changes the department will be making to the Temporary Foreign Worker Program? Are you satisfied with what the department has presented to us?

Ms. Sheila Fraser: We'll obviously have to wait to see what the ministerial instructions are, but, from what I understand, the program will be even more restricted. I don't know exactly how it will be restricted, but the objective is to limit the number of applications. We're beginning to see that the number of applications is tending to be much larger than the number that can be processed in a reasonable period of time.

Ms. Meili Faille: Thank you.

You mentioned earlier that people who filed applications before February 27, 2008 could be reimbursed.

Can you give us the procedure that must be followed, statistics on the subject and the documentation on the directives and policies that apply to refunds?

Thank you.

[English]

Mr. Neil Yeates: I'll ask Madam Deschênes to speak to the refund processing.

[Translation]

Ms. Meili Faille: You could simply write to us.

[English]

Mr. Neil Yeates: Okay. Thank you.

The Vice-Chair (Mr. Daryl Kramp): Mr. Lee is next, please.

Mr. Derek Lee: Thank you.

I have two quick questions on the global case management system that's been put in place.

I somewhat feel an audit is coming, given that at the end of the day it's probably going to be about half a billion dollars in development and implementation. I would ask the department this. Do you plan to get out in front to evaluate the effectiveness of the program? I know my friends on the government side will say we have to show all the cost efficiencies that will be generated by these great investments.

That's question one.

The Vice-Chair (Mr. Daryl Kramp): I noticed Madam Fraser had a comment on your statement.

Mr. Derek Lee: Okay. Well, we'll get there.

Secondly, to the immigration department, this is my second short question.

The second big elephant in the room in terms of the immigration program, in my view, is the capacity of our receiving communities to actually receive and settle new immigrants. There are three or four major receiving communities, along with some smaller ones across the country. There are limits to our capacity to take in immigrants. We can't speed up the process and bring in a million immigrants in one year.

Has the department done an evaluation on the capacity of these communities to receive the volume they're capable of receiving? How does it have an impact on the department's decision on whether or not to process it more quickly and on the volume you can process in one year?

The Vice-Chair (Mr. Daryl Kramp): Before the response, we will hear from Madam Fraser, followed by the department.

Ms. Sheila Fraser: I want to assure the committee that we are actually undertaking an audit. We did an audit in 2006 on large IT developments across government. We're doing a follow-up on that for the spring of 2011.

Mr. Derek Lee: Thank you.

The Vice-Chair (Mr. Daryl Kramp): Thank you, Madam Fraser.

The department may respond, please.

Mr. Neil Yeates: Yes. I can add to that. On GCMS, we are monitoring the project extremely carefully, given the history we've had on it. Of course, the Office of the Auditor General does their work as well.

On your second question on settlement, we are really bound by the levels plan, because we completely agree there's a limit to the number of immigrants that communities can successfully integrate and settle.

Settlement funding, which provides programming for settlement services, has nearly tripled in the past five years. We are working closely with the provinces and territories. There's an evaluation under way now on the effectiveness of our settlement programming. It'll be coming out later this year. We'll see where it takes us, but there will likely be some modifications to the way in which those programs are working at the moment.

The Vice-Chair (Mr. Daryl Kramp): Thank you. That was the last question.

Mr. Saxton.

Mr. Andrew Saxton: Thank you, Mr. Chair.

My question is for Mr. Yeates.

One of the Auditor General's recommendations is that you develop a road map for the future of the immigration program. Can you please share with us how you're progressing on the road map?

• (1045)

Mr. Neil Yeates: Yes. We are working closely with provinces and territories to have a fairly detailed discussion on the relationship among the various immigration categories in our levels plan. As the Auditor General has noted, we're trying to better assess what the various contributions of those categories are.

As an example, one important issue is the relationship between the provincial nominee programs and the federal skilled worker programs. They're similar, but different. We need to sort out the relative contribution of each in meeting Canada's labour market needs.

In the big picture, they're developing a common vision for the immigration system. It then gets into quite detailed work. We look at our different categories, particularly for economic immigration. How do they relate to the labour market both nationally and provincially? What does it look like as a totality?

We've had those discussions over the last number of months. We're looking to make very significant progress this year. I'm bringing all of it together. We expect a lot of those thoughts to be in the 2011 levels plan that will be tabled on November 1 of this year.

The Vice-Chair (Mr. Daryl Kramp): Fine. Thank you.

My apologies. How could I miss Mr. Christopherson?

You have the last couple of minutes, please.

Mr. David Christopherson: Thank you, Chair.

I won't be very long. I have a short question, and I admit that it's borderline picky.

On page four of Madam Charette's presentation, at the very last bullet point, the very last sentence is in terms of following up to ensure that the conditions put forward were actually complied with. It says:

We are asking employers to provide documentary evidence that they paid agreed wages and provided appropriate working conditions to foreign workers.

I understand why you would provide documentation to show that proper wages were paid. What documentation will be accepted that

shows working conditions and respect for labour laws were complied with?

Ms. Janice Charette: I'm going to ask my colleague, Mr. Kenyon, to respond to that, please.

Mr. Andrew Kenyon (Director General, Temporary Foreign Workers Directorate, Department of Human Resources and Skills Development): We require employers to provide one payroll record, but as you mentioned, it is more difficult to verify working conditions. We require the employer to verify or demonstrate that the worker did the job that he or she was hired to do and not put onto a different task, as we often see happens. That's one of our biggest concerns, that employees are brought in and then moved on to a different job for which they were not intended to be hired.

Mr. David Christopherson: What about being treated decently, though, treated with respect and dignity, and being given their human rights? How do you get that on paper?

Mr. Andrew Kenyon: At present, until the new regulations are in place, we don't have the authority to actually do work site visits. However, we do verify with the province that this employer has not been cited for any violation of labour standards or workplace safety rules.

That's the purpose of the information-sharing agreements we put in place with the provinces. It's part of the big process. We're getting a real handle on it now, and we're actually starting to see the information flow.

Mr. David Christopherson: Are you?

Mr. Andrew Kenyon: Yes. It's working well.

Mr. David Christopherson: Good. Thank you very much.

Thanks, Chair.

The Vice-Chair (Mr. Daryl Kramp): Thank you, and thank you to my colleagues for your thoughtful concern and questions this morning.

I certainly thank our witnesses for appearing before us and shedding a bit of light on difficulties, and I would ask any of our witnesses if they have a few closing comments.

We'll start, please, with Madam Fraser.

Ms. Sheila Fraser: Thank you, Chair.

I'd like to thank the committee for their interest in this audit of what is, I think everyone would agree, a very important program. We are pleased with the response of the two departments and the action plans that have been presented.

The Vice-Chair (Mr. Daryl Kramp): Thank you.

Mr. Yeates, please.

Mr. Neil Yeates: Very briefly, Mr. Chair, obviously we feel that the issues that have been identified by the Auditor General are critical ones. The successful operation of the immigration program is critical for Canada in terms of our future. We take our responsibilities here very seriously and will look forward to following up on this action plan very diligently.

The Vice-Chair (Mr. Daryl Kramp): Thank you.

Madam Charette.

Ms. Janice Charette: Thank you very much to you, Mr. Chair, and to members of the committee for your thoughtful questions today.

As I think you can tell, we're trying to take a number of steps across a range of areas to improve these programs, working in partnership both with our federal colleagues but also with provinces and territories. Thank you for the recognition of the progress we've made and for the tough questions and holding us to account for what we've committed to do.

The Vice-Chair (Mr. Daryl Kramp): Fine. Thank you, witnesses.

The witnesses may be excused.

I have just one small point I'd like to bring to my colleagues here.

The chair was uncomfortable with a last-minute request for the proceedings today to be televised. Given the circumstances and the timing of this, I think this is an issue that should come before either a committee of the whole or the steering committee so that we can establish a clear precedent.

There appears to be one rule, which is obviously stated by the clerk on that, yet under the practical guide there appears to be another interpretation. The chair just did not want to be put in a position where he would have had to make a decision on that. So I would suggest that this come before a committee of the whole when the regular chair returns, or it could go to the steering committee, or both.

Could I get your thoughts on that?

● (1050)

Mr. David Christopherson: Chair, to me, it would be a prime issue to throw to the steering committee to chat through and make a recommendation back to the whole.

The Vice-Chair (Mr. Daryl Kramp): Is everybody comfortable with that going to the steering committee?

Some hon. members: Agreed.

The Vice-Chair (Mr. Daryl Kramp): That's it. Fine. Thank you very kindly.

The meeting is adjourned.

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