

Immigration may provide access to an interesting source for truck drivers. There are federal and provincial immigration programs available to the trucking industry. Provincial licensing regulations also play a role.

This discussion paper outlines the opportunities and barriers immigration may present to the trucking industry.

Introduction

Recently, there seems to be an increased interest on the part of some transport fleets to bring foreign truck drivers into Canada. Statistics show that the number of truck drivers coming in Canada using these programs have almost doubled over the past year. Although the number of fleets doing so is relatively small, there is interest generated by their success, especially among fleets suffering the most from the shortage of qualified drivers. Could immigration help the trucking industry? Is there a consensus on this assessment? Is trucking conducive to a transfer of knowledge and skills from other countries to Canada? Are the programs and rules in place today appropriate for immigration to be part of the solution to the shortage of qualified drivers?

Trucking fleets involved with immigration of foreign drivers report their experience has been positive. However, it has to be kept in mind that the number of foreign drivers working in Canada is still very small. (See Appendix A).

For immigration purposes, the available programs based on skills are more or less dictated by the National Occupational Classification code (NOC). The code for tractor-trailers and straight trucks is 7411. (See Appendix B). This unique identifier code is used to describe the skills and education levels required to occupy that profession. NOC is a federally designated code and reviewed periodically. For immigration purposes it dictates the levels of skills a trade may have. As a Category C occupation, requiring high school education but no more, truck drivers will not generally score well on a point system which gives preference to applicants with post-secondary qualifications.

Immigration, via the Skilled Worker Program, is based on a point system that recognizes the following factors:

- Age
- Education
- Language proficiency
- Experience
- Arranged employment
- Adaptability

Today, 40% are refugees and their family members, while the remaining 60% are skilled workers

What are the programs available?

There are many ways to enter Canada as an immigrant truck driver. The government sets limits each year on the number of immigrants coming to Canada but generally speaking, allows close to 200,000 a year. However, there has been talk about setting a target at 1% of our population. This would mean immigration could reach 300,000 newcomers annually.

Individuals seeking to come to Canada usually apply through the following programs:

- **Economic Class:** This category includes skilled workers, business immigrants, provincial nominees and live-in caregivers, as well as members of their immediate family;
- **Family Class:** spouses and partners, children, parents and grandparents of the sponsors living in Canada;
- **Refugee status:** Refugees and persons needing protection are people in or outside Canada, who fear returning to their country of nationality or habitual residence. Canada takes in approximately 25,000 refugees each year. People's skills are not the issue in this case and the program probably does not offer great potential to the trucking industry in terms of qualified truck drivers.

The three categories mentioned above are the traditional entry paths for most immigrants into Canada. However, they are not the path used by New Canadians entering the trucking industry. The programs noted below are the ones currently used by the trucking fleets interested in immigration options.

Foreign Worker Program:

This is a federal program allowing employers to bring workers into Canada on a temporary work permit. A pilot program was initiated under this program for occupations in the C and D NOC categories (including truck driver) in July 2002.

For trucking fleets, a temporary worker's visa can last up to a maximum of one year, with a possible renewal for another year after the applicant has left Canada for a minimum of four months. The one year maximum stay is applied to all NOC C & D occupations.

Provincial Nominee Programs:

Provincial Nominee Programs (PNP) are employer-driven immigration programs operated by the Provincial Governments in conjunction with Citizenship and Immigration Canada (CIC). PNP supports the objective of supporting the regionalization of immigrants to Canada. With the exception of Ontario, all Provinces have a PNP Program.

Traditionally, PNP is an economic program that nominates skilled workers who have the training, work experience, and language ability to be employed in a province. PNP was designed to meet the needs of particular provinces. The people selected by a province can apply for permanent resident status. The workers usually selected under this program are the equivalent to those in the landed immigrant program, so there is a permanent connotation attached to it. The applicant is assured of employment and the family can come with the applicant. However, because truck drivers fall under a C category, the spouse cannot work in Canada for the first six months of residency.

What has emerged as the “trucking approach” for Canada is various initiatives which initially bring foreign truck drivers into Canada as temporary foreign workers, who may later be nominated for permanent residency, under a Provincial Nominee Program. These approaches are now used successfully in Saskatchewan, Alberta, New Brunswick and Prince Edward Island. Each of these provinces has foreign truck drivers that came to Canada using this hybrid approach.

The process for each of these four provinces can be summarized as follows:

- A trucking fleet recruits abroad either directly or through the assistance of a third party. The trucking fleet applies to the Foreign Worker Program for a Labour Market Opinion, under the program's NOC C and D pilot project.
- The application is reviewed by a temporary foreign worker program officer, who will provide the employer with a Labour Market Opinion, based on the likely impact on the Canadian labour market of the employment of the foreign national, and whether the trucking fleet has met all of the provisions of the NOC C and D pilot project.
- If the opinion is positive, the employer will receive a letter indicating a positive labour market opinion. The employer is responsible for sending a copy of the letter to the foreign drivers.

The foreign truck driver is then eligible to apply for a work permit from CIC.

- If the applicant is successful in obtaining a work permit from CIC, he/she can then come to Canada under a temporary Work Permit.

The Province of Quebec is not yet endorsing this new approach. Quebec has administered its PNP program alone since 1991. In other words, it fulfills the functions of CIC for its PNP Program. It does not allow the applicants to come in under a Temporary Worker's Visa and then switch to the PNP program in mid-stream.

What are the limitations of these programs?

Very few truck drivers from abroad enter Canada as skilled workers because they simply cannot get enough points under the current points system for skilled workers. Furthermore, some applicants do not meet the financial sustainability criteria. Under these criteria, they have to demonstrate proof that they can financially support themselves and any accompanying family members when they settle in Canada.

Because of the time it takes to process Provincial Nominee Program applications, the trucking industry had to resort to a makeshift solution. And as is often the case with makeshift solutions, they tend to develop into permanent solutions. This, however, brings extra costs to both the applicants and the employers.

Because PNP is not designed to be national in scope, the lack of uniformity in the rules and interpretation is to be expected. Nevertheless, it tends to cause confusion and demands extra time and money for all involved.

Using the Foreign Worker Program with the Provincial Nominee Program is not new to Canadian authorities, but it has required some adjustment to fit trucking needs. Because the PNP is a provincial program, provinces can adapt the conditions to their requirements. As a result, the various provincial and territorial nominee programs offered across Canada are principally the purview of the jurisdiction operating the program.

The lack of guidelines created some problems at first, but the issues are quickly being dealt with in the more active provinces.

The Province of New Brunswick has probably developed the clearest guidelines to date. Quebec also has clear guidelines but does not yet subscribe to this hybrid solution.

In effect, Quebec and Ontario, the Provinces with the largest pool of trucking fleets in Canada, do allow foreign drivers into trucking but they do so only on a temporary permit basis. This has consequences and one of them is the result that their programs do not allow the applicants to apply for a permanent status. They also deny the right to applicants to bring their family to Canada. In Quebec's case, the process for the Foreign Worker's Program involves both HRSDC and the Quebec Government. In Ontario's case, the process only involves HRSDC.

The Foreign Worker's Program has the following limitations specifically related to trucking:

- The length of stay is considered too short in view of the training and integration needs required
- The limitation on the length of stay is a major factor in view of the costs involved
- The obligation of the employer under the Work Permit to provide a set number of kilometers at a set rate for the full duration of the visa can be a constraint, because it is not appropriate to the business cycle of trucking companies.
- What driver credentials are required is not clear for most applicants
- Border crossing can be problematic under the Program

The costs involved in the process, coupled to the obligations imposed by the Work Permit, can be a deterrent to trucking fleets. At best, the investment on the part of the employer and the applicant can be \$12,000 to \$15,000. Most of the expenses are related to the recruitment and the integration costs.

The costs imposed by government are not the major cost items in this process. For an employer the major costs items are: recruitment process, interview process, airline tickets for the applicant, short-term integration costs (hotel, food and insurance) and long-term integration costs (testing, training, and evaluation).

Employers who wish to hire foreign workers under the Foreign Worker Program sign employer-employee contracts to the effect that recruitment and transportation fees are not recoverable from the Employee by the Employer. The Foreign Worker Program does not allow an application unless the Employer agrees to this requirement.

There has been cases however, where the recruitment fees were paid by the futur driver. In all cases, a third party is used for some of the tasks conducted abroad. Quebec does not allow an application unless the cost of recruitment is borne by the employer and not the future employee. This approach is apparently taken to discourage possible fraud.

Under the PNP Program the issues related to the spouse and also the children can be major issues. The fact that work restrictions are imposed on the spouse because of the NOC, does not sit well with most New Canadians and the trucking fleets employing them. It can go as far as a province, like Alberta, which does not allow public education to the step-children of the applicant. It will only recognize the biological children of the applicant and not the spouse.

There are also limitations to the immigration process that are not linked to immigration procedures but to driver licensing. These are dealt with under Jurisdictional Issues. Suffice it to say the interest of transport fleets to bring in foreign workers has forced many questions to be raised regarding our licensing system as it applies to foreign drivers.

Because this 'hybrid' solution is relatively new, it is probably impossible to list all the limitations of the PNP combined with the Foreign Worker Program. More limitations will likely emerge as the programs evolve and applicants come from various parts of the globe.

Jurisdictional Issues

There are many parties involved at various jurisdictional levels and for the various programs. With the exception of Quebec, the roles seem to be along these lines:

- HRSDC plays a major role in immigration because it controls the NOC and, in the case of the Foreign Worker's Program, it must provide a Labour Market Opinion before prospective foreign workers can apply for a work permit. It also sets the rules for employers under the Foreign Worker's Program pilot program.
- CIC is another major player because it is the organization issuing the Work Permit. These permits have an expiration date and may also state the validity for multiple entries or for single entry. In the case of trucking, multiple entries allow the truck driver to cross the Canada /United States border and come back. The length of stay is limited to one year because of the NOC.

- The Provinces play a major role in the administration of the PNP. With the exception of Quebec (they fulfill CIC role) and Ontario (they do not have yet a PNP), the Provinces work in unison with CIC for the administration of the PNP. They can also dictate their own administrative rules as far as provincial programs are concerned such as health insurance, schooling system and, most importantly, driver licensing.

PNP was developed as a series of bilateral agreements with the provinces and territories, and the various provincial programs became operational at different times. There is a mechanism called the Federal/Provincial/Territorial Working Group on Provincial Nominees that allows for discussion among the various jurisdictions. To date, although there are some differences and nuances in the application of PNPs, generally speaking there are remarkable similarities from province to province. Again, Quebec and Ontario are different for reasons previously mentioned.

The issues related to driver licensing are important as they represent the mandatory license for the trade.

Some European drivers are somewhat perturbed by the fact that their driver license (credentials) is not recognized. In some cases the driver licensing makes it impossible for transport fleets to even think about immigration solutions. All provinces and territories have different reciprocity agreements with different countries.

In most cases, the applicant must pass the tests to obtain a Class 5/G. Their experience for driving a car in their respective country is recognized and they can apply immediately for their Class 1/AZ with the necessary endorsements for air brakes. In this case all types of testing apply.

There are exceptions to these rules.

A province may have reciprocal agreements with various countries for the exchange of Class 5/G driver licenses. In many cases, the applicants can obtain a Class 5/G driver license by simply applying for it and the process is automatic after a quick validation of the credentials. No tests are required. In one province, Prince Edward Island, some applicants from a limited number of countries can even obtain their class 1/AZ driver licenses without being tested.

At the other extreme, Quebec has fewer agreements with foreign jurisdictions and, with the exception of France, South Korea and Japan, does not recognize the experience of foreigners even for their Class 5/G. The consequence of that decision is to force foreign drivers to wait for three (3) years before they can apply for a Class 1/AZ driver license.

Importance of meeting industry requirements

The transport fleets involved in the immigration process so far have been very diligent in making sure that they do not spend all their money on the wrong candidates. Industry requirements are not clear at the moment. The Atlantic Provinces Trucking Association (APTA) is probably the one organization that has worked the most to spell out what these requirements should be for immigrants.

They are as follows:

- A basic working knowledge in English or French, as appropriate.
- Clean criminal record/history (no criminal activity).
- Clean driver abstract.
- Must meet medical fitness for provincial licensing requirements (Atlantic Canada including the specific US medical requirements covering Canadian based commercial truck drivers operating in the U.S.).
- Must be eligible to seek Customs and Immigration clearance to cross the Canada/US border.
- Must be able to meet requirements of a pre-employment and random drug and alcohol-testing program. (Test must be dated no more than 30 days previous to the application made at a Visa Post).
- Have a minimum of 5 years driving experience (including international experience of driving of a tractor-trailer (articulated vehicle) or similar configuration with a Commercial Driver's license with airbrake endorsement)
- References

The only exception is that some fleets have mentioned that they would like to see a road test performed as part of the selection process.

In other provinces the criteria are company specific.

Transport fleets involved in the recruitment process have also developed some specific requirements. These are often particular to each fleet but in general they fit with the APTA criteria. The only exception is that some fleets have mentioned that they would like to see a road test performed as part of the selection process.

Obviously, because the need for drivers is more pressing for long haul drivers, the trucking industry has not yet developed similar guidelines for other trucking activities, such as the short haul driving requirements and some specialty hauling. For example, in Alberta the need for truck drivers goes beyond the long haul drivers.

Discussion

This part of the paper relates to the interviews completed by the consultants. On immigration, there were several questions regrouped under seven themes. The questions were used as an interview guide.

The first question dealt with the central issue: Is immigration part of the overall solution to the qualified driver shortage issue? Although the majority of transport fleets agreed immigration is part of the overall solution to the qualified driver shortage, not all the respondents espoused that view. Some feel that allowing more immigrants in will simply amplify the shortage issue on a long-term basis. Nevertheless there is a general recognition that immigration will eventually play a bigger role.

The respondents involved in the immigration process are aware of the various programs but it is probably fair to say the trucking industry in general has not explored this avenue in great detail. While trucking representatives may have heard of the programs, most do not necessarily understand all the intricacies of the programs available to them.

Responses from the transport fleets confirmed that demand for foreign workers would certainly focus on international and long distance trucking. The need for foreign truck drivers appears more pressing for for-hire trucking fleets. Although some private fleets are also experiencing a shortage of qualified truck drivers, they do not seem as keen to resort to immigration as a solution. The long distance trucking requirement is not as strong with most private fleets as it is with for-hire fleets. It would also appear that the fleets involved in this process thus far have been, for the most part, from the for-hire sector of the industry.

The rules regarding provincial driver licensing for immigrants are something that only the respondents involved closely with the licensing process are aware of and is an area where the industry would like to see greater uniformity. Drivers from the European Union (EU) are probably the best-case scenarios where the EU countries have fairly uniform licensing standards and yet the provinces still have reciprocity agreements with respective countries.

Regarding the competency of immigrants, all respondents agree that the types of criteria, similar to the ones developed by the APTA, are something the industry needs to adopt across Canada.

The issues related to linguistic abilities, driver's experience and their eligibility to cross the Canada / United States border are three essential criteria raised in our discussions. It is also clear from most respondents that foreign drivers should be allowed on Canadian roads only after some integration and training has taken place on our equipment, regulations, rules of the road, geography and our business practices. Some also suggested foreign drivers should be evaluated by an independent center when they arrive in Canada. This evaluation would help assess the skills and knowledge level of the immigrant and determine the training needs required. Some respondents noted applicants should even be road tested before they come to Canada. As many respondents said: "We already have enough Canadians that cannot back up a tractor-trailer!"

No respondents were aware of financial assistance programs to assist transport fleets in their integration of foreign truck drivers. At the moment, most transport fleets pay the foreign driver the minimum wage while the integration takes place. For most, financial assistance would be an incentive to make sure that the foreign driver is ready to drive on our roads when he/she is sent alone on a run.

By far one of the most promising opportunity identified as part of our consultation relates to the review by HRSDC of the National Occupational Classification code. This review is part of a scheduled review process that takes place every five years. According to officials, the next review is scheduled for 2010. Not all codes are selected for review and only a few make the short list.

As can be expected and in view of the significance of the NOC code on Canadian occupations, this is an event where many lined up long in advance to make their case as to why they should be included in that review. This exercise would address the issue of occupational standards and work experience in lieu of education as recognized in the point system for immigrants.

Some respondents stated that the Code should be divided in such a way as to account for the differences in the many trucking activities. For example, tow truck operators and long-haul commercial drivers are included in the same code. However, the only similarity between the two jobs is that both require a license to operate a truck. Generally speaking, the NOC code and its intricacies are not well known and understood by the vast majority of trucking stakeholders.

Considerations for Future Direction

Although some have expressed their reservations on immigration as a solution, the immigration of foreign drivers is attracting a lot of interest within the trucking industry, especially in the for-hire sector. However, it is still in its infancy and should be better documented and communicated for all stakeholders to properly understand.

At the moment, foreign drivers that come in to Canada using either the Foreign Worker Program or the Provincial Nominee Programs represent a small portion of the driver population. In 2005, it reached a total just over 600 drivers.

The cost of using these programs is probably the major stumbling block for most transport fleets.

Until the length of stay for the foreign workers is extended, it is probably going to remain this way for some time. This is particularly relevant for Quebec and Ontario where they do not make use of PNP.

While cost is an issue, if the shortage of qualified truck drivers gets worse, it is probably the best time to develop industry criteria as they have done in New Brunswick and provide these to the Provinces with an active trucking PNP. The criteria developed in New Brunswick could definitely serve as the basis for discussion.

The review of the NOC 7411 presents the trucking industry with a unique opportunity to address some of the major shortfalls linked to foreign drivers programs. The NOC is the base to work with government bodies involved in immigration including all federal bodies such as HRSDC and CIC and all provincial bodies involved in immigration; including Quebec.

There is a need to review and simplify reciprocal driver licensing arrangements between the provinces and foreign jurisdictions. There is little doubt in the minds of many that, since we have a relatively uniform driver licensing system in Canada, we should also recognize that uniformity exists also elsewhere, such the EU countries.

Financial assistance programs to employers should be reviewed to determine how they could be made available to the trucking industry for the integration of their foreign workers.

There is a genuine interest on the part of Governments to make the PNP process more attractive and more responsive. The response by the Government of Canada in October 2003 to the Report of the Standing Committee on Citizenship and Immigration attests to that interest.

Regarding the recruitment of foreign drivers, the industry definitely does not want to just bring into Canada more truck drivers. The industry wants to bring into Canada ‘qualified’ foreign truck drivers. In that respect, some have mentioned that all foreign workers should be subject to an independent evaluation according to industry testing employment criteria. This evaluation would test their skills and knowledge; in other words their qualifications, and determine what training the foreign workers may need. The fact that they have to pass a driver license test should not be a substitute but simply a complement to that requirement.

Questions for discussion

Can the industry agree to develop uniform admission and evaluation criteria for foreign truck drivers and provide those to Federal and Provincial officials involved in the Foreign Worker Program and Provincial Nominee Programs? The criteria could also be submitted to the Federal/Provincial/Territorial Working Group on Provincial Nominees.

Is there a consensus that the NOC code 7411 be reviewed along the lines of the National Occupational Standard as developed by the CTHRC?

In view of the new interest in immigration, should CCMTA be mandated to conduct a review of the reciprocity agreements between Provincial /Territorial Governments and foreign jurisdictions?

APPENDIX A

TRUCK DRIVERS (NOC CODE 7411) ALLOWED UNDER FOREIGN WORKER PROGRAM

Province	January – December 2004		January – November 7, 2005	
	Applications	Drivers	Applications	Drivers
B.C	2	4	2	2
Alberta	7	32	51	245
Saskatchewan	51	190	47	129
Manitoba	32	52	43	122
Ontario	13	21	23	29
Quebec	0	0	0	0
N.B.	41	47	45	69
P.E.I	1	2	4	8
N.S.	0	0	2	4
Nfld & Lbd	0	0	0	0
Total	148	350	217	608

APPENDIX B

**NATIONAL OCCUPATIONAL CLASSIFICATION
NOC 7411**

Truck drivers operate heavy trucks to transport goods and materials over urban, interurban, provincial and international routes. Transportation companies, manufacturing and distribution companies, moving companies and employment service agencies, employ them or they may be self-employed.

Example Titles

bulk goods truck driver

dump truck driver

flatbed truck driver

logging truck driver

long-haul truck driver

moving van driver

tow truck driver

truck driver

truck driver, heavy truck

truck driver,

tractor-trailer

Main duties

Long-haul truck drivers perform some or all of the following duties:

- Operate and drive straight or articulated trucks, weighing over 4600 kg with three or more axles to transport goods and material to destinations
- Oversee all aspects of vehicles, such as condition of equipment, loading and unloading, and safety and security of cargo
- Perform pre-trip inspection of vehicle systems and equipment such as tires, lights, brakes and cold storage
- Perform emergency roadside repairs
- Obtain special permits and other documents required to transport cargo on international routes
- Record cargo information, distance traveled, fuel consumption and other information in log book or on on-board computer
- Communicate with dispatcher and other drivers using citizens' band (CB) radio, cellular telephone and on-board computer
- May drive as part of a two-person team or convoy
- May transport hazardous products or dangerous goods.

Line-haul and local truck drivers perform some or all of the following duties:

- Operate and drive straight trucks to transport goods and materials over urban and short inter-urban routes
- May drive lighter, special purpose trucks such as tow trucks, dump trucks, hydrovac trucks or cement mixing trucks
- Perform pre-trip inspection and oversee all aspects of vehicles such as condition of equipment, and loading and unloading of cargo.

Employment requirements

- Completion of secondary school is usually required.
- On-the-job training is provided.
- A Class 3 or D license is required to drive straight trucks.
- A Class 1/A license is required to drive articulated trucks.
- Air brake endorsement (Z) is required for drivers who operate vehicles equipped with air brakes.
- Transportation of dangerous goods (TDG) certification is required for drivers who transport hazardous products or dangerous goods.

Additional information

- Progression to supervisory positions or to non-driving occupations, such as driver trainers, safety officers or truck dispatchers is possible with additional training or experience.

Classified elsewhere

- Drivers of light trucks (in 7414 Delivery and Courier Service Drivers)
- Snow plough and garbage truck drivers (in 7422 Public Works Maintenance Equipment Operators)
- Supervisors, Motor Transport and Other Ground Transit Operators (7222)
- Truck dispatchers (in 1475 Dispatchers and Radio Operators)
- Truck driver trainers (in 4131 College and Other Vocational Instructors)