



INFORMATION TECHNOLOGY
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September 4, 2013

Mr. David Manicom
Director General, NHQ Immigration
Citizenship and Immigration Canada
365 Laurier Avenue West
Ottawa, ON K1A 1L1

Dear Mr. Manicom:

ITAC is pleased to participate in Citizenship and Immigration Canada's consultation on inter-company transfers, though we share the views expressed by many of the participants in the meeting of August 14 that changes to the intercompany transfer definitions and rules are unnecessary and have the potential to harm rather than strengthen the Canadian labour market.

As we point out in the attached white paper, with virtually full employment in the information and communications technology industry, with a shortage in the domestic supply of new graduates and as global enterprises ourselves, ICT companies are dependent upon access to the global workforce. Access to skilled ICT professionals in Canada and around the world is essential to fully realize our capacity for growth and innovation. Quite simply, without access to the strategic global resources ICT companies require, the work they do, from research and development to fulfilling service delivery contracts will go elsewhere. Research mandates will be lost to competing jurisdictions, service contracts will be lost offshore. This will result in less rather than more employment for Canadians.

ITAC believes that the current ICT regulations and definitions fulfil the intentions of Government policy adequately and are, from an employers' perspective, workable and predictable. They should not be changed. Moreover, a return to an effective accelerated labour market opinion process and a less burdensome temporary foreign worker program would also help to ensure that the ICT industry and indeed the whole Canadian economy have access to the talent required for growth and prosperity.

Here are ITAC's responses to the questions in your consultation document.

1. How is your enterprise currently using the ICT provisions?
ICT companies hire foreign trained professionals to address labour gaps the domestic market cannot fill. These may be for specific jobs that are in particularly hot demand or short supply. But frequently they are for a specific set of strategic skills that simply cannot be found in Canada. In an innovation-driven industry that depends upon the rapid internalization and commercialization of new knowledge, it is not uncommon, particularly for research and development positions, for employers to seek individuals with very esoteric technical expertise. Similarly in a global business market, specific skills in customer knowledge and care may be impossible to find in the Canadian marketplace. For example, building and implementing a security solution for the Canadian operations of an airline based in Hong Kong may require recruiting (temporarily or permanently) a resource from that jurisdiction. In both cases, securing the needed resource from the global labour market can be business-critical – even enterprise-critical.
2. Should ICTs be used as a means to fulfill service contracts?
Yes, they are required to address regional and national skills shortages. They are also used to acquire the strategic requirement for specific account management expertise and technical knowledge mentioned above. Our view is that the catalytic impact these workers on the domestic Canadian labour market is often poorly understood or overlooked. If a shortage of available skilled workers makes the difference between a Canadian company fulfilling the contract or not, the use of foreign workers clearly has a virtuous outcome for Canadian workers as well.
3. Does your enterprise place ICTs in third-party locations on a full time basis?
This practice is common in our industry, particularly in the ICT services sector which is the fastest growing space in our industry.
4. What would be the impact of the potential changes on your enterprise?
Changes designed to limit access to foreign workers will impede the growth and competitiveness of ICT companies and the ICT industry. Compliant companies feel that the burden of increased costs and more intrusive processes tars them with the same brush as non-compliant offenders. Yet access to the global workforce is so important to them, they will continue to bear this burden. Measures that recognize compliant companies as “trusted employers” should be considered. The companies that ITAC represents conduct themselves in full compliance with regulations for access to global workers within their companies and elsewhere. Even though the costs of compliance are increasing, access to global workers is so important to our industry that responsible employers will continue to bear those costs. And while we believe that abuses to regulations regarding foreign workers should be

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punished, we also feel that companies that uphold the law should be able to achieve some recognition for their compliance. An accreditation program that recognizes strong records of compliance and grants swifter transactions is one option to consider. The Trusted Employer Program proposals being developed by the Canadian Employee Relocation Council provide a thorough and well-considered foundation for the design of such a program. An effective TEP would offer the combined virtues of recognizing compliant companies and severely punishing that abuses which, apart from their human impact, negatively distort the marketplace. The ICT industry would welcome an effective TEP program. We recognize that a TEP process may take some time. A useful interim step may be to establish broader consultation with employers on wage rates and specialized knowledge definitions.

5. What other factors could assist the assessment of specialized knowledge workers?
The government must recognize that wage rates in some sectors such as ICT are both dynamic and regionally diverse. Regional disparities must factor in the government's assessment of prevailing wage rates. The methodology for setting for wage rates should be transparent and, ideally, consultative. And the wage benchmarks should be updated at an appropriate frequency.
Similarly, with regard to specialized knowledge our experience has frequently demonstrated that an ICT employer's view of strategically vital and difficult to obtain skills is inadequately reflected in the tools available to assess specialized knowledge such as NOC codes. Again a more consultative process for identifying specialized knowledge, particularly in a dynamic sector such as technology, would be appropriate.
A consultative process that allows for a more productive exchange of information on wage rates and "in demand" job categories would be ideal and organizations of employers like ITAC would be in a position to assist with this.

We would welcome any opportunity to address any questions you may have or to discuss this matter further with you.

Sincerely,



Karna Gupta
President and CEO