

# INTERNATIONAL TOURISM AND FOREIGN WORKER CONSIDERATIONS FOR OUTDOOR ADVENTURE UNDER COVID-19

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# MEET OUR PRESENTERS

# IS THERE A COMPLETE BAN ON FOREIGN NATIONALS TRAVELLING TO CANADA?

- Two different Orders-in-Council
  - Prohibition of Entry into Canada from the United States
  - Prohibition of Entry into Canada from any Country other than the United States
- These Orders are in effect until at least June 30, 2020
- Limited ability for foreign nationals to travel and enter Canada

# WHAT DO THE RESTRICTIONS FOR TRAVEL FROM THE U.S. LOOK LIKE?

- Are they asymptomatic?
- Can they self-isolate for 14 days after entry?
- Is the reasons for travel optional or discretionary?



# WHAT DO THE TRAVEL RESTRICTIONS FOR THE REST OF THE WORLD LOOK LIKE?

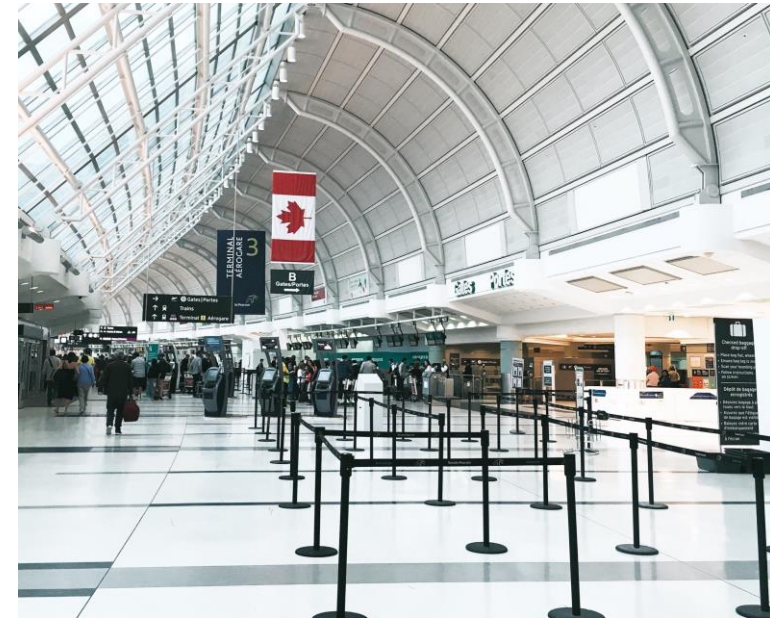
- Are they asymptomatic?
- Are they exempt from the travel ban?
  - Do they hold a work permit; or
  - A work permit pre-approval?
- Is the reasons for travel optional or discretionary?

# HOW ARE DETERMINATIONS ON OPTIONAL OR DISCRETIONARY PURPOSE APPLIED IN PRACTICE?

- Should apply to travel for tourism, recreation, or entertainment
- Has been applied overly broad by the Canada Border Services Agency
- Exercise caution when assuming a travel purpose passes the test

# IS INTERNATIONAL TOURISM TO CANADA SHUTDOWN?

- Essentially impossible to travel to Canada for a purpose tied to tourism, entertainment, or recreation
- Travel for work possible but not for a tourism connected purpose



# WHAT ABOUT BUSINESS TRAVEL – IS THAT STILL POSSIBLE?

- Where is the traveller coming from?
- Can their purpose be established as non-optional or non-discretionary?



# ARE FOREIGN BUSINESS OWNERS ABLE TO ENTER CANADA UNDER THE TRAVEL RESTRICTIONS?

- Foreign business owners may not be allowed entry
- What industry is the business in?
- Is the business seasonal or year round?
- Is the business allowed to operate under local lockdown orders?

# WHEN DOES A WORK PERMIT OR PRE-APPROVAL NOT MEET THE OPTIONAL OR DISCRETIONARY TEST?

- Is the work permit open or employer specific (closed)?
- Is the employer connected to the work permit operating?
- Has the foreign worker been terminated or laid-off?

# DO THE FOREIGN WORKERS COMING TO CANADA HAVE TO BE WORKING IN AN ESSENTIAL SERVICES INDUSTRY?

- Main question should still be whether it is optional or discretionary?
- Essential services or essential purposes tests may apply at a U.S. land border
- Holding a valid work permit does not automatically mean the traveller is essential

# ARE LABOUR MARKET IMPACT ASSESSMENTS STILL BEING PROCESSED?

- Labour Market Impact Assessments (LMIA)
  - Regular processing
  - Global Talent Stream
- LMIA Online Submission Pilot
- Email Submission Pilot
- Expedite requests for name changes on approved LMIA's

# ARE WORK PERMIT APPLICATIONS STILL BEING PROCESSED?



- Work permit applications are still being processed
- Some delays due to capacity issues
- Expect delays overseas with biometrics and passport submissions

# WHAT ABOUT WORK PERMIT EXTENSIONS/RENEWALS AND PERMANENT RESIDENCY?

- Extension and renewal applications still being processed
- Expect processing delays due to capacity issues
- Permanent residency is open and it is a good time to consider that as an option

# ARE PORT OF ENTRY WORK PERMIT APPLICATIONS STILL POSSIBLE?

- Are they eligible to apply at the port of entry generally?
- Is the foreign national traveling from the U.S. or another country?

# IS THE INTERNATIONAL EXPERIENCE CLASS PROGRAM OPERATING?

- Rounds of Invitation are suspended
- There is no indication on when the program may open again
- Other considerations should be made for securing work permits



# CAN WE HIRE FOREIGN WORKERS WHO HAVE LOST THEIR JOBS WITH OTHER EMPLOYERS?

- New Pilot Program makes this process easier
- Foreign workers can start with a new employer much quicker under the Pilot Program
- You need an approval letter issued after the work permit is submitted

# HOW DO SELF-ISOLATION OR QUARANTINE RULES WORK?



- Federal and provincial self-isolation rules are in place
- Travellers entering Canada must self-isolate for 14 days and monitor for symptoms
- Credible self-Isolation plan is a must

# WHAT ABOUT PROVINCIAL SELF-ISOLATION RULES?

- Patchwork of rules from province to province
- MB, SK, AB, and BC all have their own rules
- Most require a similar 14 day self-isolation period
- MB requires domestic travellers to self-isolate as well

# ARE THERE EXEMPTIONS TO SELF-ISOLATION?

- Expect self-isolation rules to apply
- Narrow and limited exemptions
  - Medical services
  - Trucking
  - COVID-19 response services

# WHAT ARE MY OBLIGATIONS AS AN EMPLOYER TO MY FOREIGN WORKERS WHO HAVE TO SELF-ISOLATE?

- Employers may have obligations
- Failure to follow may result in non-compliance finding
- Depends on a number of factors including:
  - Type of worker
  - Type of work permit application
  - Employment contracts

# IS THERE A PENALTY FOR FAILURE TO SELF-ISOLATE?

- Federal:
  - \$750,000 and/or up to six months in jail
  - \$1,000,000 and/or up to three years in jail
- Provincial:
  - \$1,000 up to \$500,000
  - Depends on province



# ONCE A TRAVELER HAS SUCCESSFULLY ENTERED CANADA AND MET THEIR SELF-ISOLATION OBLIGATIONS, WHAT CAN THEY DO?

- Attend work as authorized

# ARE THERE ANY RESTRICTIONS ON MOVING WITHIN A PROVINCE OR BETWEEN OTHER PROVINCES?

- Jurisdiction specific
- Some parts of Northern SK and MB are closed to all travel
- Check stops are possible
- MB requires self-isolation on domestic travel



# WHEN WILL TRAVEL RESTRICTIONS BE LIFTED?

- Orders in Council set to expire but keep getting extended
- Expect some form of travel restrictions for U.S. and the rest of the world to remain in place for a while
- May be 2021 before we see a full lifting of travel restrictions
- Some countries may gain access before others

# WHAT ABOUT SELF-ISOLATION REQUIREMENTS?

- Self-isolation will be the normal for sometime, likely into 2021
- Provinces or the federal government may lift self-isolation at different times, creating a further patchwork
- Self-isolation will continue to impact tourism even when travel restrictions are lifted

# QUESTIONS



# THANK YOU

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