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The rise of remote work and Canadian immigration considerations

By [Kathleen Leighton](#)

The desire for flexible work arrangements is nothing new, but remote work in particular has become more prevalent due to both the ongoing digitization of our world and the start of the COVID-19 pandemic. Employees are now used to working out of the comfort of their own homes, and employers have begun to build trust that their workers can be efficient from their home environments. Over the past couple of years, remote work has even become a necessity as stringent pandemic-related border restrictions and quarantine requirements frustrated many employer's attempts to bring foreign workers into Canada physically. Employers now more than ever must consider hybrid work set-ups to attract and retain employees and meet their labour needs. While not always possible depending on the nature of the job, the ability to hire foreign workers to work remotely from outside Canada has become an attractive option for businesses for this reason. Employers trying to find workers may also want to offer flexibility and the option for someone to work from home even if they are inside Canada.

These trends beg the question of where Canada draws the line on work permit requirements. Do all foreign workers require work authorization regardless of where they will be situated? Read on for an overview of what constitutes "work" for Canadian immigration purposes and the necessary authorization for various remote work scenarios.

What is work?

Work is defined as follows in section 2 of the *Immigration and Refugee Protection Regulations* ("IRPR"):

... an activity for which wages are paid or commission is earned, or that is in direct competition with the activities of Canadian citizens or permanent residents in the Canadian labour market.

Further, [guidance](#) from Immigration, Refugees and Citizenship Canada ("IRCC") indicates that work includes both paid and unpaid work in certain circumstances. If you receive money or commission from an employer in return for a service or any other activity, this is considered paid work. However, if you are performing an unpaid activity, this may still be considered work if it is a job that one would usually be paid for or that would provide valuable work experience for Canadian citizens and permanent residents. In other words, "volunteering" in an office environment may still be considered work for IRCC's purposes.

What work is regulated by IRCC?

Not all "work", however, is regulated by IRCC. Section 195 of IRPR states that a foreign national is "a worker and a member of the worker class if the foreign national has been authorized to enter and remain *in Canada* as a worker". Further, section 196 adds that foreign nationals "must not work *in Canada* unless authorized to do so by a work permit or these Regulations".

The key theme in these regulatory provisions is that the worker or work be “in Canada”. Therefore, IRCC is concerned with work taking place in Canada or work where there is an entry into the Canadian labour market. Below are interpretations of IRCC’s requirements across various scenarios that involve remote work.

1. Foreign national is employed by a Canadian company but located outside of Canada:

In this scenario, there is a Canadian employer involved. However, the foreign national is located and performing their work for the Canadian employer outside of Canada. One example would be an IT consultant located in the United Kingdom but working with a Canadian business. Assuming the worker receives wages or commission for this work, the activities certainly fall within IRPR’s definition of “work”. However, this work would not be regulated by IRCC. The individual has not entered Canada to perform work. Work authorization would therefore not be required in this scenario.

That said, there may still be certain times when the individual needs to enter Canada to meet with their employer, attend meetings, or perform certain activities on site. In these cases, the individual would need to ensure they had proper authorization to travel to, stay in, and work in Canada as contemplated during those visits.

2. Foreign national is in Canada, employed with a Canadian entity, but working remotely from their home in Canada in whole or in part:

In this scenario, the individual is performing activities that are considered to be work under IRPR, and is also working in Canada. They require work authorization for this purpose. However, it is also important that the work authorization they have properly authorizes the *remote* work in Canada. For example, if the individual is authorized to work by way of a Labour Market Impact Assessment (“LMIA”)-based work permit, but the LMIA application only listed the physical job site as the location of work with no mention of telework or remote work, this may be an issue. Similarly, any work that is performed remotely must be in line with the job duties included in the LMIA application (or Employer Compliance Submission in the case of an employer-specific LMIA-exempt work permit). If the job description provided was for an on-site labourer, that individual is not then authorized to do book keeping for the company from their home in Canada.

Additionally, particularly in the case of LMIA applications where Service Canada is evaluating the impact to the Canadian labour market, employers may need to provide extra justification when hiring foreign workers to perform remote work from within the country. Employers will firstly need to ensure that any advertising they do makes it clear that the work can be performed remotely, as this may attract more Canadians to the position and minimize the need to hire a foreign worker. Employers should also be aware for LMIA applications that advertising for a remote position may also impact the wage that must be advertised and offered to the worker. Additionally, there could be pushback in the case of entirely remote positions, and employers may be asked to justify why the foreign worker needs to be in Canada to begin with in those scenarios.

3. Foreign national is in Canada but employed by a foreign company:

Consider the scenario where a foreign worker comes to Canada with a work permit and brings along their significant other. One major factor that individuals consider when moving to Canada is what their spouse will be able to do while in Canada and whether they will also be able to work. Let's say this worker's significant other is an IT consultant and is able to work from anywhere in the world for their Australian employer. Therefore, the significant other maintains their job with their Australian employer and will perform their job duties from their new location in Canada. This individual is also receiving wages or commissions for these activities. This generally fits into IRPR's definition of work. The individual is also "in Canada", but is the work "in Canada"?

Whether this work is of concern to IRCC depends on whether the individual's presence in Canada is ancillary to their job function:

- If their employer is a foreign entity, all job activities relate to the foreign entity, and work activities performed could truly be done from anywhere in the world, this work likely does not require work authorization.
- If the foreign entity has client sites in Canada that the individual will have to visit in the course of their duties, or if the individual's physical location in Canada is required to carry out some or all of their job duties for the foreign entity (e.g. direct sales to Canadian customers), this work likely would require work authorization.

Note, even if the individual does not require work authorization in this scenario, they still need to ensure they have proper authorization to travel to, enter, and remain in Canada as a visitor.

Conclusion

Ultimately, offering a position with the flexibility of some remote work is a benefit many employers are keen to provide as a means to attract candidates. Where those candidates are foreign nationals, it will be important for employers to ensure that proper authorization for the work is obtained and maintained throughout the course of the job. IRCC is not concerned with all work happening all over the world for Canadian entities, nor is it concerned with work being performed by an individual physically in Canada who has not entered the Canadian labour market. In all other scenarios, it is important for foreign nationals and employers alike to ensure proper work authorization is in place, and where remote work occurs within Canada by a foreign national for a Canadian employer, there may be additional considerations to ensure work authorization is properly obtained.

Attract & Retain: Nova Scotia taps foreign healthcare workers to fill labour shortages

By [Brendan Sheridan](#)

The COVID-19 pandemic has exacerbated our country's labour shortages in healthcare and put further strain on our healthcare systems. We must spotlight the importance of recruiting and retaining workers in this field now more than ever. In Nova Scotia, residents are desperate for primary health care. Many Nova Scotians are without a family physician and walk-in clinics seem to not have returned to pre-pandemic service levels. This has caused greater numbers of Nova Scotians to seek care from emergency departments, even in non-emergent scenarios. Higher patient levels and staffing shortages have resulted in significant emergency room wait times throughout the province and, in some cases, delayed care. There are also major surgical backlogs that must be addressed.

In particular, over 100,000 Nova Scotians are currently without a family doctor, and over 38,000 of these individuals are located in the Central Zone, which includes the Halifax Regional Municipality.^[1] The shortage of healthcare workers is not only restricted to physicians, as Statistics Canada has confirmed there are significant job vacancies throughout the healthcare sector including for nurse aides, orderlies, and patient service associates; registered nurses and registered psychiatric nurses; and licensed practical nurses.^[2]

The insufficient numbers of Canadians and permanent residents entering and remaining in the healthcare field has forced employers to explore alternative options, namely the hiring of foreign healthcare workers, to fill their vacant positions. Many employers are now faced with questions on how they can not only recruit, but also retain these vital foreign workers on a permanent basis. The Government of Nova Scotia and the Federal Government understand the urgent need to fill these labour gaps and have taken steps to allow foreign workers to more easily enter the healthcare field and remain in Canada on a long-term basis. Read on for an overview of options to facilitate the recruitment and retention of foreign workers in this field.

Streamlined Licensing Process for Healthcare Professionals

Many foreign healthcare workers who are interested in working in Nova Scotia will struggle with the lengthy and slow credential recognition and licensing process that can ultimately prevent foreign-trained doctors from starting work in Nova Scotia in a reasonable time period. The frustration involved could even dissuade prospective workers from moving to Nova Scotia at all. In light of the urgent need for more healthcare workers, the Government of Nova Scotia, Nova Scotia Health Authority, and the regulatory colleges have been working together to streamline the process to allow foreign workers to begin working in the field more quickly after receiving their immigration authorization to work in Canada, while still maintaining a diligent evaluation process.

In response to these efforts, a new streamlined pathway for licensing has recently been implemented for internationally educated physicians. The new pathway is expected to allow internationally trained physicians deemed to have "sufficient time and discipline training"^[3] to

receive their license more quickly, with less administrative burden and with shorter periods of assessment and supervision.^[4] The Nova Scotia College of Nursing is also making efforts to expedite their process. Specifically, the College has already introduced measures to make their registration and licensing more efficient for internationally educated nurses, and are further exploring ways to streamline the licensing process as a whole.^[5]

The efforts undertaken to streamline the licensing process should be welcome news to Nova Scotia employers seeking to recruit foreign workers in the healthcare field.

Provincial Nominee Program

A more efficient licensing process is only the first step to attracting foreign national healthcare workers, and immigration considerations related to recruitment and retention must also be accounted for. The Province of Nova Scotia recognizes the need to recruit healthcare workers from outside of Canada and has developed [Nova Scotia Nominee Program](#) (NSNP) streams that specifically target foreign workers in this industry.

Provincial Nominee Programs are primarily designed to support foreign nationals in obtaining permanent resident status in Canada and they generally involve a two-step process. The applicant must first apply to the Province of Nova Scotia for a Nomination through one of their established streams. Once approved, they must apply to the Federal Government for permanent resident status. While the ultimate goal of the Provincial Nomination Program streams is for foreign nationals to obtain permanent residence in Canada, many of these programs also offer the opportunity for foreign nationals to obtain a temporary work permit so that they may enter Canada to begin working while awaiting the processing of their permanent residence application. While each program has differing requirements and targets different occupations, they each support employers in facilitating the recruitment and retention of temporary foreign workers.

A brief overview of Nova Scotia's Provincial Nomination Program streams targeting foreign national healthcare workers is provided below.

1. Nova Scotia Labour Market Priorities for Physicians Stream:

The Labour Market Priorities for Physicians Stream targets general practitioners, family physicians, and specialist physicians. Qualifying physicians must have an approved opportunity from the Nova Scotia Health Authority or the IWK Health Centre, sign a Return for Service Agreement committing to live and work in Nova Scotia for at least two years, and have a valid Express Entry profile. Qualifying applicants with a valid Express Entry profile will receive an invitation to apply for a Nomination from Nova Scotia and must submit their complete application. Once approved, the physicians will apply to the Federal Government for Permanent Residence and have the opportunity to apply for a temporary work permit so that they may begin working in the Province prior to obtaining their permanent residency status. As this program operates through the Express Entry system, applicants may have their federal permanent residence application processed in as little as six months.

2. Nova Scotia Physician Stream:

Similar to the Labour Market Priorities for Physicians Stream, the Nova Scotia Physician Stream targets general practitioners, family physicians, and specialist physicians. This program is designed to help the Nova Scotia Health Authority and the IWK recruit and retain physicians with the required skills to fill positions that could not be filled by Canadians or permanent residents. This stream requires that the physician has a job offer from the Nova Scotia Health Authority or IWK. Once the applicant has secured a job offer, they can prepare and apply to the Nova Scotia Office of Immigration for a Provincial Nomination. Once nominated, the applicant will apply to the Federal Government for permanent residence and will have the opportunity to apply for a temporary work permit that will authorize them to work in Canada while waiting for their permanent residence application to be processed.

While this stream is similar to the Nova Scotia Labour Market Priorities for Physicians Stream, the Physician Stream has significantly longer processing times for the federal permanent residence application process. The service standard for the federal permanent residence application is currently 18 to 24 months in length.

3. Nova Scotia Labour Market Priorities Stream:

While this stream is not geared solely to recruiting and retaining healthcare workers, it does allow the province to select candidates who are already in the federal Express Entry system pool who meet provincial labour market needs. The identified labour market needs currently include both registered and psychiatric nurses, and the last draw for invitations to apply was solely for qualifying applicants in these occupations. Applicants who are invited to apply for a Nova Scotia Provincial Nomination must demonstrate that they meet the criteria for their draw and submit complete applications. After receiving their Provincial Nomination, applicants must then apply for permanent residence through the Express Entry system. As noted above, the applications submitted through the Express Entry system can be processed in as little as six months.

While this stream offers significant opportunity to facilitate the retention of healthcare workers, its most recent applicant draws occurred on February 8, 2022. Further use of this stream by the province would be a welcome occurrence to fill ongoing gaps in the healthcare market.

4. Nova Scotia Occupations in Demand:

The Nova Scotia Occupations in Demand is a stream that targets certain semi and low-skilled occupations that are deemed to be in high demand in Nova Scotia's labour market. While occupations deemed to be in "high demand" can change from time-to-time, this stream is currently targeting foreign nationals who have full-time permanent job offers in certain occupations including nurse aides, orderlies, and patient service associates. Similar to the Nova Scotia Physician Stream discussed above, this stream operates outside of the Express Entry system. Qualifying applicants must apply directly to the Province of Nova Scotia for a

Nomination. Once approved, applicants can apply to the Federal Government for permanent resident status and a temporary work permit.

Federal Express Entry Changes for Physicians

In September 2022, the Federal Government announced changes to the Express Entry System to make it easier for foreign national physicians to obtain permanent residence without relying on a Provincial Nomination. In particular, Sean Fraser, Minister of Immigration, Refugees and Citizenship Canada, announced that physicians can now count their Canadian work experience as a physician towards their “Canadian experience” for Express Entry System purposes. Prior to this announcement, physicians working under a fee for service model were considered to be self-employed for Express Entry purposes. They therefore did not receive points for their work experience in Canada and would not be eligible for the Canadian Experience Program. This limited their permanent residence options and forced many foreign national physicians to first obtain a Provincial Nomination before moving forward with a permanent residence application. This change should provide a more streamlined process for many physicians as they may be able to skip the Provincial Nomination step.

This is a long overdue change that should make a significant impact allowing Canada and the Province of Nova Scotia to attract and retain more foreign national physicians.

Conclusion

Nova Scotia’s healthcare system is in urgent need of additional employees. Ultimately, streamlining and simplifying the recruitment of foreign healthcare workers is one important step in addressing these shortages. Employers can take solace in the fact that the Province of Nova Scotia and the respective regulatory colleges are taking immediate steps to facilitate the recruitment and retention of foreign workers in various positions throughout this sector.

[1]https://www.nshealth.ca/sites/nshealth.ca/files/finding_a_primary_care_provider_in_nova_scotia_report_july_2022.pdf

[2] <https://www150.statcan.gc.ca/n1/daily-quotidien/220621/dq220621b-eng.htm>

[3]<https://www.cbc.ca/news/canada/nova-scotia/doctors-training-college-of-physicians-and-surgeons-1.6577438>

[4] <https://novascotia.ca/news/release/?id=20220825001>

[5] <https://novascotia.ca/news/release/?id=20220825001>

Nova Scotia: Canada's emerging immigration hub

By [Sara Espinal Henao](#)

Nova Scotia is poised for growth. Having exceeded for the first time a population of over 1 million people as of January 2022, the province surpassed the national population growth rate and had the fastest growth among all Canadian provinces between October 2021 and January 2022.^[1]

The province's capital mirrors this upward trend. Since 2015, Halifax has experienced record population growth year after year. Against the expectation that this growth would give in to COVID-19 lockdowns and disruptions, the city closed 2020 with the highest population increase on record at the time. Its population continued to grow by over 2% between July 2020 and July 2021, representing the third-fastest growth rate among all Canadian cities, outpaced only by Kelowna and Oshawa.^[2]

This unprecedented growth is owed primarily to business relocation, strong immigration, and net interprovincial migration, a recent trend for the Province. Fourteen new companies expanded or relocated to Halifax during the pandemic, hiring thousands of employees in the process, and the number of start-ups in the city grew by an outstanding 36% in 2019^[3], raising, in 2021 alone, a record \$307.5 million in equity investment.^[4] With the seventh-largest economic recovery across all 41 Canadian census metropolitan areas (CMAs) and the second largest across benchmark cities, the Conference Board of Canada expects Halifax's GDP to grow at a consistently high rate into 2026.^[5] As an emerging start-up center and a top location for businesses, the province has set the groundwork for sustained economic growth for years to come.

A top choice for immigration

This promising growth has been in large part immigration-driven and the result of the province's ongoing commitment to attracting and retaining global talent. These efforts have rightfully afforded Nova Scotia with international recognition in recent years.

In coordination with the Federal Government, local employers and local associations, Nova Scotia has developed a wealth of provincial immigration programs to attract newcomers. The Provincial Nominee Program boasts nine different immigration pathways, targeting skilled workers, entrepreneurs, international student graduates, physicians, foreign nationals with work experience in the province, and those working in in-demand occupations.

Nova Scotia has also heavily relied on the Atlantic Immigration Program, a creative immigration route launched in 2017 as a pilot in partnership with the federal government that helps employers in Atlantic Canada. This immigration pathway is designed to address labour gaps and hire foreign skilled workers who want to immigrate to the region, as well as international graduates who want to stay in Atlantic Canada after graduation. The Atlantic Immigration Program became a permanent program on January 1, 2022 and is set to remain a key pathway for immigration to the province for the foreseeable future.^[6]

In recognition of its promising trajectory as an immigration destination, the Federal Government has committed to increasing the provincial nomination allocation targets for these programs over the next three years. It also increased Nova Scotia's 2022 allocations for the Provincial Nominee Program and Atlantic Immigration Program by 41%.^[7] Raising the quota to 5,430 applicants for the year, up from 3,857 in 2021. This represented 400 new nomination spaces in the Provincial Nominee Program, 17% more than last year, as well as an increase of 1,173 endorsed spaces in the Atlantic Immigration Program, 75% more than last year.^[8]

As a result of this aggressive immigration strategy, Nova Scotia welcomed a record number of 9,160 permanent residents to the province in 2021 and already exceeded this number with 9,375 arrivals by August of this year.^[9] Skilled workers in essential services such as healthcare and transportation, foreign nationals already living in Canada, and international students in the province have been a top focus. Over the past five years, immigration has not only reduced the province's loss of young professionals to the rest of the country, but is now a net importer of young and talented individuals who choose to make Nova Scotia their permanent home - a noteworthy benefit given the aging population in the region.

In addition to the accessible immigration pathways for those looking to settle in Nova Scotia, the province also offers an extensive network of services to help newcomers with the settlement process, ensuring they feel welcome and connected as Nova Scotia becomes their permanent home.

Nova Scotia works closely with settlement service providers and other associations to promote inclusive communities and ensure the programs meet the needs of newcomers across the province. The Province's 2022-2023 Budget assigned an additional \$1.4 million for settlement services in communities across Nova Scotia, signifying its commitment to supporting growth through immigration.^[10] Organizations such as the [Immigrant Services Association of Nova Scotia](#) and [Nova Scotia Start](#) provide invaluable guidance and support for families looking for resources as they settle in the province. Newcomers are directed to services they need to improve their language skills, find employment in the province, obtain qualifications to work in their fields, and navigate the process of finding housing, obtaining health care coverage, or accessing child care services and education, among others.

A top choice for businesses

On the heels of this growing interest in the province by global talent and young professionals, world-leading companies and start-ups are increasingly choosing to locate and expand to Nova Scotia.

The province offers a strategic geographic location given its proximity to the United States and Europe; a skilled and educated workforce due to our numerous post-secondary education institutions; competitive business costs; relatively low cost of living; and growing industry sectors, including the information technology, gaming, and digital media sector; financial services; ocean technology; transportation and logistics; and health and life sciences. ^[11]

The province has established a robust support network designed to help new businesses at varying stages from start-up through to growth and expansion. As of December 1, 2022, Invest Nova Scotia will consolidate [Nova Scotia Business Inc.](#) and [Innovacorp](#), and will provide a full range of services that businesses require to scale from the concept stage to export growth.^[12] Organizations such as [Halifax Partnership](#) help connect businesses with talent, including international talent; navigate export development opportunities; gain business intelligences to inform strategic decisions; and otherwise access guidance, funding, and partnership opportunities. Similarly, the [Halifax Innovation District](#), an initiative created in partnership with Halifax Partnership, provides a platform that connects start-ups, scale-ups, and established companies with assets and opportunities in the city. It is a resource hub with a wealth of entities that provide funding, mentorship, export support, and assistance for development.

Ultimately, Nova Scotia's drive and focused efforts to attract, integrate, and create opportunities for newcomers and businesses alike have made the province a top choice for foreign nationals seeking to make Canada their home, and for businesses seeking to meet their labour needs. It is the province's expressed goal to grow its population by 2 million by 2060 using immigration as one of its primary mechanisms.^[13]

It will be important to continue to clearly identify and monitor labour market needs and assess settlement needs of immigrants to reach these levels. However, given the range of immigration options available for newcomers, the ongoing partnership between the province and its business sector, and the wide range of services available to help individuals and businesses thrive, we have every reason to believe that this goal is well within reach.

[1] https://novascotia.ca/finance/statistics/archive_news.asp?id=17640&dg=&df=&dto=0&dti=3#:~:text=Nova%20Scotia's%20population%20exceeded%201,population%20has%20increased%20by%2066%2C315.

[2] <https://halifaxpartnership.com/research-strategy/halifax-index-2022/people/#population>

[3] <https://halifaxpartnership.com/news/article/halifax-startups-2020/#:~:text=The%20number%20of%20startups%20in%20launch%20and%20grow%20a%20startup>.

[4] <https://halifaxpartnership.com/research-strategy/halifax-index-2022/investment/>

[5] <https://halifaxpartnership.com/research-strategy/halifax-index-2022/investment/>

[6] To view our previous Thought Leadership article on the Atlantic Immigration Program becoming a permanent program, click [here](#).

[7] <https://novascotia.ca/news/release/?id=20221108002#:~:text=Nova%20Scotia's%20immigration%20allocation%20for,Program%20and%20Atlantic%20Immigration%20Program>

[8] <https://novascotia.ca/news/release/?id=20220616001>

[9] <https://novascotia.ca/news/release/?id=20221108002#:~:text=Nova%20Scotia's%20immigration%20allocation%20for,Program%20and%20Atlantic%20Immigration%20Program>

[10] <https://novascotia.ca/budget/>

[11] <https://halifaxpartnership.com/key-sectors/>

[12] <https://novascotia.ca/news/release/?id=20221019003>

[13] https://novascotia.ca/exec_council/letters-2021/ministerial-mandate-letter-2021-LS1.pdf

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