



CANADA - NOVA SCOTIA OFFSHORE PETROLEUM BOARD

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INFORMATION BULLETIN – 2B010702

TO: Operators in the Nova Scotia Offshore Area

FROM: Debbie Mountenay
Manager, Administration
& Industrial Benefits

DATE: April 22, 2002

RE: **FOREIGN WORKER NOTIFICATION PROCESS**

This Information Bulletin is issued in order to communicate the Board's expectations of operators with respect to Foreign Worker Notifications to the CNSOPB.

Legislation

The legislative requirements with respect to restrictions on foreign workers are contained in subsections 45(1), 45(2) and 45(3)(b) of the Accord legislation, which state:

45(1) In this section "Canada-Nova Scotia Benefits Plan" means a plan for the employment of Canadians and, in particular, members of the labour force of the Province...

45(2) Before the Board may approve any development plan pursuant to subsection 143(4) or authorize any work or activity under paragraph 142(1)(b), a Canada-Nova Scotia benefits plan shall be submitted to and approved by the Board, unless the Board waives that requirement in accordance with subsection (6).

45(3) A Canada-Nova Scotia Benefits Plan shall contain provisions intended to ensure that...

- (b) consistent with the Canadian Charter of Rights and Freedoms, individuals resident in the Province shall be given first consideration for training and employment in the work program for which the plan was submitted...

Approval of a Benefits Plan is always conditional upon receiving advance notice of foreign worker needs (generally three months, or as soon as the need is identified) in order to ensure that the legislative requirements have been met, prior to bringing in a foreign worker. This condition applies to the operator, all agents, consultants, major contractors and subcontractors, and includes foreign workers proposed to be brought in under trade agreements such as the North American Free Trade Agreement (NAFTA) and the General Agreement on Trade in Services (GATS).

Process

~~Two processes are outlined below. The first pertains to foreign workers applying to Human Resources Development Canada (HRDC) under a validation process. The second process pertains to foreign workers applying to enter Canada through a trade agreement (NAFTA and GATS). Although both processes are similar the CNSOPB consults with HRDC under a memorandum of Understanding arrangement.~~

The Board encourages operators and their contractors to contact HRDC in order to determine which of these processes will apply. An operator and contractor may liaise directly with HRDC, however CNSOPB can only accept those foreign worker notifications submitted by an operator on behalf of its contractor.

I. Validation Process

- Operator provides advance notice to CNSOPB either for itself or on behalf of its contractor. This is generally a copy of the HRDC submission; however, if not a copy of the HRDC submission, the notice to the Board must be detailed and include the following:
 - name of the proposed foreign worker,
 - job title,
 - job description,
 - qualifications necessary for the job,
 - duration of the proposed employment,
 - steps taken to search for qualified Nova Scotians and other Canadians, and
 - particulars of any technology transfer or succession planning anticipated.
- CNSOPB conducts a technical review of the submission on behalf of HRDC, as well as an Industrial Benefits review. This technical review is conducted concurrently with HRDC's review of the submission and, therefore, does not delay the validation.
- CNSOPB provides technical feedback to HRDC and dialogues with HRDC regarding their validation decision.
- CNSOPB advises operator as to outcome of Board review.

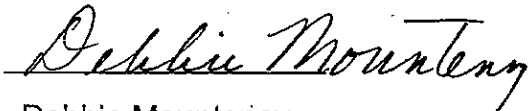
- CNSOPB monitors operator commitments.

II. Trade Agreement Process

- Operator provides advance notice to CNSOPB either for itself or on behalf of its contractor. The notice must be detailed and include the following:
 - name of the proposed foreign worker,
 - job title,
 - job description,
 - qualifications necessary for the job,
 - duration of the proposed employment,
 - steps taken to search for qualified Nova Scotians and other Canadians, and
 - particulars of any technology transfer or succession planning anticipated.
- CNSOPB conducts a technical and Industrial Benefits review of the submission and dialogues with operator, if further information is required.
- CNSOPB advises operator as to outcome of Board review.
- CNSOPB monitors operator commitments.

This information is also available on our website at www.cnsopb.ns.ca.

Please contact me at 496-0743, should you have any questions or Karen Trites at 496-0759.



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