



Immigration as a solution for labour shortage

As Saskatchewan's economy continues to grow, one challenge facing many employers is finding the necessary skilled employees.

With a provincial population that is static or declining, many employers realize they may have to look outside the province or the country for the employees they need. Recognizing this need, the provincial government recently announced the establishment of an Immigration Office in Saskatoon to assist employers in Saskatchewan.

The newly established Immigration Office will assist employers who are interested in hiring foreign workers. As well, the office will help improve integration services for newcomers to Saskatoon.

In Saskatchewan, one of the most popular initiatives for reaching potential employees outside the country is the Saskatchewan Immigrant Nominee Program (SINP). This is a provincially run program that provides a "fast-tracked" means of entry for immigrants who intend to settle in the province.

Since immigration is a federal government responsibility, SINP operates under an agreement with the federal government that allows provinces to nominate a set number of applicants who will make a significant economic contribution to the province.

Through the SINP, Saskatchewan will nominate potential immigrants if they meet one of the following criteria:

- **A professional, skilled worker, or in a management position**, and have received an offer of full-time permanent employment from a Saskatchewan Employer.
- **A family member** (between the ages of

18-49) of a Saskatchewan resident who has received a diploma, certificate, or degree at least one year in length with related work experience.

- **A truck driver** for an approved Saskatchewan trucking company on a temporary work permit offered a full-time, permanent employment.
- **A health professional** working in Saskatchewan on a temporary work permit with an offer of full-time permanent employment.
- **An entrepreneur** who has identified a business opportunity in one of the province's key sectors or industries.

"... the province can nominate a set number of applicants who will make a significant economic contribution..."

- **A graduated foreign student** who has been working for a Saskatchewan employer for at least six months.
- **A farmer** intending to purchase land for a farming operation in Saskatchewan.

Application processing times through SINP are substantially faster than federal immigration classes.

McKercher McKercher & Whitmore LLP has the necessary experience and skill to assist individuals and employers with their immigration needs. Our Firm has an active Immigration practice, with expertise in advising individuals and business with immigration matters.

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Since the Saskatchewan Immigrant Nominee Program was created in 2001, our Firm has been advising and representing clients with respect to skilled workers, family members, entrepreneurs and graduated foreign students under SINP.

In addition to providing assistance with the provincial Nominee Program, our Firm also provides a full range of Canadian immigration legal services, including: business immigration, family class immigration (including sponsorship immigration to Canada from abroad and from within Canada), work permit, study permit, visitor visas, international adoption and immigration appeals. Members of the Firm also provide services for newcomers to Canada in the area of business, family law and real estate.

International business and trade is also a priority for McKercher McKercher & Whitmore LLP as we see the economic opportunities for both international and Saskatchewan-based businesses. We are able to assist in the development of these relationships and business opportunities. As one of the largest law firms in Saskatchewan, we have the necessary experience in international trade issues, corporate and commercial law and tax and civil litigation to assist international business.

In April, McKercher McKercher & Whitmore LLP signed a Memorandum of Understanding with Kebei Law Firm in China to strengthen the Firm's relationships with contacts in that country.

Please contact our office if you would like more information.

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Quick Facts on Immigration in Saskatchewan

- The provincial government has increased funding for immigration from \$1.7 million in 2005/06 to \$6.3 million in 2006/07.
- Over the past five fiscal years, there has been a consistent growth in SINP nominations:

2001-02	25
2002-03	52
2003-04	180
2004-05	242
2005-06	454
2006-07	1255

- Of the 1255 nominations issued in 2006-07, 41% are destined for Saskatoon.
- To date, the most popular countries of origin for nominees are the Philippines, Ukraine, United Kingdom and China.



- Over 170 Saskatoon employers utilized the Saskatchewan Immigrant Nominee Program to address their labour needs in 2006-2007.

Information and statistics provided by the Government of Saskatchewan.

Mandatory retirement in Saskatchewan ends November 17, 2007

On May 17, 2007, Bill 9, *The Saskatchewan Human Rights Code Amendment Act, 2006* (“Bill 9”) received Royal Assent. It will come into force on November 17, 2007.

Bill 9 will make it unlawful in almost all situations to compel employees to retire at a certain age.

“... Employers who have been using mandatory retirement as a substitute for properly evaluating and enforcing performance standards may wish to revisit their performance evaluation processes...”

The six month transition period before the Bill comes into force is intended to give employers time to revise employment policies or to negotiate changes to collective agreements to ensure compliance when this new law comes into force. In making such changes, employers may wish to consider encouraging retirement through making

early retirement packages, phased retirement, or part time opportunities available to employees.

Employers who have been using mandatory retirement as a substitute for properly evaluating and enforcing performance standards may also wish to revisit their performance evaluation processes. In so doing, however, care must be taken to avoid discriminating against aged employees in gauging performance.

Employers should also expect that Bill 9 will result in more demands for accommodation in respect to age-related illnesses, disabilities, and other realities of aging. Employers’ responsibility in this regard only ends when the accommodation sought would result in undue hardship.

For employers that offer pension, disability, and other group benefits, it will also be important for them to consult with their legal counsel, insurance providers, actuarial and financial advisors concerning the proposed changes to the law. There is some uncertainty in the law at the moment about the rules surrounding age limits in benefits and pension plans.

Contributed by David M.A. Stack

Residential Tenancies Act, 2006

The Province’s new *Residential Tenancies Act, 2006*, officially came into effect March 1st, 2007.

Please visit the Provincial Government’s website at:
<http://www.publications.gov.sk> to review the new legislation.

If you have questions regarding this new legislation, please contact our office.



Of Note

- ◆ **Douglas B. Richardson, Q.C.**, a Partner with the Firm, was recently appointed Solicitor to the University of Saskatchewan. This was a position formerly held by Robert H. McKercher, Q.C.
- ◆ **Michelle J. Ouellette**, a Partner with the Firm, was elected Vice-President of the Saskatchewan branch of the Canadian Bar Association and will move into the role of Branch President in August.
- ◆ **Jon W. Danyliw** joined the Firm as an Associate last fall, after articling with the Firm. He works in the Saskatoon office, with a practice focusing on Corporate and Commercial Law, First Nations Law and Civil Litigation.
- ◆ **Christie L. Hoffman, Jason N. Jacobson** and **Paul L. Clemens** have joined the Firm upon completion of their articles this spring. Christie works in the Regina office with a practice focusing on Insurance Defence, Civil Litigation and Wills and Estates. Jason is in the Saskatoon office, with a general practice focusing on Corporate and Commercial Law, Securities, Environmental Law and Real Estate. Paul is also in the Saskatoon office, with a general practice that focuses on Corporate and Commercial Law and Civil Litigation.
- ◆ **Qianfeng Jiang** joined the firm last summer as an articling student. Qianfeng has a background in journalism in China. **Adrienne M. Perrot, Steven P. Dribnenki** and **Kyle P. Vermette** are the Firm's newest articling students.
- ◆ **Gordon S. Wyant**, a Partner with the Firm, won re-election as a Saskatoon City Councilor (Ward 5) in last fall's municipal election.
- ◆ **Joel Hesje, Q.C.** is the new president of the Saskatchewan Legal Education Society Inc. (SKLESI). SKLESI is responsible for the Bar Admission Course and the continuing legal education of the province's lawyers. Joel is a Partner with the Firm.
- ◆ **L.J. Dick Batten, Q.C.**, a Partner with the Firm, was recently appointed as Queen's Counsel. Dick received this honour for his contribution to the province's legal community.
- ◆ **Peter K. Fenton** was elected as a Member-at-Large of the University of Saskatchewan Alumni Association. Peter is an Associate with the Firm.
- ◆ **Pamela R. Kovacs**, an Associate with the Firm's Regina office, is the recipient of the *2006 Canadian Bar Association (CBA) Young Lawyers Pro Bono Service Award*. Pamela was selected for this award for her outstanding legal service which benefits the community. Pamela was instrumental in the creation of the Regina Free Legal Clinic which offers free legal services to those individuals who cannot afford a lawyer, but who do not qualify for Legal Aid.
- ◆ **Nicholas M. Cann**, an Associate in the Regina office, was recently elected President of the Regina Bar Association for a two-year term.

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Publications agreement number 40028248. Please return undeliverable Canadian addresses to McKercher McKercher & Whitmore LLP, 374 Third Avenue South, Saskatoon, Saskatchewan S7K 1M5.