



Seafarers launch lawsuit against the Federal Government to protect Canadian maritime jobs

Federal Government allows \$2.00 wages for foreign workers while qualified Canadians sit unemployed

September 8, 2015 – Montreal, QC – The Seafarers’ International Union of Canada (SIU) has launched a lawsuit challenging repeated decisions by the Canadian Border Services Agency (CBSA) to grant temporary work permits to foreign maritime workers crewing foreign ships operating in Canadian waters. Canadian law requires that ships carrying passengers or goods between Canadian ports (“cabotage”) may only use foreign workers if no qualified Canadian workers are available.

“The Government of Canada has allowed foreign workers to take 2100 jobs from qualified Canadian maritime workers,” said SIU President Jim Given. “The Federal Government continues to misuse their authority to grant temporary work permits to foreign workers, while passing over Canadian sailors who are ready to work”.

The SIU lawsuit challenges the temporary work permits recently granted to foreign workers aboard the *Sparto*, an oil tanker sailing under the flag of convenience of Cyprus. Since the beginning of 2015, the *Sparto* has been granted permission 10 separate times to ship crude oil on the St. Lawrence Seaway and Gulf of St. Lawrence, between the Maritime Provinces and Montreal. The Government of Canada recently issued work permits to 16 foreign workers on the *Sparto* despite the law stipulating that temporary work permits can only be issued if qualified Canadian workers are not available. The lawsuit seeks a declaration that the work permits should not have been issued and the termination of those work permits. Employment and Social Development Canada and Citizenship and Immigration Canada are named as respondents in the lawsuit.

To date, 2100 Canadian jobs have been lost as a result of the federal government not properly enforcing Canadian immigration law requirements. Since 2013, approximately 4000 temporary foreign work permits have been issued by the Government of Canada for domestic shipping. Approximately 25 per cent of Canadian maritime workers are currently unemployed.

“The Government of Canada is willfully ignoring the law and giving up on qualified, ready-to-work Canadian workers,” said Given. “We cannot sit by and watch while foreign workers are being given work permits and are paid as little as \$2.00 an hour to work on ships in Canadian waters.”

The lawsuit comes on the heels of reports of another foreign vessel, the *Amalthea*, operating between Canadian ports with foreign workers paid as little as \$2.00 an hour.

The SIU has made numerous attempts to contact Federal Government officials around Ottawa’s failure to enforce immigration law in connection with issuing work permits to foreign crew. To date, no acknowledgement has been made and no action has been taken.

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Legal Background:

The applications for judicial review filed with the Federal Court today seek to quash the work permits recently issued by the Canadian Border Services Agency (“CBSA”) to foreign crew members of the *Sparto*. The *Coasting Trade Act* restricts the transportation of passengers or goods between Canadian ports to Canadian registered ships (“cabotage”). However, a special license may be issued by the Canadian Transportation Agency to permit a foreign flagged vessel to engage in Cabotage in Canada if no Canadian vessel is available.

Since 2013, over 260 special permits have been issued to foreign ships to engage in Cabotage in Canada. The fact that a ship is able to operate in Canada, does not provide a legal right for the crew to work in Canada. Like all non-permanent residents or non-Canadian citizens, foreign crew must first be issued valid work permits before they work in Canada. The Government of Canada has routinely been issuing work permits to foreign crew, without first requiring a Labour Market Impact Assessment (“LMIA”) determining, among other things, whether there are qualified and available Canadians to perform the work. The SIU’s lawsuit alleges that this contravenes immigration law in Canada and, specifically, the *Regulations* under the *Immigration and Refugee Protection Act* that require a LMIA determination prior to issuing a work permit.

The lawsuit names the CBSA, as it is the federal agency charged with ensuring Canada's security and prosperity by managing the access of people and goods to and from Canada. The lawsuit also names Citizenship and Immigration Canada (“CIC”), as it is the federal agency that screens and processes temporary foreign worker applications for Canada. The CBSA and CIC have a joint operational mandate to enforce the immigration laws and regulations of Canada with respect to issuing work permits to foreign workers including Foreign Crew, with CIC holding the primary policy mandate.

Background on *Sparto*:

The *Sparto* is an oil tanker registered in Cyprus and sailing under the flag of convenience of Cyprus. The *Sparto* is a “foreign ship” within the meaning of the *Coasting Trade Act*. In 2015 alone, the *Sparto* has been granted 10 special licences to transport crude oil between Canadian ports (including ports in NB, NS, NFLD, and Quebec).

None of the *Sparto*’s 16 crew are Canadian residents or citizens. The Government of Canada has been regularly issuing work permits to *Sparto*’s crew without first conducting a LMIA to review whether Canadians are available to crew this vessel.

About the Seafarers International Union of Canada

The Seafarers’ International Union of Canada (SIU) has been representing seafarers working aboard vessels on Great Lakes, St. Lawrence River, East Coast and West Coast since 1938. SIU members have acquired the reputation of being amongst the best-trained and most qualified sailors in the world. SIU represents over 3500 qualified, Canadian seafarers across Canada.

For more information, please visit <http://www.seafarers.ca/>