

Trucking – Preferred Employer Policy

Approval Date: January 23, 2024
Effective Date: February 26, 2024
Approved By: Jennifer L'Esperance, Senior Executive Director, Immigration and Population Growth

Version Control: January 23, 2024
Latest Revision: January 23, 2024
Review By: Jeremy Smith, Director, Policy and Strategic Initiatives

I. POLICY STATEMENT

This policy supports the recruitment of Transport Truck Drivers (NOC 73300) through the Nova Scotia Nominee Program (NSNP) and the Atlantic Immigration Program (AIP) by employers that are operating in Nova Scotia. The policy seeks to support the recruitment and retention of individuals that meet a demonstrated labour market need in the province and have an intention to reside in Nova Scotia.

This policy further provides a means to recognize employers that are engaged partners in the immigration process, allowing them to apply to be Preferred Employers.

II. DEFINITIONS

Transport Truck Driver – Transport truck drivers drive straight trucks or tractor-trailers to transport freight. Long-haul truck drivers operate heavy trucks over urban, interurban, provincial and international routes, while short-haul and local transport truck drivers operate over urban and short interurban routes. They are employed by transportation, manufacturing, distribution and moving companies, and trucking employment service agencies, or they may be self-employed.

Employer – Employers are defined as an individual actively involved in the day-to-day management of the company and can undertake all associated program responsibilities. The employer defines the terms of employment, including the salary of employees, the salary schedule, and training of employees. The employer cannot be a third-party representative.

Further requirements for employers are outlined in the policy directives section.

Physical Office Premises – This refers to a permanent, fixed office space that operates in Nova Scotia independently of any head office, if one exists, outside of the province. This is the space where employees work and records are stored related to the business.

Route – A route is defined as beginning when a Transport Truck Driver leaves their province of residence to begin a route on behalf of their employer. A route that has multiple pick-ups and deliveries in various jurisdictions is defined as ending when the driver returns to their province of residence; a route that starts and ends trips in a province other than Nova Scotia and travels

through Nova Scotia as a component of the route is not eligible. The Immigration and Population Growth (IPG) Branch of the Department of Labour, Skills and Immigration (LSI) defines a Transport Truck Driver's province of residence as where they spend the majority of their consecutive off duty days. IPG does not permit agreements between employers and drivers, where employers coordinate driver's off-duty time to facilitate the time to be primarily spent outside of Nova Scotia.

III. **POLICY OBJECTIVES**

The objective of this policy is to outline the requirements that employers must meet in order to recruit Transport Truck Drivers through the NSNP and AIP.

Employers looking to hire Transport Truck Drivers for work that will include driving outside of the province are required to be recognized by IPG as a Preferred Employer or meet the additional criteria outlined in this policy.

IV. **APPLICATION**

- This policy applies to any employers seeking to recruit foreign nationals for Transport Truck Driver positions that will include driving outside of Nova Scotia through the NSNP and AIP.
- Employers that only operate trucking routes within Nova Scotia are exempt from this policy.
- This policy does not apply to the Entrepreneur or International Graduate Entrepreneur streams of the NSNP.

V. **POLICY DIRECTIVES**

1. All employers that are recruiting foreign nationals through a NSNP stream or through AIP to work as Transport Truck Drivers for work that will include driving outside of Nova Scotia must either:
 - 1.1 Meet the criteria outlined below under the Preferred Employer Program.

OR

 - 1.2 Meet the requirements listed below for employers not in the Preferred Employer Program.

Employer Requirements – Preferred Employer Program

2. Employers wishing to be considered Preferred Employers through the Preferred Employer Program will be required to:
 - 2.1 Provide and validate the size of their company/business through the Trucking Human Resource Sector Council Atlantic.
 - 2.2 Provide and validate list of all registered equipment through the Trucking Human Resource Sector Council Atlantic.
 - 2.3 Provide and validate the benefits available to employees through the Trucking Human Resource Sector Council Atlantic.

- 2.4 Other membership-based organization may be used to verify the information required in sections 2.1, 2.2, and 2.3, at the discretion of IPG.
- 2.5 Provide a valid Inspection Selection Systems Score. This only applies to carriers travelling to the United States of America (USA).
- 2.6 Provide proof of Commercial vehicle operator's registration(s) (CVOR).
- 2.7 Provide proof of valid insurance (minimum \$2M).
- 2.8 Provide a letter from the Workers Compensation Board acknowledging remittances are being submitted in accordance with number of employees.
- 2.9 Verify human resource practices based on five key pillars: communication, create rewards, intercultural competency, competitive practices, and connection. Completed through the Employer of Choice program (Trucking Human Resource Sector Council Atlantic).
- 2.10 Having Top Fleet recognition will support application process, but is not considered mandatory.
- 2.11 The Trucking Human Resource Sector Council, in partnership with the Atlantic Provinces Trucking Association, will maintain, publish, and regularly update the list of Preferred Employers.

Employer Requirements – Employers not in the Preferred Employer Program

- 3. All employers are not considered Preferred Employers under section 2.0 and that are recruiting foreign nationals through a NSNP stream or AIP to work as Transport Truck Drivers for work that will include driving outside of Nova Scotia must meet the following criteria:
 - 3.1 Provide proof that the company has been in continuous, active operation in Nova Scotia for at least 24 months under the same ownership.
 - 3.1.1 If the employer is a commercial business, it must be registered with the Nova Scotia Registry of Joint Stock Companies and show that it has a permanent establishment in Nova Scotia as defined in Canada's *Income Tax Act*.
 - 3.1.2 If the employer is a not-for-profit organization, it must be registered under the *Societies Act*.
 - 3.1.3 T2 Corporate Income Tax Returns may be required to verify proof of continuous operation.
 - 3.2 Provide proof of a physical office premises in Nova Scotia that is not a residential premises where:
 - 3.2.1 Books and records that are required by federal and/or provincial authorities are stored
 - 3.2.2 Books and records are readily accessible upon inspection
 - 3.3 Provide proof of an established location where trucking equipment is parked, stored, and/or where maintenance is conducted (e.g., a garage or lot) that is no more than 25

kilometers from the physical office premises in Nova Scotia and has the capacity to hold at least 30 percent of the fleet registered with the International Registration Plan (see section 3.6).

- 3.4 Provide proof of Commercial vehicle operator's registration.
- 3.5 Provide proof of valid insurance (minimum \$2M).
- 3.6 Provide a letter from the Workers Compensation Board acknowledging remittances are being submitted in accordance with number of employees.
- 3.7 Provide proof that the employer has an International Fuel Tax Agreement permit.
- 3.8 Provide proof that the employer has a minimum of one truck, truck tractor, or tractor for every two drivers currently employed.
- 3.9 Vehicles identified under section 3.8 must be registered with the Nova Scotia Registry of Motor Vehicles and with the International Registration Plan.
- 3.10 Proof that the Transport Truck Drivers begin and/or end their routes from their Nova Scotia location.
- 3.11 Upon request, provide proof of records required by provincial and/or federal authorities including the following:
 - 3.11.1 International Fuel Tax Agreement (IFTA):
 - 3.11.1.1 Date of trip (starting and ending)
 - 3.11.1.2 Trip origin and destination
 - 3.11.1.3 Beginning and ending odometer or hubometer readings
 - 3.11.1.4 Total trip (miles/kilometers)
 - 3.11.1.5 Miles/kilometers by jurisdiction
 - 3.11.1.6 Unit number or vehicle identification number
 - 3.11.1.7 Fleet number (when multiple fleets are present)
 - 3.11.1.8 Registrant's name
 - 3.11.2 Nova Scotia Motor Vehicle Act daily logs:
 - 3.11.2.1 Date
 - 3.11.2.2 Driver's name
 - 3.11.2.3 Odometer reading
 - 3.11.2.4 Total distance driven per 24 hour period
 - 3.11.2.5 Truck, bus, or tractor number plate or unit number
 - 3.11.2.6 Trailer number plate or unit number
 - 3.11.2.7 Name of carrier
 - 3.11.2.8 Signature of driver

- 3.11.2.9 Name of co-driver (if applicable)
 - 3.11.2.10 24 hour period starting time, if different from 12:00 am
 - 3.11.2.11 Main office address for carrier
 - 3.11.2.12 Total hours in each duty status
- 3.12 Provide proof that the business/company has at least 2 full-time employees, in addition to the owner or business manager, who have worked for the business for at least 24 months.
- 3.13 Confirm that the prospective Transport Truck Driver's place of work will be located at the business location provided under 3.1.

Job Offer

4. Any job offer made to an immigration candidate must meet all requirements of the NSNP stream or AIP, to the satisfaction of IPG, under which the candidate is applying.
5. All job offers must disclose the routes that the employee will be driving in as part of their position.
- 5.1 Routes must start or end in Nova Scotia.
 - 5.2 The employer is responsible for informing IPG of any changes to the employee's routes until such time as the employee receives their Permanent Residency.

Decisions

6. Final decisions with respect to the eligibility of a candidate that has applied to an NSNP stream or AIP falls under the sole discretion of IPG.

VI. POLICY GUIDELINES

- Nova Scotia's immigration programs are designed to provide pathways for immigrants with the knowledge and skills that meet labour market needs. They are meant to support individuals and families that have a genuine desire to live, work, and settle in Nova Scotia.
- Only applicants that have a genuine intent to reside in Nova Scotia should be considered for Nova Scotia immigration programs. Employers should consider the intent to reside when making a job offer to the applicant.
- Nova Scotia's immigration programs are further designed to support employers operating in the province. Employers operating outside of Nova Scotia should consider using other provincial nominee programs or federal immigration programs.
- Misuse of Nova Scotia's immigration programs, whether intentional or not, may result in the applicant and/or employer being sanctioned for misrepresentation or fraud. This can result in a ban on participation in the NSNP or AIP for a period of up to five (5) years.

VII. ACCOUNTABILITY

- The Senior Executive Director of the Immigration and Population Growth Branch has the responsibility for ongoing monitoring and enforcement of the policy.
- The Senior Executive Director of the Immigration and Population Growth Branch may amend or terminate this policy.

VIII. **MONITORING**

- The Director of Policy and Strategic Initiatives and the Director of Investigations and Compliance of the Immigration and Population Growth Branch will monitor the implementation, performance, and effectiveness of this policy.

IX. **INQUIRIES**

Jeremy Smith

Director, Policy and Strategic Initiatives, Immigration and Population Growth Branch
Nova Scotia Department of Labour, Skills, and Immigration