

Directives for Assessing Labour Market Opinions

December 2009

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Directives were developed for Temporary Foreign Worker Program officers at Human Resources and Skills Development Canada/Service Canada who assess applications for labour market opinions received from employers who want to hire foreign workers.

When assessing labour market opinion applications, TFWP officers may also consult other directives that were developed for specific components of the TFWP such as live-in caregivers. These directives are presently being updated and they will be posted on the HRSDC/SC Web sites as they become available.

1. Temporary Foreign Worker Program Objectives

The TFWP allows employers to hire foreign workers to meet their labour needs when qualified Canadian workers or permanent residents are not readily available.

2. Authority and Legislation

The TFWP operates under the authority of the [Immigration and Refugee Protection Act and Regulations](#). They describe who may enter and work in Canada and outline the respective roles of the federal departments responsible for regulating the entry of foreign workers into Canada's workforce -- Human Resources and Skills Development Canada (HRSDC)/Service Canada(SC), Citizenship and Immigration Canada (CIC) and the Canada Border Services Agency (CBSA)

[Section 203 of the Immigration and Refugee Protection Regulations](#) indicate that upon reviewing a work permit application, a Citizenship and Immigration Canada (CIC) officer is to determine, on the basis of an opinion provided by the department responsible for human resources development (HRSDC/SC), whether the job offer is genuine and employment of a foreign worker is likely to have a neutral or positive effect on the Canadian labour market. This opinion is referred to as a "labour market opinion".

[Section 186 of the Regulations](#) describes instances when a labour market opinion by HRSDC/SC is not required. These instances are also listed in [How to Hire CIC's Foreign Workers - A Guidebook for Employers](#).

Human Resources and Skills Development Canada/Service Canada work with employers who want to hire foreign workers. Citizenship and Immigration Canada and the Canada Border Services Agency works with foreign workers who want to work in Canada.

2.1 Role of Human Resources and Skills Development Canada/Service Canada

Employers who want to hire foreign workers must first apply to HRSDC/SC for labour market opinions to assess the job offers made to foreign workers. These opinions determine what impact the entry of foreign workers would have on Canada's labour market, or in other words, how the offers of employment would affect Canadian jobs.

As part of this "Labour Market Opinion," HRSDC/SC works case-by-case to make sure that employers meet certain [eligibility criteria \(section 7\)](#) such as offering prevailing [wage rates \(section 11\)](#) and acceptable [working conditions \(section 12\)](#), and make [comprehensive efforts \(section 14\)](#) to fill vacant positions with Canadian workers or permanent residents.

2.2 Role of Citizenship and Immigration Canada

Foreign workers must be authorized to work in Canada, either through holding a valid work permit or because they are exempt from this requirement under [Section 186 of the Immigration and Refugee Protection Regulations](#).

[Citizenship and Immigration Canada \(CIC\)](#) is responsible for issuing the documents required for foreign workers to enter Canada, and helps make the final decisions as to whether foreign workers may enter and work in Canada.

In most cases, CIC will issue work permits to foreign workers when they have job offers from employers in Canada and when employers receive confirmation from HRSDC/SC (labour market opinion) that the employment of foreign workers will have a positive or neutral effect on the Canadian labour market. For instances when an HRSDC Labour Market Opinion is not required consult [CIC](#).

2.3 Role of Canada Border Services Agency

The [Canada Border Services Agency's \(CBSA\)](#) role is to determine if foreign workers can enter Canada.

CBSA officers screen foreign workers at border crossings and airports to make sure that they meet admissibility requirements. Officers can deny entry if they believe foreign workers do not meet the requirements of the [Immigration and Refugee Protection Act and Regulations](#).

2.4 Role of the Ministère de l'Immigration et des Communautés culturelles

Under the [Canada-Quebec Accord](#) federal and provincial governments share jurisdiction with regards to immigration. Job offers to foreign workers of **six days or more** in Québec must be approved by both HRSDC/SC and the provincial Ministère de l'Immigration et des Communautés culturelles (MICC). The TFWP officer located in the area where work will first occur is responsible for obtaining both of these approvals. Job offers of five days or less do not require provincial approval.

Public or private employers who want to hire foreign workers in Québec must obtain a Québec Acceptance Certificate from [MICC](#).

PART I - SUMMARY AND PROCEDURES

3. Requesting a Labour Market Opinion

Employers wishing to hire foreign workers (including foreign workers already working in Canada) must generally have the job offers assessed by HRSDC/SC by submitting a completed:

- [Foreign Worker Application for an Initial Labour Market Opinion](#) (i.e., first time an application is made for a foreign worker) either [online, by mail or by fax](#). This applies for foreign workers living in their country of residence or foreign workers already in Canada who wish to accept a job offer from a different employer.

In addition to the application forms, employers **may be required** to provide other documents, such as:

- Evidence of the employer's efforts to recruit Canadians or permanent residents (e.g., copies of advertisements, and/or receipts showing when and where an advertisement was published, how long it ran for, and the associated costs).
- A copy of the signed employment contract.

Assessment criteria and documents required may vary depending on the industry sector and occupation such as: [academics](#), [film and entertainment industry](#), [live-in caregivers](#), [seasonal agricultural and skilled workers](#), and [occupations requiring lower levels of formal training](#).

Completed employer applications should be submitted to the nearest Service Canada Centre where the job is located. If the job is to be performed in several locations, the application should be sent to, and reviewed first by, the regional Centre closest to the first worksite. A TFWP officer will review the application and seek concurrence from SC Centres in subsequent worksites. (See [section 6](#) for information on concurrence.)

3.1 Third-Party Representatives

Third-party representatives are individuals or companies hired by employers to act on their behalf for the purposes of Labour Market Opinions. In these instances, employers must submit a signed authorization with their applications for Labour Market Opinions (i.e., [Appointment of Representative form](#) (PDF 234KB)) - [HTML](#), specifically authorizing third-party representatives to act on their behalf. TFWP officers may, at their discretion, contact employers directly to confirm the authorization or to clarify aspects of Labour Market Opinion applications.

Even if a third-party representative acts on an employer's behalf (for the purposes of recruiting and/or submitting a labour market opinion application), a TFWP officers makes sure that a valid employment relationship exist between the employer (not the third-party representative) and the foreign worker. (See [Section 10](#).)

4. Assessing an Employer's Application

TFWP officers review and assess employers' labour market opinion applications to determine what impact their offers of employment will have on the Canadian labour market. (See [Part II](#) for a full explanation of the assessment process.) The development of a labour market opinion is not a simple application review. TFWP officers contact employers and/or relevant organizations when information or clarifications are required. Often, this direct contact helps gain a better understanding of the characteristics and needs of employers and make sure they have all the information required to assess job offers.

5. Issuing a Labour Market Opinion

TFWP officers generally issue a positive Labour Market Opinion (confirmation) if the employment of a foreign worker is unlikely to have an adverse effect on the Canadian labour market.

When determining the duration of a labour market opinion, officers consider the labour market, the expected duration of employment, the number of positions requested and the skill level of the position. The maximum duration of a Labour Market Opinion varies according to the type of industry or occupation.

TFWP officers ensure employers have provided all the information required before issuing labour market opinions to make sure assessments of job offers are sound. Once decisions are made, TFWP officers inform employers by issuing either a confirmation or refusal letter.

The employer must forward a copy of the confirmation letter to the foreign worker who will need to attach it to his/her work permit application to CIC.

6. Concurrence from Other Regions

When an offer of employment involves more than one region or province, the employer must submit the Labour Market Opinion application to the regional Service Canada Office nearest to where the job will first be located. TFWP officers responsible for assessing applications seek concurrence from officers in other Centres serving regions or provinces where foreign workers will also be employed. Seeking concurrence ensures that the labour market opinion issued is based on a sound analysis of the labour market situation in all the regions or provinces where the work will occur.

If approval (concurrence) is refused by a region or province, the officer where the job will first be located contacts national headquarters for advice.

6.1 Concurrence in the Province of Quebec

Under the [Canada-Québec Accord](#), the federal and provincial governments share jurisdiction with regards to immigration. **Job offers to foreign workers of six days or more in Québec must be approved by both HRSDC/SC and the Ministère de l'Immigration et des Communautés culturelles (MICC).** The TFWP officer located in the area where work will first occur is responsible for obtaining both of these approvals. Job offers of five days or less do not require provincial approval.

To obtain [MICC's approval](#) for job offers of **six days or more**:

The TFWP officer where the job will occur or first occur if the foreign worker is to be employed in more than one region or province, is responsible for obtaining concurrence from MICC.

1. The TFWP officer assessing the application seeks concurrence from other regions or province if applicable.
2. The officer emails or faxes the following to MICC: a copy of the Foreign Worker System file, the [National Occupational Classification](#) code or occupation, and the street address, city, postal code and phone number of the location(s) where the work will take place. The 'Notes to MICC' must also include the number of days of work in each region or province.

When sending the file to MICC for approval, the officer indicates the preferred language of correspondence. In Québec, correspondence is always sent in French unless otherwise specified.

The MICC reviews the file provided by the TFWP officer only if the employer has a [Québec Acceptance Certificate](#) (Certificat d'acceptation du Québec) from MICC.

Contact information for MICC is as follows:

Ministère de l'Immigration et des Communautés culturelles
Telephone: (514) 864-1165
Fax: (514) 864-3825
Email: travailleurs.DSER@micc.gouv.qc.ca

3. MICC faxes its decision and the certificate number to the TFWP officer.
4. The TFWP officer issues a labour market opinion in the form of a confirmation or refusal letter.

If approval (concurrence) is refused by a region, province or MICC, the TFWP officer contacts national headquarters for advice.

HRSDC/SC is **not required** to seek concurrence from the Province of Quebec if the employment of a foreign worker is **for five days or less**.

For more information on the FWP process visit [MICC](#).

PART II - LABOUR MARKET OPINION ANALYSIS

7. Eligibility Criteria

When assessing an application for a Labour Market Opinion, TFWP officers consider the following factors, identified in [Section 203\(3\) of the Immigration and Refugee Protection Regulations](#), to determine what impact the employment of the foreign worker is likely to have on the Canadian labour market:

1. Whether the employment of the foreign worker is likely to result in direct job creation or job retention for Canadian citizens or permanent residents.
2. Whether the employment of the foreign worker is likely to result in the creation or transfer of skills and knowledge for the benefit of Canadian citizens or permanent residents;
3. whether the employment of the foreign worker is likely to fill a labour shortage.
4. Whether the wages offered to the foreign worker are consistent with the prevailing wage rate for the occupation and region(s) where the worker will be employed and the working conditions meet generally accepted Canadian standards.
5. Whether the employer has made, or has agreed to make, reasonable efforts to hire or train Canadian citizens or permanent residents.
6. Whether the employment of the foreign worker is likely to adversely affect the settlement of any labour dispute in progress or the employment of any person involved in the dispute.

TFWP officers assess both straightforward, measurable criteria such as wages and working conditions and harder-to-measure benefits such as skills transfer and job retention for Canadians. For example, if an employer can demonstrate that a foreign worker with a particular skill set is integral to the business and that hiring him or her will result in the transfer of skills to the Canadian staff or create jobs, then choosing that individual over a qualified Canadian or permanent resident may be acceptable.

8. Information Employers Must Provide

In order for a TFWP officer to assess a job offer, the employer must provide details of the duties and requirements of the position, and wages and benefits offered. The job offer must result in an employer-employee relationship for a defined period of time, and generally be for full-time work. (See [section 12](#) for working conditions and part-time work.)

TFWP officers may contact employers (or if applicable, third-party representatives) for clarification or if further information is required.

9. The Job

On the TFWP forms "[Application for a Labour Market Opinion](#)" employers must describe the main duties of the job being offered and requirements such as education, experience, skills, language,

certification, licensing and registration. TFWP officers review applications and any other relevant documents submitted by employers to gain a better understanding of the nature of their work and requirements.

9.1 Assigning a National Occupational Classification Code

When developing a Labour Market Opinion, TFWP officers assign a [National Occupational Classification](#) (NOC) code based on the main duties and educational requirements of the job offer made to the foreign worker.

If the duties appear to fall under more than one NOC code but within the same skill level, officers choose the code that corresponds closest to the predominant duties of the position.

If the duties or qualifications fall under different NOC codes and skill levels, the TFWP officer chooses the code at the highest skill level.

Example: A worker trained and certified in carpentry would also perform some general labourer duties. In this case, the officer must choose the NOC skill level B associated with carpentry, because even if the worker performs some duties at the lower skill level C, he/she still needs to have the skills/training/certification in carpentry (regardless of how the hours of work are divided between the different duties).

9.2 Job Consistent with Business Line

When assessing an offer of employment, TFWP officers determine whether it is consistent with the employer's line and size of business, and where the work will take place (i.e., rural area or large city).

Example 1: The owner of a small town corner store submits an application for a Labour Market Opinion for a full-time accountant. The TFWP officer reviewing the application would ask himself/herself:

- Why would the owner of a small corner store need a full-time accountant?
- Is there enough accounting/book keeping duties to work full-time hours?
- Would the store owner not likely contract someone to do this work for a few hours a week?

A close examination of the application and a call to the employer would most probably reveal that a full-time accountant is not required.

Example 2: A small clothing store wants to hire a foreign worker for two years to design, create and maintain its Web site. The TFWP office would ask himself/herself:

- Why would a small clothing store need a full-time web designer?
- Considering the size of the business, is there enough work to employ a full-time web designer?

A call to the employer may reveal that the clothing store is in the process of expanding its business to allow customers to order products online. A full-time web designer is needed to create the Web site and maintain it (i.e., posting new products online and keeping track of orders). This application may be confirmed since the worker is being hired to support the development of a new business line.

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- [Adobe Reader](#)
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10. Employment Relationship

For the purpose of the Temporary Foreign Worker Program (TFWP), the employer must have an employment (employer-employee) relationship with the foreign worker who agrees to work for him/her for a specified or indeterminate period of time in return for salary or wages.

The employer:

- Can be a company, organization or individual.
- Has the authority to decide where, when and how the work will be done.
- Directly benefits from the work performed by the foreign worker.
- Is obligated to meet all the requirements of the Labour Market Opinion (LMO) and employment contract (in cases where a signed contract is required).
- Pays the workers wages or has hired a company to do so on his/her behalf.

The employment relationship provides some assurance that:

- A genuine job exists with a set wage rate and clear working conditions.
- The worker will be employed full-time and will be covered by provincial labour laws, medical coverage and worker's compensation.
- Deductions for Income Tax, Employment Insurance and Canada/Québec Pension Plan purposes will be made.

10.1 Non-Traditional Employment Relationship

There are instances when the employer does not have a traditional employment relationship with the foreign worker. Exceptions generally apply to managerial and professional occupations and highly specialized and well remunerated technical occupations.

Examples of non-traditional employment relationships

Entertainment industry

Due to the unique nature of the entertainment industry, an individual or company may be considered the employer (except if the entertainer works in the television and film industry or as an exotic dancer), even though there is no traditional employment relationship between the worker and the employer.

An agent has contractual agreements with other parties involved in an entertainer's performance (e.g., the venue operator, promoter, club owner). These contractual agreements include the number of hours of work and wages to be paid to the foreign entertainer. The agent is a middleman; he is paid for the entertainer's performance by other individuals or companies in exchange for arranging work and wages. In this respect, an employment relationship exists between the agent and the entertainer since the agent is ultimately responsible for paying the entertainer's wages.

Medical practitioners

A provincial authority may be identified as the employer when requesting LMOs to hire medical doctors. Although many doctors and other medical professionals are technically self-employed, they are usually invited by health authorities to set up practice and bill provincial/territorial public health care plans.

Foreign worker related to the employer

For the purposes of an LMO, whether the employer is related to the foreign worker is immaterial when assessing job offers.

Financial interest in the business

TFWP officers can issue a positive LMO when a foreign worker owns less than 50 percent of the business – as long as there is an offer of employment specifying the wages, duties and requirements of the position, and an employment relationship is established.

When a foreign worker owns 50 percent or more of the business, an LMO is not required. Citizenship and Immigration Canada (CIC) determines whether or not to issue a work permit using the significant benefit to Canada exemption ([Section 205\(a\) of the Immigration and Refugee Protection Regulations \(IRPR\)](#)). CIC may ask Human Resources and Skills Development Canada HRSDC/Service Canada for labour market information as part of its process.

10.2 Third-party Representatives

There are instances when companies in Canada who benefit from the services provided by foreign workers, hire employment referral, hiring or placement agencies **to find and recruit foreign workers**. These agencies are referred to as third-party representatives.

For example:

1. Employers may enlist third-party representatives to represent them throughout their dealings with HRSDC/Service Canada. In these situations, third-party representatives must have received authorization from employers to submit LMO applications on their behalf.
2. Employers may use recruiting agencies or 'labour brokers' to assist them in finding foreign workers. The third-party representatives may also represent them throughout the LMO application process.
3. Employers may choose to use third-parties to perform some or all of the functions identified above and issue pay cheques to foreign workers on their behalf.

In all of the examples provided above, the company who hired a third-party representative is the "employer" for the purposes of an LMO application under [Section 203 of the IRPR](#).

The company who wants to hire foreign workers (not the third-party representative) is ultimately responsible for making sure the information provided to HRSDC/Service Canada is accurate and that they meet their obligations and responsibilities. The worker is employed by the company (not the third-party representative) and reports to the employer named on the application form.

A placement or employment agency can be considered the "employer" for the purposes of an LMO application if it hires a temporary foreign worker for its own human resource requirements in which the knowledge and skills of the foreign worker will directly contribute to the day-to-day business activities

of the agency. A temporary placement agency that recruits workers but does not offer a guaranteed salary or wages with full-time hours (i.e., the agency will only pay the worker if it can find a job for the worker) will not be approved.

The employer directly benefits from the services provided by a foreign worker. A third-party representative provides services to the employer such as finding, recruiting and/or issuing cheques to foreign workers on behalf of the employer, he does not benefit directly from the services provided.

Application process for employers who hire a third-party representative for the submission of an LMO application?

While hiring steps vary, they generally follow this pattern:

Step 1:

An employer fills out and signs the Appointment of Representative form [HTML - PDF \(236 KB\)](#), authorizing the third-party to represent the employer through the application process with HRSDC/Service Canada.

Step 2:

The third-party submits an application to [HRSDC/Service Canada](#) (on behalf of the employer) for an LMO and may be required to submit an employer-employee contract.

Step 3:

A TFWP officer assesses the application based on program criteria and develops an LMO.

Step 4:

The officer provides a written response (confirmation letter) to the employer and the third-party.

Step 5:

The employer informs the foreign worker and, if the LMO is confirmed, forwards a copy of the confirmation letter.

Step 6:

The foreign worker applies to [CIC](#) for a work permit and fills out the [Application for a Québec Acceptance Certificate for Temporary Work](#) form. The employer (or his third-party representative) is allowed to represent the worker in dealing with the Ministère de l'Immigration et des Communautés culturelles (MICC) if the worker signs the last section of the form entitled *Optional authorization to employer*. For more information visit [MICC \(in French only\)](#).

10.3 Verifying the Employment Relationship

TFWP officers take the following into considerations when determining if an employment relationship exists.

1. Who benefits from requesting the services of the temporary foreign worker? Who pays the worker wages? Has the employer hired a third-party representative company to recruit the worker do so on his/her behalf?

The employer is the individual or company who hired the third-party representative and who benefits directly from the foreign worker's services.

2. Who determines how the work will be done?

Generally, the employer determines (directly or indirectly) the way the work will be done and methods to be used. The employer has the right to hire or fire workers, determines the wage rate or salary, and decides on the time, place and manner in which the work is to be done.

In situations where the authenticity of the employer is unclear, TFWP officers can request a copy of the service agreement(s) that the employer has with his/her clients, as well as the foreign worker's duties and who is accountable for the worker.

With respect to the requirement that the employer provide full-time hours of work (and payment), the employer would be eligible for a positive LMO only if he/she had existing or newly signed contracts with its clients.

Example: Security Firm ABC requests five temporary foreign security guards and is offering guaranteed full-time hours of work at a guaranteed wage that meets the prevailing wage rate. Security Firm ABC is located downtown, however the security guard services are needed at five different buildings in the suburbs. Each guard will be required to report to a senior staff member at the beginning and end of each shift at the building where the shift was completed. Security Firm ABC is ultimately responsible for all of their employees working in various locations around the city, including temporary foreign workers.

In this case, for the purpose of clarifying the employer-employee relationship, the TFWP officer could request a service agreement from Security Firm ABC that outlines the working arrangements between ABC, its clients (the various office buildings in the suburbs) and the temporary foreign workers.

In general, the foreign worker's salary, bonuses and vacation pay are paid by the employer identified on the LMO application form. The employer must guarantee a salary for a defined number of full-time hours and pay the prevailing wage rate for the occupation in the region(s) where the worker will be located. Wages cannot be contingent upon the employer securing contracts for the services of the foreign worker after he/she arrives in Canada.

TFWP officers do not necessarily issue a negative LMO when the employer has hired a third-party representative to issue pay checks on his/her behalf. In these instances, the employer must demonstrate to HRSDC/Service Canada that the worker will be paid the wages agreed to in the LMO process.

Example: A temporary foreign worker is hired by Company ABC to work in its Nova Scotia factory. Company ABC has hired Firm YZ in New Brunswick to issue pay cheques to all of its workers including temporary foreign workers. The employer is still Company ABC and it must demonstrate that workers are being paid the agreed upon wages.

10.3.1 Employers interested in hiring self-employed foreign nationals

With few exceptions, HRSDC TFWP guidelines require that there be an employer-employee relationship in order to provide a LMO. Section 203 of the *IRPR* makes various references to "employers" hiring workers, and there is a requirement for an assessment of wages and working conditions.

The requirement for the establishment of an employment relationship provides some assurance that there is a contracted arrangement relating to a specific job with a set wage and clear working conditions, and provides assurance as well to help determine that the salaried worker will be employed full-time, will be covered by applicable federal or provincial labour laws, will be insured by

worker's compensation, and that deductions for income tax, Employment Insurance and Canada/Quebec Pension Plan will be made.

There are, however, certain situations where an employer will wish to hire a foreign national to meet a skill/business need on the basis of a contractual business relationship as opposed to an employer-employee relationship. Some are well-known such as in the cases of medical practitioners, for whom the regional health authority/province can be seen as quasi-employers, and certain entertainers who are in Canada for short periods under specific contracts. Other instances can also be addressed without the need for an LMO if it is considered a significant benefit to Canada under Section 205 (a). (See section 10.1.1.3 below).

The current section on non-traditional employment relationships will also explain how to assess applications in other circumstances where foreign independent contractors/self-employed individuals are hired to meet a temporary business requirement.

10.3.1.1. What is a self-employed individual? ¹

For the TFWP purposes, a self-employed individual works as an independent contractor for his/her own account and draws income from a business that he/she operates personally. To be self-employed is not the same as being a business owner. A business owner is not required to be hands-on with the day-to-day operations of his or her company and usually has paid employees working for him/her.

For the purpose of the TFWP, a self-employed person is directly responsible for the services he/she renders and carries out the work himself/herself. A self-employed individual has a direct contractual agreement with the employer/end user for whom the work is being produced.

Please note that an employee of a foreign company that is performing a service for the end user/employer is not a self-employed individual.

10.3.1.2 How to recognize situations where the foreign national is a self-employed individual for the purposes of assessing an LMO application under the TFW Program?

a) Specialized knowledge

Self-employed foreign nationals can be considered by employers for their expertise in a specific managerial, professional or technical occupation or in relation to a niche product or service. This expertise can be defined as having specialized or unique knowledge relating to the production of a good or a service. Specialized knowledge can also be defined with reference to the definition used by CIC such as²:

- An advanced level of knowledge or expertise in the organization's processes and procedures (product, process and service can include research, equipment, techniques, management, etc.);

¹ There are a number of different definitions of what may constitute a self-employed situation depending on a given organization or program's intent. For the purpose of the TFWP, an application relating to hiring a foreign national on a contractual basis as a self-employed individual will be assessed, provided it meets the conditions defined under this section of the national Directives.

² These definitions can also be found in CIC's Section 5.31 of the Foreign Worker Manual

- Unusual and different from what is generally found in a particular industry. The knowledge need not be proprietary or unique and should be uncommon;
- A person who possesses specialized knowledge would usually be in a position that is critical to the well-being of the enterprise;
- The knowledge is not generally identified and is of some complexity and cannot be transferred to another individual in the short term.
- The FW possesses knowledge that is valuable to the employers competitiveness in the market place;
- The specialized technical or managerial expertise could not be sourced within a reasonable period of time by Canadians.

b) After-Sales Services

Self-employed foreign nationals can also be considered with reference to after sales services, by doing repair and servicing specialized equipment, supervising installers, setting up and testing commercial or industrial equipment including computer software and robotics, which are not anymore covered by original or extended warranty. This specialized equipment have been usually purchased or leased from a foreign company and the services are being performed once the extended sales agreement, lease agreement warranty, or service contract has expired.

After sales services generally includes cases of equipment or machinery that is either out of warranty or where no contract service exists and where the company needs to purchase someone's expertise to maintain or to operate previously sold equipment. For example: a specialized service person coming to Canada to install, configure, or to give training on upgraded software.

This directive lists considerations to take into account in addition to those normally considered when assessing an LMO application. These considerations provide clarifications on how to process applications for LMOs in cases in which a self-employed foreign national will be providing technical/professional or management services to an employer/end user for a fixed period, for remuneration, under a contractual "business-to-business" arrangement different from an employer-employee relationship. As a result, the foreign national will not become a salaried employee of the company yet there is an employer and a service provider whose likely impact on the labour market must be assessed.

10.3.1.3 List of considerations

a. **Occupations**

The present directive applies to managerial/professional and technical occupations which fall under the National Occupational Classification (NOC) Skills Type O and NOC Skill levels A and B. NOC skill levels C and D occupations are not considered within the scope of this directive. Please note that hands-on building and construction work are not covered by this directive.

b. **Whether an exemption from the requirement for an LMO applies.**

There are situations where LMO-exemptions may apply. CIC and Canada Border Services Agency (CBSA) officials (at POEs) can make a final determination on whether an exemption applies. Service Canada officers could ask the employer whether he/she has contacted CIC TFW unit in that regard. However, when CIC or CBSA require an LMO, an LMO needs to be issued.

c. **Recruitment efforts and advertising requirements**

The employer is expected to have conducted recruitment efforts to fill the position as it is the case for other situations and these efforts are assessed as per the regular LMO assessment. It is also possible that the employer is only interested in meeting its business needs through

procurement of a contract to a professional/technical self-employed individual³. When this is the case, the employer, just as in the regular process, has to demonstrate what type of recruitment efforts and/or advertisement provided an opportunity to Canadians and permanent residents, including advertisement/procurement efforts for soliciting bids from domestic suppliers.

d. **Signed Contract**

As part of an application to HRSDC, the employer (i.e. service buyers) must provide a copy of the proposed contract signed by the employer. The contract will be showing at a minimum the period covered by the contractual arrangement; rate of pay/remuneration; the services to be performed; the location of the work; and the date of the contract. The information on the LMO application should be consistent with the information provided on the contractual arrangement.

e. **Remuneration**

The contract must demonstrate that the remuneration to be paid to the foreign individual is comparable or higher to the compensation that Canadians and permanent residents would earn in a similar occupation. Considering that self-employed individuals generally enter into contracts that do not provide for advantages enjoyed by salaried employees (e.g. employment insurance, disability/medical insurance), the remuneration offered to the foreign national must be higher than prevailing wages by at least 18%⁴ in order to reflect the fact that the employer does not have to pay for basic deductions covering items such as pensions, employment and disabilities insurance. Otherwise, employers could be lead to use such contractual arrangements in order to avoid providing the protection and other benefits associated with standard employer-employee situations.

10.3.1.4 Processing of application

In cases of requests for LMOs for situations involving self-employed professionals/management/highly specialized contracts for service or fee for service, employers should submit the standard application for an LMO to HRSDC/Service Canada with supporting evidence i.e. demonstration of recruitment and/or procurement aimed at seeking Canadian suppliers over the last three months preceding the date of application, copy of the employment arrangement between the employer and the TFW including reference to the description of the work to be performed and remuneration. The employer is the company or entity for whom the foreign national will be providing the services; in other words, the end-beneficiary, who will be paying for the services.

In situations involving an employment agency or recruiting firm, it is important to carefully analyze the role of such agency and the nature of their relationship with respect to both the own account/ self-employed foreign national and the employer requiring the specialized services/expertise. For example, there are cases where an employer may contact an agency specializing in finding self-employed individuals with specific expertise in some fields. In these cases, the LMO application would be assessed against the criteria set out here with respect to self-employment.

³ There are various types of procurement processes a business can use. [MERX](#) is a commonly known process and covers all levels of government including the Federal and Provincial Governments as well as the MASH sector which covers (Municipal, Academic, School Boards and Hospitals) from across Canada. When such a procurement process is used, a proof, such as a photocopy of the advertisement, should be attached to the LMO request. Requests for proposals can also be made through newspapers, specialized websites or other media and evidence of such advertisements/call for proposals should be provided.

⁴ As indicated in Statistics Canada Survey on Non-Wage Benefits, of September 25, 2008

However, where the employment agency is in the business of employing individuals for the purpose of placing them on a temporary basis with clients with whom they have a contractual agreement, the workers are not considered to be self-employed. Rather, in this type of situation the tripartite directive applies and must be followed. For more on this, please refer to the section dealing with tripartite arrangements.

10.4 Tripartite Employment Arrangements

A tripartite employment arrangement is when an employer retains the services of a third-party representative to **find, recruit, supply and pay** temporary foreign workers to meet their labour requirements.

The third-party representative **assumes some of the responsibilities and obligations of the employer such as issuing pay cheques, accreditation of workers, etc.** The company who hired the representative is the employer for the purposes of an LMO; he/she benefits from the services provided by the foreign worker, gives direction and controls the on-site work to be performed, sets the working conditions, and ultimately pays the TFW through a contract with the third-party representative. This ensures that the foreign worker cannot be moved from one employer to another and location once the worker enters Canada, thereby changing the basis under which the LMO was provided. Employers intending to hire workers in NOC skill level C and D must meet all the requirements under the [Pilot project for occupations requiring lower levels of formal training](#) including an employer-employee contract.

Example:

FFF Electrical hires the employment agency BBB Select to supply electricians on an as need basis and to issue pay cheques for all of its workers. FFF Electrical needs five electricians to complete a project within six months. BBB advertises for electricians in Canada without success, BBB Select decides to find, recruit and hire electricians through the Temporary Foreign Worker Program.

In this situation, BBB Select and FFF Electrical share attributes of the employer; BBB Select recruits workers and issues the pay cheques and, FFF Electrical controls the on-site work. BBB Select cannot be the "employer" for the purposes of an LMO since it does not benefit directly from the services provided by foreign electrical workers and work is controlled by FFF Electrical. The employer, FFF Electrical, must apply for an LMO or authorize BBB Select to apply on its behalf by filling out the relevant section on the foreign worker application form.

The TFWP officer could request additional information to clarify the relationship between a) BBB Select (employment agency) and FFF Electrical, b) BBB Select and the foreign workers, and c) BBB Select and FFF Electrical.

LMO application when a tripartite employment arrangement exists

When a request for an LMO is made by a third-party representative, the employer must fill out the relevant section of the application form [HTML](#) - [PDF form \(236 KB\)](#) - that authorizes the third-party representative to act on his/her behalf.

TFWP officers identify in the "CIC Notes Section" that a tripartite employment arrangement exists. Information provided includes the name of the third-party representative, and other information such as the organization that will be issuing pay cheques to foreign workers.

In addition to the information that is normally required from employers when they apply to HRSDC/Service Canada for an LMO, the employer (or third-party representative) must provide the following:

1. The name of the employment agency and a description of the agency's primary business.
2. A copy of an agreement or contract between the company and the employment agency that relates to the hiring of the foreign worker.
3. A copy of an agreement or contract between the agency and the foreign worker.
4. A copy of the letter of offer to the foreign worker (if it has already been issued).
5. If not included under 2, 3 and 4, the:
 - Name of the organization that will be issuing the payment for the remuneration of the worker.
 - Information regarding the wages, benefits and working conditions applicable.
 - Confirmation that no placement fees have been/will be charged to the worker for employment in British Columbia, Alberta, Saskatchewan and Manitoba, and that the third-party representative complies with applicable provincial laws regarding licensing.

The TFWP officer advises the employer (or authorized third-party representative) that the foreign worker must provide the above mentioned documentation to the CIC visa office along with the work permit application in order for a work permit to be processed. Failure to provide information or documents that establish a line of accountability between the worker and the employer who will benefit from the worker's services may result in immediate refusal of the application or substantial delays in processing at the visa office. Further, CIC visa officers cannot contact agencies or companies about the details and requirements of work permit applications. HRSDC/Service Canada is not required to contact visa officers on behalf of employers.

11. Wages

As part of a request for a Labour Market Opinion, the employer must indicate the salary or wages that the foreign worker will receive. The wages must be fixed, or an agreed-upon amount for an agreed-upon number of hours of work per month/week, rather than payment based exclusively on commission, tips, piece work or according to the workload of the employer. In some limited circumstances, HRSDC/Service Canada will consider a job offer when the position is unpaid. (Unpaid work is discussed in [section 11.2](#)).

11.1 Prevailing Wage Rate

TFWP officers review the wages that an employer offers and compare them to wages paid to Canadians and permanent residents in the same occupation and geographical area based on objective labour market information from Statistics Canada, HRSDC/SC, provincial ministries, and other reliable sources (Refer to Potential Sources of Wage Information).

A job offer **will not** be confirmed if an employer offers wages below rates paid to Canadians in the occupation and region where the worker will be employed.

Employers are required to offer temporary foreign workers working in a unionized environment the same wage rate as established under the collective bargaining agreement. In addition, benefits provided to Canadian workers or permanent residents must be extended to temporary foreign workers.

These requirements apply to the regular LMO process and the Pilot Project for Occupations Requiring Lower Levels of Formal Training (NOC C and D). They do not apply to the Expedited Labour Market

Opinion Pilot Project; employers wishing to offer the collective agreement wage must apply under the regular LMO process.

These requirements are to make sure that:

- It is not more attractive for employers to hire foreign workers instead of Canadian workers or permanent residents.
- The entry of foreign workers does not put downward pressure on Canadian wages.
- Foreign workers are compensated at least at the same wage rate as Canadian workers.

In order to address unique circumstances, HRSDC/Service Canada maintains the discretion to set the prevailing wage rate that an employer must offer a temporary foreign worker whether or not the position is covered by a collective agreement.

11.1.1 Wage Range in the Advertisement

The wage range identified when the employer advertises the position must represent an accurate range of wages being offered to Canadians and permanent residents, working in the same occupation and geographical area, and include reference to benefits packages being offered. The wage range must always include the prevailing wage for the position. For purposes of the Temporary Foreign Worker Program, the prevailing wage is identified as the average hourly wage for the requested occupation in the specified geographical area.

For a unionized position, the employer's wage rate must be consistent with the wage rate established under the collective bargaining agreement.

11.1.2 Provision of Room and Board

It is not normally acceptable for an employer to offer room and board in lieu of partial wages. Wages must be paid in full, in accordance with the prevailing wage rate. There are some very rare circumstances where providing room and board could be factored in.

For example, labour market information indicates that a hotel owner provides lodging to all his/her Canadian workers and related costs are deducted from workers' wages. In these circumstances, it is acceptable that foreign workers also receive room and board in lieu of some portion of payment.

11.1.3 When Labour Market Information is not Available

There may be cases when HRSDC/SC receives an application from an employer in a small town and the only labour market information (LMI) available is for a neighbouring mid-size city. In these situations, the TFWP officer looks for labour market information pertaining to the same job in another small town in the same province/territory to gain some insight as to whether wages and working conditions differ for that occupation between mid-size cities and smaller towns in the province. A lower wage rate may be appropriate for an employee in the small town given that the cost of living is generally lower.

11.2 Unpaid Work

Unpaid labour may take a number of forms, and can include arrangements such as:

- Unpaid internships for students as part of their professional training.
- Work completed by individuals on a volunteer basis.

- Job shadowing/on-the-job opportunities taken by established professionals for the purpose of learning new skills or methods.

Unpaid labour can include positions that:

- Are entirely unpaid.
- Pay significantly less than expected.
- Provide a stipend.

There are unpaid positions exempted from the need for a Labour Market Opinion and/or a work permit. These positions are specified in [Sections 186](#) and [205](#) of the Immigration and Refugee Protection Regulations.

Positive labour market opinions (confirmation) can be issued even if there are no exemptions if it is clear that the entry of foreign workers would not have a negative impact on the labour market. Confirmations for unpaid work are generally limited to skilled positions ([NOC 0, A or B](#)). In order to determine the likely impact of unpaid labour, TFWP officers consider whether:

- The position fit within their business line.
- The employer would benefit most from the employment (Primary benefits should flow to the worker rather than to the employer.).
- The employer would use unpaid foreign labour as a source of inexpensive or free labour, or to perform work that Canadian citizens and permanent residents may otherwise be paid to do.
- The position (even though unpaid) might interest Canadians or permanent residents.
- The employer tried to recruit Canadians.
- The position is a standard internship for the occupation.
- Professional or licensing bodies endorsed the placement.
- The position was subject to a competitive process.

There may be less common situations when unpaid positions are created specifically for foreign workers and employers are not required to recruit Canadian workers. For example, an employee of a foreign government who does not qualify for the [Section 186\(b\) or \(e\) exemptions of the Immigration and Refugee Protection Regulations](#) is offered a six-month position at Parliament Hill to learn about the Canadian democratic process.

In these situations, TFWP officers work with employers to determine why positions are only appropriate for foreign workers.

12. Working Conditions

According to the TFWP, acceptable working conditions are:

- Generally full-time offers of employment.
- Offers of employment that comply with applicable labour and employment standards.

Full-time employment is defined as:

- 30 or more hours of work per week, or the equivalent position, taking into consideration the standards for the occupation established by the provincial or territorial government.

12.1 Employment and Labour Standards

Labour and employment standards cover the maximum hours of work, overtime pay requirements, sick and vacation leave, and health and safety. Ninety per cent (90%) of workers in Canada, including foreign workers, are regulated by the standards established by the province or territory where they work. The other 10 percent of workers are federally regulated under the Canada Labour Code. Provincial labour and employment standards vary from province to province.

For information on which sectors of employment are covered by provincial, territorial or federal labour legislation, or labour and employment standards:

- Visit the HRSDC Labour Standards Website.
- Consult with the provincial or territorial ministry responsible for labour and employment standards listed in Appendix A.

The minimum standards set by the provincial, territorial or federal governments prevail even if the employer and worker have reached other agreements on less advantageous working conditions.

12.2 Evaluating Working Conditions

When evaluating working conditions for the purpose of developing a labour market opinion, TFWP officers' primary consideration is wages ([see section 11](#)). However, information with regard to working conditions can be helpful if there is doubt about whether to approve an application or not. In some cases (mainly in high-skilled positions), employee benefits (i.e. private pension or health plans) may compensate for wages that are slightly below the average range.

If the information provided by an employer clearly indicates that the working conditions will not meet accepted standards (e.g., excessive hours of work, no overtime pay when warranted, a clear indication that no paid vacation or vacation pay will be provided when it is required, etc.), the employer should be contacted and informed that the labour market opinion application cannot be approved. They should be given the opportunity to modify their application accordingly.

In the case of NOC C and D positions, employers must fill out all of the working conditions information on the employment contract so that both the employee and the employer are fully apprised of their rights and obligations. For more information, visit the www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/lowskill.shtml.

12.3 Part-Time Work

Part-time job offers do not generally receive a positive labour market opinion because temporary foreign workers must support themselves financially while working in Canada. However, a collective agreement, industry or association that oversees an occupation may define full-time as being less than 30 hours per week. In these cases, the occupational standards prevail.

Some occupations are traditionally known to have working hours that vary from one week to the next. For example, a nurse may have a variable work week based on a 10-day shift rotation with six days on (for 12-hour shifts), followed by four days off. In these situations, offer of employment should be considered full-time as long as the average number of work hours per week is at least 30 (over a calculated and limited number of weeks).

There are limited exceptions to the full-time requirement:

1. The worker would reside outside Canada but work in Canada part-time. (In this case, the ability of the foreign worker to self-support is not an issue).
2. A request from two (or possibly more) employers for the same worker to fill part-time positions. The request must be coordinated by the employers and total hours must be full-time.

When assessing a labour market opinion application for part-time work, TFWP officers consider whether;

- The job being offered is high skilled or falls under NOC skills C or D.
- The temporary foreign worker is being offered a minimum of 30 hours per week or the work is considered full-time based on the standards for the occupation.
- The worker will be able to support himself/herself while carrying out part-time work in Canada (especially workers in NOC skill levels C and D).

13. Labour Dispute

A variety of situations may constitute a labour dispute. These situations, which often arise during collective agreement/contract negotiations between an employer and a union, may include: work stoppage, strikes, refusal to work, picketing, refusal to serve customers, a slowdown of work, demonstrations, withdrawal of services, strategic shutdown of premises, and lockouts.

The existence of a grievance between a union and an employer does not necessarily constitute a labour dispute, since many collective agreements contain provisions that allow their members to submit grievances against their employer to the union, and to have them dealt with in arbitration.

Employers are prohibited from using foreign workers to circumvent a legal work stoppage or to influence the outcome of a labour dispute. Therefore, if the entry of a foreign worker could reasonably be expected to affect the course or the outcome of a labour dispute, a negative labour market opinion must be issued. In this case, the employer would be encouraged to apply again once the dispute is resolved.

When assessing a labour market opinion application TFWP officers consider whether:

- The foreign worker would be doing work that would normally be done by a striking employee.
- The foreign worker would be hired to replace a worker who is on strike.
- The entry of the foreign worker would have an adverse effect on the settlement of the labour dispute.

14. Recruitment

HRSDC/SC officers are mandated under 203(3) of the IRPR, to evaluate many factors including " ... *(e) whether the employer has made, or has agreed to make, reasonable efforts to hire or train Canadian citizens or permanent residents...*"

14.1 Determining if Advertising Efforts are Required

The evaluation of advertising efforts involves a determination of whether the position is high-skilled (National Occupational Classification (NOC) 0, A and B) or low-skilled (NOC C and D) and whether the employer meets the advertisement requirements.

Most occupations are subject to the same minimum advertisement requirements ([variations](#)) based on the NOC system, skills levels 0, A, B, C and D. A LMO application should be denied if an employer does not comply with the requirements outlined below.

Advertisement criteria for [live-in caregivers](#) and [occupations in the province of Quebec](#) vary slightly from those mentioned below.

14.1.1 NOC 0 and A Occupations

- Employers will have conducted the minimum advertising efforts required if they:
- Conduct similar recruitment activities consistent with the practice within the occupation (e.g., advertise on recognized Internet job sites, in journals, newsletters or national newspapers or by consulting unions or professional associations); or
- Advertise on the national Job Bank (or the equivalent in Saskatchewan or the Northwest Territories) for a minimum of fourteen (14) calendar days, during the three (3) months prior to applying for a LMO.

Employers are encouraged to conduct ongoing recruitment efforts, including communities that face barriers to employment (Aboriginal Peoples, older workers, immigrants/newcomers, people with disabilities and youth). Advertisement could be on recognized Internet job sites, in local and regional newspapers, at community resource centres and local regional employment centres.

14.1.2 NOC B Occupations

Employers will have conducted the **minimum advertising efforts required** if they:

- Advertise on the national Job Bank (or the equivalent in Saskatchewan or the Northwest Territories) for a minimum of fourteen (14) calendar days, during the three (3) months prior to applying for a LMO; and
- Conduct similar recruitment activities consistent with the practice within the occupation (e.g., advertise on recognized Internet job sites, in journals, newsletters or national newspapers or by consulting unions or professional associations).

The advertisement must include the company operating name, business address, wage range (i.e. an accurate range of wages being offered to Canadians and permanent residents) and reference to any benefits packages being offered. The wage range must always include the prevailing wage for the position.

Employers are encouraged to conduct ongoing recruitment efforts, including communities that face barriers to employment (Aboriginal Peoples, older workers, immigrants/newcomers, people with disabilities and youth). Advertisement could be on recognized Internet job sites, in local and regional newspapers, at community resource centres and local regional employment centres.

14.1.3 NOC C and D Occupations (including seasonal agricultural workers)

Employers will have conducted the **minimum advertising efforts required** if they:

- Advertise on the [national Job Bank](#) (or the equivalent in [Saskatchewan](#) or the [Northwest Territories](#)) for a minimum of fourteen (14) calendar days, during the three (3) months prior to applying for a LMO; **and**
- Conduct recruitment activities consistent with the practice in the occupation. The employer should advertise for the equivalent of 14 days, choosing one or more of the following options:

- advertise in newspapers, e.g., a weekly ad during two-three weeks in journals, newsletters, national/regional newspapers, ethnic newspapers/newsletters or free local newspapers;
- advertise in the community, e.g., posting ads for two-three weeks in local stores, community resource centres, churches, or local regional employment centres;
- advertise on Internet sites e.g., posting during 14 days/two weeks on recognized Internet job sites (union, community resource centres or ethnic sites).

The advertisement must include the company operating name, business address, wage range (i.e. an accurate range of wages being offered to Canadians and permanent residents) and reference to any benefits packages being offered. The wage range must always include the prevailing wage for the position.

Employers are encouraged to conduct ongoing recruitment efforts, including communities that face barriers to employment (Aboriginal Peoples, older workers, immigrants/newcomers, people with disabilities and youth). Advertisement could be on recognized Internet job sites, in local and regional newspapers, at community resource centres and local regional employment centres.

14.1.4 Variations to the Minimum Advertising Requirements

Variations to the minimum advertising requirements may apply in certain cases.

14.1.5 Additional Advertisement Efforts

TFWP Officers may require alternative or additional recruitment efforts (i.e., increased duration [length of time] or broader advertisement [whether local, regional, or national]) if, they believe that additional efforts would yield qualified Canadian citizens or permanent residents who are available to work in the occupation and region.

14.1.6 Proof of Recruitment Efforts

Employers must be prepared to demonstrate that they meet the advertising requirements by providing proof of advertisement and the results of their efforts to recruit Canadians or permanent residents (e.g., information on the qualifications of Canadian applicants and why they were rejected). Records of their efforts should be kept for a minimum of six (6) years, as stipulated in certain provincial and federal legislations, such as the Income Tax Act.

14.2 LMO's Assessment for First Assistant Directors for Commercials

14.2.1 Not represented by a union

When LMO applications are received for First Assistant Directors for Commercial Productions (for feature films, see section 14.4) in provinces where they are not represented by a union, such as in Ontario and British Columbia, TFWP officers are encouraged to consult, based on the labour market conditions of the industry, the Association representing them. This consultation should provide information (e.g., availability of Canadians and permanent residents and wages paid) to better assess recruitment efforts and the likely impact hiring foreign workers would have on the labour market.

14.2.2 Represented by a union

American producers/employers, who work in a province where First Assistant Directors for Commercial Productions are represented by a union, are subject to the Directors' Guild of America (DGA). Producers/employers must consider the availability of unionized Canadians and permanent

residents, therefore reducing the likelihood of applying for a LMO. However, should an application be made, it must be assessed as per the regular process including the possibility of consulting the union to obtain information.

14.3 LMO's Assessment for First Assistant Directors for Feature Films

The hiring of First Assistant Directors for Feature Films is taking place in a context quite different from the one of First Assistant Directors for Commercial Productions. Generally, when American feature films are shot in Canada, Directors bring their own First Assistant Director or want to hire a specific person as their vision of the film is intrinsically linked to the creative process. First Assistant Directors are considered to be part of this process. Furthermore, production of feature films in Canada creates a significant number of new employment opportunities.

When assessing LMOs, TFWP officers base their assessment on the six factors identified under Section 203 (3) of the IRPR with emphasis on factor (a) which states that the “employment of the foreign national is likely to result in direct job creation or job retention for Canadian citizens and permanent residents”. Shooting an international feature film has a highly positive labour market impact for the region involved. Directors who bring their own First Assistant Director provide employment to second and third Canadian Assistant Directors and opportunities for hundreds of Canadian actors, technicians, technical personnel, as well as jobs in the hospitality sectors.

TFWP officers should weigh the net labour market benefits to Canada versus the adverse effects that hiring a foreign First Assistant Director could have on the Canadian labour market. As indicated in IRPA, it is important to balance the general availability of Canadians with labour market benefits that hiring a TFW can bring such as direct job creation and /or retention. When assessing a LMO application, emphasis should be put on the resulting overall likely impact that hiring a foreign national would have on the labour market.

15. Exceptional or New Situations

Due to the expanding labour market in Canada, there are always new and special cases arising from employer requests to hire temporary foreign workers. For these cases, TFWP officers may seek advice from national headquarters.

Appendix A

Provincial and Territorial Ministries Responsible for Labour or Employment Standards

In Canada, every province and territory has its own labour and employment laws or Standards, and agencies to enforce them.

Alberta

Employment, Immigration and Industry
Toll free: 310-0000 then dial (780) 427-3731
Fax: (780) 422-4349, TDD/TDY: 1 800 232-7215
Web site: www.gov.ab.ca

British Columbia

Labour and Citizens' Services
Toll free: 1 800 663-3316, Fax: (250) 387-3300
Web site: www.labour.gov.bc.ca

Manitoba

Manitoba Labour
Toll free (outside Winnipeg): 1 800 821-4307
Telephone (Winnipeg): (204) 945-3352, Fax: (204) 948-3046
Web site: www.gov.mb.ca

New Brunswick

Post-secondary Education and Training
Toll free: 1 888 452-2687, Fax: (506) 453-3806
Web site: www.gnb.ca

Newfoundland

Human Resources, Labour and Employment
Toll free: 1 877 563-1063, Fax: (709) 729-3528
Web site: www.hrle.gov.nl.ca

Northwest Territories

Education, Culture and Employment
Toll free: 1 888 700-5707, Fax: (867) 873-0483
Web site: www.ece.gov.nt.ca

Nova Scotia

Environment and Labour
Toll free: 1 888 315-0110, Fax: (902) 424-5640
Web site: www.gov.ns.ca

Nunavut

Justice
Toll free: 1 877 806 8402, Fax: (867) 975-7294
Web site: www.nunavutcourtofjustice.ca

Ontario

Labour

Toll free: 1 800 531-5551

Web site: www.gov.on.ca

Prince Edward Island

Communities, Cultural Affairs and Labour

Prince Edward Island C1A 7N8

Toll free: 1 800 333-4362, Fax: (902) 368-5476

Web site: www.gov.pe.ca

Québec

Commission des normes du travail

Toll free: 1 800 265-1414, Fax: (418) 643-5132

Web site: www.cnt.gouv.qc.ca

Saskatchewan

Labour

Telephone: (306) 787-2438 (Regina) or (306) 933-5042 (Saskatoon)

1 800 667-1783 (toll free in Canada), Fax: (306) 787-4780

Web site: www.labour.gov.sk.ca

Yukon

Community Services

Toll free: 1 800 661-0408 extension 5944, Fax: (867) 393-6295

Web site: www.community.gov.yk.ca

Appendix B

Potential Sources of Wage Information

Labour Market Information site: <http://www.labourmarketinformation.ca/>

This site provides detailed labour market information at the local level and links to provincial and territorial labour market information web pages.

Job Futures: <http://www.jobfutures.ca/>

Job Futures provides nationwide labour market information, including wages ranges. Occupations can be searched alphabetically and by NOC code. The site links to regional Job Futures sites from the following page: <http://www.jobfutures.ca/en/provincial.shtml>. The breadth and depth of information on these sites vary.

Sector Councils: <http://www.councils.org>

The Alliance of Sector Councils is a coordinating body formed of some 29 sector councils. Sector councils bring together representatives from business, labour, education and other professional groups to analyze and address sector-wide human resource issues. The site has a members' directory which allows visitors to search by sector of activity, and it links to sector council Web sites. Information on the individual sector council Web sites varies.

Government of Canada's Sector Council Program

http://www.hrsdc.gc.ca/eng/hip/hrp/corporate/init_sector.shtml

This site provides a link to national industry profiles. It allows searches by keyword, the Standard Industrial Classification (SIC) codes, and North American Industrial Classification System (NAICS) codes. Each profile includes human resources information including industry trends, pay levels and benefits. Data on this Web site is accurate, but not always complete.

TFWP officers who cannot find sufficient information on their regional Web site should contact a regional consultant. Regional consultants can work with regional labour market information specialists using such tools as Statistics Canada's annual Labour Force Survey.