



Service
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Temporary Foreign Worker Program (TFWP)

“Community Immigration Beginnings” Conference

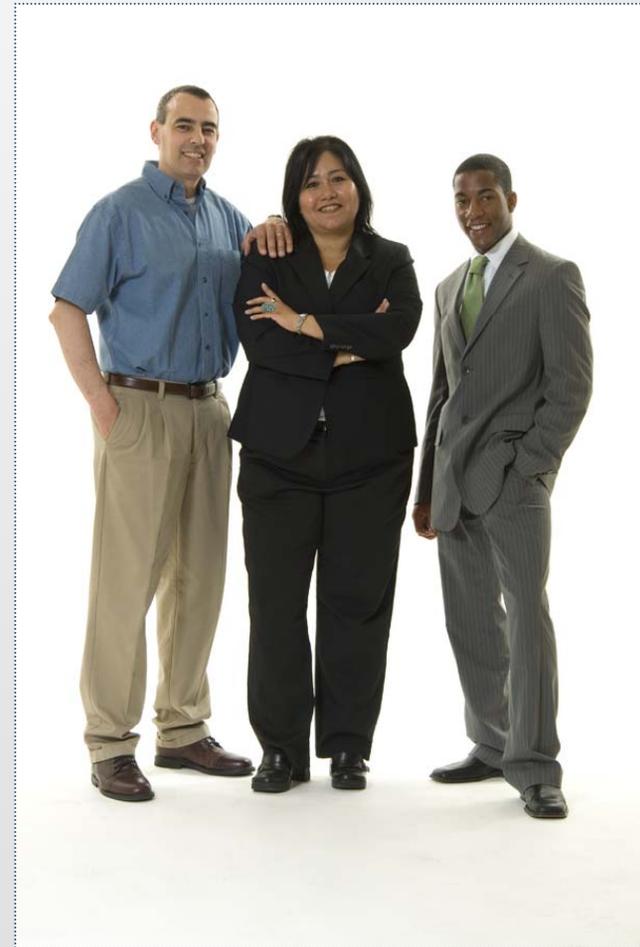
February 20th 2010

Brandon University



Presentation Outline

- **Purpose**
- **The Temporary Foreign Worker Program**
- **Roles and responsibilities**
- **The Labour Market Opinion (LMO)**
- **LMO assessment criteria**
- **Hiring Temporary Foreign Workers – 4 steps process**
- **Program Changes**





Temporary Foreign Worker Program (TFWP)

TFWP is designed to facilitate the entry of temporary foreign workers to address short term labour and skill shortages and to provide other economic opportunities for Canadians, such as job creation and the transfer of new skills and knowledge.



TFWP - Roles and Responsibilities

The TFWP is jointly managed by:

- **Human Resources and Skills Development (HRSDC) / Service Canada (SC); and**
- **Citizenship and Immigration Canada (CIC) / Canada Border Services Agency (CBSA)**

under the legislative authority of the Immigration & Refugee Protection Act & Regulations (IRPA).

HRSDC is responsible for Program and Policy Management



Service Canada's role

- **Service Canada is the contact for employers intending to hire a temporary foreign worker (TFW) for employment in Canada**
- **Since April 1, 2009, employers who want to hire foreign workers for Manitoba must register with the Government of Manitoba's Employment Standards Division. In addition, anyone engaged in foreign worker recruitment in Manitoba must be licenced. The registration and licencing requirements come as a result of Manitoba's *Worker Recruitment and Protection Act (WRAPA)***
- **On request of an employer, Service Canada provides CIC an opinion on the likely impact on the Canadian labour market if a TFW were to become employed. This is called a Labour Market Opinion (LMO)**

Service Canada works with **employers** who want to hire TFWs.

CIC/CBSA work with **TFWs** who want to work in Canada.



CIC's Role

- Assesses whether foreign nationals are admissible or inadmissible to enter or stay in Canada
- Makes the final decision and issues the documents required for foreign nationals to enter or remain in Canada
- Under certain circumstances, an application for a work permit may be made at a port of entry

**Most TFWs must obtain a work permit
before starting work in Canada**



CBSA's Role

- **CBSA officers screen TFWs at Canadian border crossings and airports**
- **CBSA ensures that TFWs meet admissibility requirements before issuing work permits and allowing their entry into Canada**

**CBSA officers have the final say on
who may enter Canada**



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More detailed information about the Temporary Foreign Worker Program

- What is an LMO
- TFW Application Categories
- National Occupation Classification (NOC)
- LMO Assessment
- Hiring TFW's – Four Steps
- Step 1 – Submit the LMO application
- Step 2 – LMO Assessment
- Step 3 – Advise the TFW
- Step 4 – Work Permit Application
- Program Changes
- Contact Information



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TFWP – Manitoba Region Contact Information

- **Mail:**

**Temporary Foreign Worker Program
Service Canada
PO Box 2250, Station Main
Winnipeg, MB R3C 3R5**

- **Phone:**

Toll Free 1-866-293-9981

- **FAX:**

Toll Free 1-866-293-9979

- **Web Site:**

www.servicecanada.gc.ca (Search: Temporary Foreign Worker)



What is an LMO?

- **An opinion provided by HRSD/Service Canada to employers and CIC on the likely impact the proposed entry of a TFW will have on the Canadian labour market**
- **To hire a TFW, the employer generally must obtain an LMO confirmation from SC, unless the work category is exempt from the LMO process**



TFWP Application Categories

- **Hi Skill - (National Occupation Classification (NOC) Codes 0, A and B)**
- **Low Skill Pilot Project – NOC Codes C and D**
- **SAWP – Seasonal Agriculture Workers Program**
- **Live In Caregiver Program**
 - – **Centre of Specialization – Ontario Region**
- **Arranged Employment, Medical and Academic**
 - – **Multi Stream - Centre of Specialization – New Brunswick**



National Occupation Classification (NOC)

- **The National Occupational Classification (NOC) can help employers identify the proposed occupation, duties to be assigned and the prerequisites for the position. For more information on NOC visit www.hrsdc.gc.ca**

- **A 4 digit numerical code, which identifies occupations**
e.g. 7411 6661 6242
- **It is a tool used to classify occupations according to their**
 - ✓ **skill level**
 - ✓ **skill type**



LMO Assessment

Before confirming a job offer, HRSDC/SC considers whether:

- **The occupation the TFW will be employed in;**
- **The wages and working conditions are comparable to those offered to Canadians working in the occupation;**
- **Employers conducted reasonable efforts to hire or train Canadians for the job;**
- **The TFW is filling a labour shortage;**
- **The TFW will transfer new skills and knowledge to Canadians, or result in the creation or retention of employment for Canadians;**
- **The hiring of the TFW is likely to affect the settlement of a labour dispute**



Hiring TFWs -- Four Steps

- Step 1** Submit an application for an LMO to Service Canada with the Original Certificate of Registration issued by the Government of Manitoba's Employment Standards Division
- Step 2** Service Canada assesses the application based on program criteria and develops an LMO
- Step 3** If approved, the employer sends a copy of the LMO confirmation letter to the TFW
- Step 4** The TFW applies to CIC for a work permit



Step 1 – Submit the LMO application

- Obtain a copy of the LMO application from the HRSDC web site:
www.hrsdc.gc.ca/en.epb/lmd/fw/forms.shtml
- Complete the entire application form.
- Complete the third-party representative form only if you are designating a third-party representative to act on your behalf
- Attach supporting documentation such as:
 - Copies of advertisements in local and national newspapers, recognized Internet job sites, job-specific and professional publications, recruitment drives, job fares, etc.)
 - Results of your recruitment efforts
 - Human Resources Plan / Training Plan
 - Copies of Contracts (if required)
 - Any relevant documents that may help in SC/HRSDC's assessment
- Submit the application to Service Canada with the Original Certificate of Registration issued by the Government of Manitoba's Employment Standards Division

Submitting a complete application can result in faster decisions



Step 2 – LMO Assessment

The LMO assessment

- **Service Canada reviews the application according to program criteria, ensures that all necessary requirements are met and develops an LMO**

If the LMO is positive

- **Service Canada issues an employment confirmation and sends a written letter with results from the LMO assessment to the employer**

If the LMO is negative

- **Service Canada will inform you in writing of a negative decision.**



Step 3 – Advise the TFW

- In the case of a positive LMO, the employer sends a copy of the Service Canada's confirmation letter to the potential Temporary Foreign Worker.



Step 4 – Work Permit Application

If the LMO is positive

- **The foreign worker applies to CIC for a work permit, attaching a copy of the confirmation letter issued by Service Canada**
- **Some job categories are exempt from a work permit requirement. Visit the <http://www.cic.gc.ca/english/work/exempt-2.html> to learn more about work permit exemption**

**A positive LMO does not guarantee that a work permit
will be issued to the TFW**



Program Changes

- January 1, 2009: National advertising guidelines
- April 1, 2009: Government of Manitoba's Employment Standards Division *Worker Recruitment and Protection Act (WRAPA)*
- April 27, 2009: Removal of Extensions
- April 27, 2009: Introduction of the Monitoring Initiative
- May 19, 2009: Limited Validity Directive - LMO's are only valid for 6 months
- November 2009: SAWP and LOW SKILL NOC C&D agriculture workers - Housing Inspections for all workers working in 2010



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