

EMPLOYER INFORMATION BULLETIN

HIRING TEMPORARY FOREIGN WORKERS: REGIONAL LISTS OF OCCUPATIONS UNDER PRESSURE

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A. New Process: Regional Occupations Lists

A new process has been developed to assist employers who are experiencing difficulty filling job vacancies due to labour market shortages. HRSDC/Service Canada is implementing *regional occupations lists* to reduce the amount of time for an employer to hire a foreign worker. This bulletin outlines how *regional occupations lists* will be used for the purposes of providing labour market opinions to employers.

Regional occupations lists that come into effect for a province or territory will be posted on Human Resources and Social Development Canada's (HRSDC) Foreign Worker Program website (http://www.hrsdc.gc.ca/en/gateways/nav/top_nav/program/fw.shtml).

Employers wishing to hire foreign workers for occupations that appear on a *regional occupations list* will only be required to conduct minimum advertising efforts rather than the more comprehensive recruitment efforts (two to three weeks) normally required under the Program. Please note, however, that employers will still need to satisfy all other Foreign Worker Program criteria.

Employers who wish to hire temporary foreign workers in occupations appearing on a *regional occupations list* will be considered to have conducted appropriate recruitment efforts if they:

- A. Advertise on the Government of Canada's national *Job Bank* (or the equivalent in Saskatchewan, Quebec, or the Northwest Territories) for a minimum of 7 calendar days;**

AND*/OR

- B. Demonstrate that they have on-going, recruitment mechanisms in place (e.g., using recognized job internet sites, unions, professional associations, corporate website, professional journals, newspapers, newsletters).**

*** For positions classified as being skill level C or D under the *National Occupational Classification* system, employers will be required to satisfy both conditions.**

Regional Lists of Occupations under Pressure will be effective as of November 15, 2006.

B. Overview of the Procedure for New Applications

1. An employer who wishes to hire a foreign worker for an occupation that appears on a regional occupations list must apply directly to the nearest Service Canada Centre that processes employer applications for a labour market opinion (<http://www.hrsdc.gc.ca/en/epb/lmd/fw/listhrcc.shtml>).

For positions located in Quebec, both HRSDC/Service Canada and the Government of Quebec's *Ministère de l'Immigration et des Communautés culturelles* (MICC) assess an employer's application for a labour market opinion – both must be in agreement for the issuance of a positive opinion (i.e. confirmation). For more information on hiring temporary foreign workers in Quebec, please visit MICC's website:

<http://www.immigration-quebec.gouv.qc.ca/en/employers/index.html>

2. In assessing an employer's application for a labour market opinion, HRSDC/Service Canada take into consideration several factors. For instance, employers must demonstrate that the wages and working conditions of the position meet the same standards as those that are provided to Canadians and permanent residents. For information on the assessment factors that HRSDC/Service Canada take into consideration, please visit: <http://www.hrsdc.gc.ca/en/epb/lmd/fw/tohrdcassess.shtml>

3. Employers must demonstrate that they have undertaken minimum recruitment efforts:

- Advertising for at least 7 calendar days on the national *Job Bank* website (or the equivalent in Saskatchewan, Quebec, or the Northwest Territories);

and*/or

- Demonstrate that they have established, on-going equivalent recruitment mechanisms already in place (e.g., using recognized job internet sites, unions, professional associations, corporate website, professional journals, newspapers, newsletters).

*** For positions classified as being skill level C or D under the *National Occupational Classification* system, employers will be required to satisfy both conditions.**

C. Submitting an Application

1. An employer who wishes to hire a temporary foreign worker should complete and submit an application for a labour market opinion to a Service Canada Centre. To locate the nearest Service Canada Centre, please visit: <http://www.hrsdc.gc.ca/en/epb/lmd/fw/listhrcc.shtml>.
2. Labour Market Opinion application form - Information Box 51 ("*Have you attempted to recruit Canadians/permanent residents for this job?*")
 - If an employer is using *Job Bank* to meet the minimum advertising requirements:
 - Employer should provide the *Job Advertisement Order Number* (or equivalent if the application is being made in Saskatchewan, Quebec, or the Northwest Territories [e.g., "job offer number" in Quebec]); and
 - Employer should also submit a printed copy of the Job Order/advertisement with their application.

and*/or

- If an employer has conducted an alternate form of recruitment/advertising, they should submit evidence (e.g., copies of advertisement on recognized job internet sites, unions, professional associations, corporate website, professional journals, newspapers, newsletters) to support that minimum recruitment efforts have been undertaken.
3. If after assessing an employer's application, Service Canada issues a positive labour market opinion (i.e. confirmation), the employer is responsible for providing a copy of the confirmation letter to the prospective foreign worker. The foreign worker must submit a copy of the confirmation along with their application for a work permit to CIC.

D. Information on Job Bank

The national *Job Bank* (<http://www.jobbank.gc.ca>) is Canada's largest job listing website. Employers can place free job advertisement postings that can be viewed by job seekers across Canada. The *Job Bank* website is user-friendly and employers can manage their job advertisements 24 hours a day via the Internet. Job postings can also be placed on the *Job Bank* via telephone. Employers can call their nearest Service Canada Centre (http://www.jobbank.gc.ca/ContactUs_en.asp) to connect with the *Job Bank* office in their area.

Note: Saskatchewan, Quebec and the Northwest Territories have their own government job search websites. In these regions, employers must place their job advertisements on the website applicable to them:

- Saskatchewan:
 - http://www.sasknetwork.ca/pls/saskjob/snw_jobposting.login
- Quebec:

- <https://placement.emploiquebec.net/mbe/login/portail/portempl.asp?CL=english>
- Northwest Territories:
 - <http://www.jobsnorth.ca>

When an advertisement is added to the Saskatchewan or Quebec website, it automatically becomes listed on *Job Bank*. However, **employers in the Northwest Territories must select the option that allows a job advertisement to be visible in the national *Job Bank***, so that Canadians and permanent residents have the opportunity to view the employment advertisement.

Employers in all other provinces and territories must place their job postings directly on *Job Bank* (http://www.jobbank.gc.ca/Intro_en.asp).

Job postings on the *Job Bank* have a default listing period of two weeks. If a job advertisement is not updated or re-visited by the posting employer, it will be automatically removed after the two week time period. Thus, any job postings by employers on the *Job Bank* will remain listed for the required minimum 7 day time period.

For more information, please contact the Foreign Worker Unit at the nearest Service Canada Centre (see: <http://www.hrsdc.gc.ca/en/epb/lmd/fw/hrcc.shtml>).

E. Questions and Answers

Question: I want to hire a foreign worker for a position that has been identified on my region's list of occupations under pressure; does this mean I don't need a labour market opinion?

Answer: An employer who wishes to hire a temporary foreign worker for an occupation that appears on a *regional occupations list* is still required to obtain a labour market opinion from HRSDC/Service Canada. Employers will still need to satisfy all other Foreign Worker Program criteria in order to receive a positive labour market opinion (i.e. confirmation).

Question: I noticed that my region does not have an Occupations List, why not?

Answer: Regional occupations lists have initially been developed for Alberta and British Columbia and come into effect November 15, 2006. Occupations lists for other provinces/territories are currently being developed and will be implemented over the coming months. Please visit the Foreign Worker Program website for updates.

Question: What is the Foreign Worker Program and what is a labour market opinion?

Answer: The Foreign Worker Program (FWP) is jointly administered by Citizenship and Immigration Canada (CIC) and HRSDC/Service Canada, and operates under the authority of the *Immigration and Refugee Protection Act and Regulations (IRPA)*.

HRSDC/Service Canada's role with respect to the entry of temporary foreign workers into Canada is to provide an employer and CIC with a labour market opinion on the likely impact the entry of a foreign worker will have on the Canadian labour market. A labour market opinion is just one factor that CIC takes into consideration when assessing a foreign worker's application for a work permit. If a positive labour market opinion is rendered by HRSDC/Service Canada, it will help support a foreign worker's application for a work permit. It is important to note that CIC ultimately determines whether a work permit will be issued to a foreign national.

Question: Why were regional occupations list developed?

Answer: Depending on the circumstances, demand for labour in certain occupations in some regions may be greater than the available supply. To expedite the entry of temporary foreign workers for these much needed positions, HRSDC and Service Canada have developed an approach to produce *Regional Lists of Occupations under Pressure* (or, *regional occupations lists*). These *regional occupations lists* will improve service to employers by reducing the recruitment efforts normally required of employers to demonstrate in their application for a labour market opinion. The objective of the *regional occupations lists* is to assist employers who are experiencing difficulties filling available positions due to prevailing tight labour market conditions in that region.

As a minimum, advertising on the national *Job Bank* is required – even in situations where occupations are under pressure, so as to bring awareness of employment opportunities to Canadians and permanent residents.

Question: For the jobs I need to fill, I do not normally use the *Job Bank*, what would be considered evidence of an alternate and equivalent form of minimum recruitment?

Answer: In cases where an employer already has in place established, on-going recruitment mechanisms (e.g., using recognized job internet sites, unions, professional associations, corporate website, professional journals, newspapers, newsletters), advertising on the Government of Canada's *Job Bank* (or the equivalent in Saskatchewan, Quebec, or the Northwest Territories) will not be necessary.

For example, hospitals needing to hire doctors or nurses may have on-going recruitment mechanisms in place, through recruitment channels such as professional associations, universities, and/or specific occupation-targeting recruitment agencies. In such cases, evidence of the recruitment efforts of the hospital would be deemed to meet or exceed the requirement of advertising a minimum of 7 calendar days on *Job Bank*.

Question: How does HRSDC/Service Canada determine which occupations will be placed on a regional occupations list?

Answer: To determine if an occupation is under pressure, HRSDC/Service Canada has developed an approach that takes into consideration quantitative and qualitative information to

identify occupations experiencing labour market pressures. The approach is flexible to accommodate for regional differences in labour market information and resource availability, with a main objective of helping Service Canada officials identify occupations experiencing labour market pressures.

The *Regional Lists of Occupations under Pressure (regional occupations lists)* will be subject to updates and revisions on an annual basis in the least (i.e. to reflect changes in labour market conditions, Government of Canada policies, etc).