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# HOW TO HIRE A Temporary Foreign Worker (TFW)

A G U I D E B O O K F O R E M P L O Y E R S

Canada 

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## Important Information

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This is not a legal document. For legal information, consult the *Immigration and Refugee Protection Act* and Regulations.

For contact information and details on how to hire a temporary foreign worker in the province of Quebec, please consult <http://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/temporary-workers/index.html>.

Employers who would like a **permanent** solution to their long-term skill-shortage needs can consult their provincial or territorial governments (<http://www.cic.gc.ca/english/skilled/provnom/index.html>) for information on programs designed to facilitate the entry of foreign workers as permanent residents, or refer to CIC's Web site concerning the **Skilled Worker Class** (<http://www.cic.gc.ca/english/faq/immigrating-5.html>).

## Introduction

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The federal government's **Temporary Foreign Worker Program** allows eligible foreign workers to work in Canada for an authorized period of time if employers can demonstrate that they are unable to find suitable Canadians/permanent residents to fill the jobs and that the entry of these workers will not have a negative impact on the Canadian labour market. Employers from all types of businesses can recruit foreign workers with a wide range of skills to meet temporary labour shortages.

Three departments—**Citizenship and Immigration Canada (CIC)**, **Service Canada** (the service delivery arm of Human Resources and Social Development Canada) and the **Canada Border Services Agency (CBSA)**—work together to manage and deliver the **Temporary Foreign Worker Program**.



## Points of Contact

### Service Canada Centres

Service Canada processes applications from employers for LMOs and ensures that all necessary requirements are met. An LMO is an opinion provided by Service Canada to CIC which assesses the likely impact that hiring the requested foreign worker(s) may have on the Canadian labour market. A list of Service Canada Centres which process foreign worker requests (i.e., LMO applications) in each province can be found at <http://www.hrsdc.gc.ca/en/epb/lmd/fw/listhrcc.shtml>.

### Temporary Foreign Worker Units

The Temporary Foreign Worker Units in Montréal, Calgary and Vancouver, which were established on a pilot basis, guide employers seeking to employ foreign workers through the immigration process and facilitate the entry of workers who are exempted from the **Labour Market Opinion** (LMO) process. Information on contacting these units is available at <http://www.cic.gc.ca/english/work/tfw-units.html>.

### Citizenship and Immigration Canada

CIC and its visa offices at Canadian embassies, high commissions and consulates outside Canada process applications for work permits to determine who may be **eligible to work in Canada**. In most cases, CIC is the first point of contact for many foreign workers who want to work in Canada, although under certain circumstances, they may apply for a work permit at a port of entry. A complete list of CIC visa offices can be found at <http://www.cic.gc.ca/english/offices/apply-where.html>.

### Canada Border Services Agency

Border Services officers screen foreign workers at Canadian border crossings and airports to ensure that they meet **admissibility requirements** before issuing work permits and allowing their entry into Canada. A Border Services officer has the **final say** on who may enter Canada. Officers can deny entry to a foreign worker if they believe the foreign worker does not meet the requirements of the *Immigration and Refugee Protection Act*.



# Things to Know Before

## Starting the Process

- To hire a foreign worker, you generally **must** obtain a positive LMO (also known as an employment confirmation) from Service Canada, **unless** the work category is exempt from the LMO process. To determine if you are exempt from the LMO process, contact Citizenship and Immigration Canada (see Step #1 of “Hiring Foreign Workers in Just 4 Steps”).
- If an LMO is required, you must obtain the employment confirmation **before** your prospective foreign worker(s) apply for a work permit.
- When applying for an LMO, you will have to demonstrate
  1. the efforts made to recruit and/or train willing and available Canadians/permanent residents;
  2. that the wages you are offering are consistent with the prevailing wage rate paid to Canadians in the same occupation in the region;
  3. that the working conditions for the occupation meet the current provincial labour market standards; and
  4. any potential benefits that the hiring of the foreign worker may have on the Canadian labour market (e.g., creation of new jobs, transfer of skills and knowledge, etc.).
- In most cases, foreign workers must apply for a **work permit** at a Canadian visa office abroad.
- Depending on their country of citizenship, foreign workers may require a **temporary resident visa** (TRV) to enter Canada.
- Depending on the type of work they will undertake in Canada and where they have resided in the last year, foreign workers may also require a **medical examination** before entering Canada.
- Foreign workers may be **refused** a work permit and entry into Canada by a Border Services officer (regardless of whether employment confirmation has been obtained) if they are found **inadmissible** for a number of reasons, including criminal, security or medical grounds.



## Pre-Approval to Hire

### Temporary Foreign Workers

If you are an employer who is hiring foreign workers in an occupation which requires prolonged and/or extensive recruitment (e.g., because of the number of workers being recruited and/or the complexity of recruitment required) and you would like an “approval in principle” prior to recruiting these workers, you may be considered for “pre-approval” by Service Canada. The steps required to obtain pre-approval are as follows.

1. Complete the **Application for a Labour Market Opinion (EMP5239B)** (<http://www.hrsdc.gc.ca/en/epb/lmd/fw/forms.shtml>) and leave the foreign worker information blank. Clearly indicate on the application that this is a request for pre-approval.
2. Submit the completed application to the nearest Service Canada Centre that processes foreign worker applications. If you have any questions on pre-approvals or on completing the application form, please contact the nearest Service Canada Centre that processes foreign workers (<http://www.hrsdc.gc.ca/en/epb/lmd/fw/listhrcc.shtml>).
3. Once a decision has been made with regard to your pre-approval request, you will receive a notice from Service Canada detailing the decision.
4. If Service Canada issues a confirmation of your pre-approval request, you may proceed to recruit foreign workers. Once the necessary foreign worker information has been provided to Service Canada, positive LMOs will be issued to each successfully recruited worker, subject to you (the employer) meeting the conditions agreed to in the foreign worker application form and employment contract (if applicable).
5. However, if Service Canada refuses your pre-approval request, you should not proceed with foreign worker recruitment. If you disagree with the Service Canada decision, you may submit any new information that you feel may affect the decision to the Service Canada Centre indicated in the notice.
6. Once a positive LMO has been issued, you should provide a copy of the confirmation letter to each foreign worker and advise each worker to apply for a **work permit** and, if necessary, a **temporary resident visa** at a visa office abroad.



# Hiring Temporary Foreign Workers

## in Just 4 Steps

In the majority of cases, there are four steps involved in hiring a temporary foreign worker from outside Canada. The need to complete each step will depend on the specifics of the job offer and the foreign worker's country of citizenship and last permanent residence. Employers and foreign workers must ensure that they provide accurate and complete information or the application process may be delayed.

The four steps are:

1. Determine if you require an LMO
2. Apply for an LMO from Service Canada (if required)
3. Advise the foreign worker(s) to complete the work permit application, which is then processed by CIC (if applicable)
4. A Border Services Officer at a port of entry issues the work permit

### STEP 1: DETERMINE IF YOU REQUIRE AN LMO

As previously noted, some categories of work do not require LMOs pursuant to international agreements, such as the North American Free Trade Agreement or the General Agreement on Trade in Services, and government policy. These categories of work can be found at <http://www.cic.gc.ca/english/work/exempt-2.html>.

### If You Believe the Job Offer is Exempt From an LMO

You may want to seek verification of the LMO exemption from CIC. Businesses in Quebec, Alberta, British Columbia or the Yukon may choose to fax inquiries directly to their CIC Temporary Foreign Worker Unit located in either Montréal, Calgary or Vancouver (see <http://www.cic.gc.ca/english/work/tfw-units.html>).

In order to provide a timely and accurate response to your inquiry, immigration officers at the CIC Temporary Foreign Worker Units will require the information shown on the next page.

If an officer does not agree that an LMO exemption applies, you will be directed to complete An Application for a Labour Market Opinion and send it to the Service Canada Centre serving your area of business.





## LMO Exemptions

### Information Required by an Immigration Officer

- Details of the job offer including
  - Copy of job offer/employment contract
  - Description of the duties, wages and working conditions
  - A statement of essential qualifications
  - Registrations or licences that the applicant may need
  - Language requirements, if applicable
  - Start and end dates of the position
- Employment details
  - Name and address of employer
  - Company site where foreign worker will be employed
  - Location of any parent, branch, subsidiary or affiliate company
  - Confirmation that there is no ongoing labour dispute at the site where this worker will be employed
- Employee's details
  - Name
  - Date of birth
  - Citizenship
  - Address in country of residence
  - Work experience
  - Educational qualifications
  - Professional or trade licences
- The airport or border crossing at which this employee will enter Canada
- An explanation as to why the job offer should be exempt from the job confirmation process

Businesses in all other provinces and territories may contact the CIC Call Centre, where agents can address questions regarding the hiring of a foreign worker and direct employers to the appropriate government office to proceed with the foreign worker application.

### STEP 2: APPLY FOR AN LMO

Service Canada provides an LMO to the employer and CIC. The LMO is an assessment of the likely impact that the hiring of the foreign worker may have on the Canadian labour market.

### Categories of Occupations Generally Requiring LMOs

**High-Skilled Occupations:** Requests to hire skilled foreign workers (i.e., in high-skilled occupations) **usually** require an LMO, but as previously noted, some categories of work do not require an LMO (please see Step #1 on page 6).

**Lower-Skilled Occupations:** Requests to hire foreign workers in occupations that usually require at most a high school diploma or job-specific training will **likely** require an LMO.

**Seasonal Agricultural Workers:** Requests to hire seasonal agricultural workers from any foreign country **will** require an LMO.

**Live-in Caregivers:** Requests to hire live-in caregivers (i.e., under the Live-in Caregiver Program) **will** require an LMO.



### If the Job Offer Requires an LMO

You will be required to complete an **Application for a Labour Market Opinion** (<http://www.hrsdc.gc.ca/en/epb/lmd/fw/forms.shtml>) and submit it to the appropriate **Service Canada Centre** (<http://www.hrsdc.gc.ca/en/epb/lmd/fw/listhrcc.shtml>) serving your region.

Service Canada considers the following factors in an LMO application:

- The occupation in which the foreign worker will be employed
- The wages and working conditions offered to the foreign worker
- The employer's advertisement and recruitment efforts to hire Canadians/permanent residents
- The associated labour market benefits that may occur from hiring the foreign worker (e.g., transfer of new skills/knowledge, creation/retention of jobs, etc.)
- Consultations with organized labour if the position the foreign worker will fill is part of a bargaining unit
- Determination if the entry of the foreign worker is likely to affect the settlement of an ongoing labour dispute

Please note that for certain occupations you (the employer) may also be required to submit an employment contract which will be considered as part of the LMO assessment. For further details, please see <http://www.hrsdc.gc.ca/en/epb/lmd/fw/occspec.shtml>.

Please refer to the LMO Application Guidelines (<http://www.hrsdc.gc.ca/en/epb/lmd/fw/forms.shtml>) for information on how to complete the Application for a Labour Market Opinion.

### If the LMO is Positive

Service Canada will issue an employment confirmation and you will receive a response in writing which you should forward to the foreign worker along with a copy of a signed job offer and employment contract (if applicable). The foreign worker can then proceed to apply for a work permit either at a visa office abroad, a port of entry, or from within Canada if legally permitted to do so.

Note that a positive LMO does not guarantee that a work permit will be issued to the foreign worker. Visa and Border Services officers can refuse work permit applications and entry to Canada if they determine that the foreign worker does not meet the qualifications required by the LMO or is otherwise inadmissible to Canada.

### If the LMO is Negative

Service Canada will inform you in writing of a negative decision. If you disagree with the Service Canada decision, and you have new information that may affect the decision, you may submit this information to the Service Canada Centre indicated on your refusal letter. Your request will then be re-assessed taking into account any new information you have submitted.



### STEP 3: WORK PERMIT APPLICATION

In most cases, foreign workers are required to apply for and obtain a permit to work temporarily in Canada. The job categories that are exempt from a work permit requirement can be found at <http://www.cic.gc.ca/english/work/exempt-2.html>.

#### Persons who may apply for a work permit at a port of entry

- All nationals or permanent residents of the U.S., and residents of Greenland or St. Pierre and Miquelon
- Persons whose work does not require an LMO
- Persons who require an LMO, as long as the positive opinion has been issued before entering Canada

#### Persons who must apply for a work permit outside Canada

- All persons who require a TRV
- All persons who require a medical examination
- International youth exchange program participants other than U.S. citizens and permanent residents
- Seasonal agricultural workers
- Live-in caregivers

#### Information Required for Work Permit Applications

Each visa office abroad may have different procedures which will be listed on their individual Web sites (<http://www.cic.gc.ca/english/offices/apply-where.html>). A visa officer has the right to ask for certain information from foreign workers, including:

- Proof of identity
- A valid passport or travel document that guarantees re-entry to the country that issued it
- Two photos of the foreign worker and two photos of all accompanying family members
- A copy of the job offer or signed employment contract
- A copy of the positive LMO issued by Service Canada (although a visa officer can access the LMO electronically, it is advised that the foreign worker be provided with a copy)
- Proof of their present immigration status in the country in which they are applying (this applies to foreign workers who are not citizens of the country in which they are applying)



### Other Requirements for Work Permit Applications

- The fee for processing a work permit application is \$150.
- The fee for processing a TRV is \$75.
- If a foreign worker requires a TRV and a work permit, the total processing fee is \$150.
- The fee for accompanying family members requiring a TRV is \$75 each.
- An interview may be required if the visa office needs more information to determine whether the foreign worker is eligible to obtain a work permit.

### Medical Examinations

Generally, a medical examination is **not required** for employment terms of six months or less. However, a medical examination is **required** under the following circumstances:

- Workers will be employed in an occupation in which the protection of public health is essential. Occupations requiring a medical examination can be found at [www.cic.gc.ca/english/visit/medexams.html](http://www.cic.gc.ca/english/visit/medexams.html).
- Workers will be employed for a term greater than six months or have resided for six or more consecutive months in a designated country ([www.cic.gc.ca/english/visit/dcl.html](http://www.cic.gc.ca/english/visit/dcl.html)) in the year preceding the submission of their application.

The visa office will issue the foreign workers the necessary medical documents, including a list of local medical practitioners designated by CIC to perform the medical examinations. Foreign workers are responsible for paying the fee for the examination directly to the medical practitioner.

Foreign workers who are eligible to apply for a work permit at a port of entry and who require a medical certificate must demonstrate that they have passed immigration medical requirements before arriving in Canada. A Border Services officer will not allow foreign workers to enter Canada without confirmation that a valid medical certificate has been issued.

### Processing Times

The length of time it takes to process work permit applications may vary depending on the location where the application is submitted. Current work permit application processing times can be found at <http://www.cic.gc.ca/english/department/times/index.html>.

A visa officer can refuse a work permit application if the foreign worker is found to be inadmissible for any of the following reasons:

- has failed a medical examination
- has a criminal record
- is determined to be a security risk
- has not met the criteria and standards described in the job offer provided by the employer
- has not satisfied the visa officer that he or she will leave Canada at the end of the period of employment

The visa office will inform the foreign worker of its decision in writing.

**During the overseas processing of work permits, employers should maintain regular contact with recruited foreign workers in order to be kept up to date on the status of their applications**



If their overseas application for a work permit is approved in principle, foreign workers will receive a letter explaining that they are eligible for a work permit. It is important to note that this letter is not a work permit. Foreign workers are required to present the letter to a Border Services Officer at a port of entry when seeking to enter Canada.

#### STEP 4: PORT OF ENTRY

To enter Canada, foreign workers must have the following documents on their person to present to a Border Services officer:

- a passport or travel document that is valid for the period of the authorized stay, unless they are citizens of the United States, or residents of Greenland or St. Pierre and Miquelon
- a signed job offer and/or employment contract
- an authorization letter approving a work permit application issued by CIC (if applicable)
- a copy of Service Canada's positive LMO (if applicable)
- a copy of the confirmation by a CIC Temporary Foreign Worker Unit that the job offer is exempt from a work permit or LMO (if applicable)
- evidence of credentials: education, professional and work experience (if applicable)
- a temporary resident visa (if applicable)

Foreign workers may be denied a work permit or entry into Canada at the port of entry if the Border Services officer believes that they do not meet the requirements of the *Immigration and Refugee Protection Act*.

We hope this guide has helped you better understand the Temporary Foreign Worker Program and determine if hiring foreign workers is an appropriate solution to your labour or skill-shortage needs.

If you have further questions about obtaining a Labour Market Opinion, please consult the Foreign Worker Program Web site at [http://www.hrsdc.gc.ca/en/gateways/nav/top\\_nav/program/fw.shtml](http://www.hrsdc.gc.ca/en/gateways/nav/top_nav/program/fw.shtml) or contact the appropriate Service Canada Centre that processes foreign worker requests (<http://www.hrsdc.gc.ca/en/epb/lmd/fw/listhrcc.shtml>).

If you have further questions regarding any other citizenship or immigration issue, please consult the CIC Web site at [www.cic.gc.ca](http://www.cic.gc.ca) or call the CIC Call Centre at 1-888-242-2100.



## Annex

# Guide for Completion of an Application for a Labour Market Opinion (Form EMP5239)

### EMPLOYER INFORMATION

1. **Employer ID # (if applicable)**  
If you have recently received a confirmation or refusal letter from us, your employer ID number will be indicated on the Annex. If this is your first request, please leave this space blank.
2. **Canada Revenue Agency (CRA) business number**  
Please provide your CRA business number (nine-digit identifier), if applicable.
3. **Employer name (name of business)**  
Please provide the name of the business. This is the usual or common name of the business, NOT the name of the employer contact or representative.
4. **Business telephone number**  
Please provide the general telephone number of the business or organization, NOT the direct line of the employer contact or the representative.
5. **Address: Number/Street/P.O. Box #**  
Please provide the complete address of the business or organization.
6. **City**  
Please provide the city or town in which the business or organization is located, NOT the location of the job.
7. **Province/State**  
Please provide the province or state in which the business or organization is located.
8. **Country**  
Please provide the name of the country in which the business or organization is located.
9. **Postal/Zip code**  
Please provide the postal code or zip code of the business or organization.
10. **Date business started**  
Please provide the exact date on which you started your business. If you are unsure of the exact date but know the year, we will use January 1 by default.
11. **Website**  
If your business has a website, please include it here.
12. **Describe the principal business activity**  
Please provide a brief description of the principal business activity.
13. **Contact name (a.k.a. employer contact)**  
Please provide the name of the person in your business or organization who should receive the letter containing the Service Canada decision regarding confirmation or refusal. This is also the person whom we will contact if more information is required. This is NOT the name of any third party representative that you may have appointed.



**14. Job title**

Please provide the job title of the employer contact person, NOT the job title of the position you wish to fill with a foreign worker.

**15. Preferred official language of correspondence**

Please indicate which of Canada's official languages should be used in correspondence with the employer contact person (i.e., English or French).

**16. Contact telephone number**

Please provide the telephone number at which the employer contact person can be reached during business hours.

**17. Fax number**

Please provide the fax number for sending information or correspondence to the employer contact person.

**18. E-mail**

Please provide the e-mail address of the employer contact person, if applicable.

**19. Number of Canadians/permanent residents employed in Canada**

Please indicate the number of workers who are either Canadian citizens or permanent residents of Canada and who are currently employed within your business or organization.

**20. Number of foreign workers currently employed in Canada**

Please indicate the number of foreign workers who are not Canadian citizens or permanent residents of Canada, and who are currently employed within your business or organization.

**21. Were any employees laid off in the past 12 months?**

Please indicate yes or no. If you have answered yes, you must indicate how many employees were laid off, the reasons for the layoff(s), and the occupations that were affected by the layoff(s).

**THIRD PARTY INFORMATION**

Please disregard this section and page 5 of the application if you are not securing the services of a third party.

This section is applicable only to employers who have chosen to secure the services of a third party representative (e.g., lawyers, immigration consultants, hiring agencies) to act on their behalf in dealing with Service Canada. Employers who choose to appoint third parties to act on their behalf must submit written authorization for this representation. Please note that page 5 of this application must also be completed and submitted if you are using a third party. Service Canada reserves the right to contact the employer directly (if necessary) regardless of whether a third party has been appointed.

**22. Company name**

Please provide the name of the third party company that will act on behalf of the employer.

**23. Third party representative authorized to act for employer**

Please provide the name of the contact person in the third party company who will serve as the third party representative. This third party representative will communicate with Service Canada on behalf of the employer.



24. Preferred official language of correspondence

Please indicate which of Canada's official languages should be used in correspondence with the third party representative.

25. Address: Number/Street/P.O. Box #

Please provide the complete address of the third party company.

26. City

Please provide the city or town in which the third party company is located.

27. Province/State

Please provide the province or state in which the third party company is located.

28. Country

Please provide the name of the country in which the third party company is located.

29. Postal/Zip code

Please provide the postal code or zip code of the third party company.

30. Telephone number

Please provide the telephone number at which the third party representative can be reached during business hours.

31. Fax number

Please provide the fax number where information or correspondence can be sent to the third party representative.

32. E-mail

Please provide the e-mail address of the third party representative, if applicable.

## DETAILS OF JOB OFFER

33. Job title

Please provide the job title of the position for which you wish to recruit the foreign worker(s).

34. Is the job temporary with intent to permanent?

Please indicate "yes" if you intend to develop and retain the foreign worker in the position and eventually make this person a permanent job offer. Please indicate "no" if you intend to fill a labour shortage temporarily by offering this job to the foreign worker until you can hire or train a Canadian or permanent resident.

35. Number of foreign workers you are requesting under this job title (same wage, job description, location, etc.)?

Please indicate the number of foreign workers whom you intend to recruit under the specified job title listed in Box 33.

36. Expected duration of employment

Please indicate the expected length of time for which you intend to employ the foreign worker.

Note: If you have indicated "yes" in Box 34, then you may indicate 2 to 3 years in this box. However, we will NOT provide a labour market confirmation for permanent employment. We provide a temporary confirmation only, and it would be up to the foreign worker to apply for **permanent resident status** based on your letter of offer for permanent employment.

37. Expected start date of employment, if any (yyyy-mm-dd)

Please indicate the date that you expect the foreign worker to have all the immigration paperwork processed by the consulate and to arrive in Canada to work.





**38. Location of job: Number and street**

Please provide the actual location where the foreign worker will be performing the duties of the job. In situations where the job duties will be performed off site (i.e., long-haul truck driver), you would indicate the address out of which the foreign worker would be based.

Note: Work permits are **location-specific**. Citizenship and Immigration Canada needs to know exactly where the foreign worker will be working, especially if it is away from your general office. If the foreign worker is to work in multiple locations (including other provinces in Canada), it is imperative that you list all locations. Please use a separate sheet if necessary.

**39. City**

Please provide the city or town of the job location.

**40. Province**

Please provide the province of the job location.

Based on the information you provide for questions 41, 42 and 43, Service Canada officers will gain an understanding of the nature of the work and its requirements. They will then assign a NOC code\*\* based on the main duties and educational requirements.

\*\* Service Canada and CIC use the National Occupational Classification (NOC) system to categorize the job you are filling based on the duties of the position. Where a job involves duties found under two or more NOC codes, the Service Canada officer will select the NOC job code that best corresponds to the predominant duties in terms of level of responsibility. Service Canada

also uses the NOC occupation to determine the appropriateness of the wages and identify other labour market trends when assessing your job offer.

The NOC system can help you as an employer to more accurately identify and describe the specific duties and requirements of the position you are filling. Service Canada officers will work with you to help determine the appropriate NOC code required for the position.

Information on the NOC system can be found at <http://www23.hrdc-drhc.gc.ca/>. Detailed NOC job descriptions can be found at <http://www23.hrdc-drhc.gc.ca/2001/e/groups/index.shtml>.

**41. Main duties of the job**

Please provide a detailed summary of the job duties. Service Canada officers will not search your documents for job duties nor will they create a job description for you. Employers are presumed to know their business requirements and the duties that they require their employees to perform. In cases where the duties do not appear to constitute a coherent job description, the employer will be asked for clarification and this may delay the assessment of the application. If more space is required, please attach a separate sheet to the form.

**42. Educational requirements of the job**

Please indicate the educational requirements of the job by checking one of the boxes. Please provide additional information in the space provided if the job you are offering to the foreign worker has specific educational requirements (e.g., level 2 or 3 apprentice papers; CA or CMA designation; journeyman certification; cooking diploma; MBA; company-specific training or professional accreditation).



Note: You must specify the educational requirements of the job that you are offering to the foreign worker, NOT the educational credentials of the foreign worker. Citizenship and Immigration Canada will ensure that the foreign worker has the required qualifications/education prior to issuing a work permit. Your job offer must not have been designed for the foreign worker, making it inaccessible for Canadian citizens and permanent residents.

**43. Experience/Skills requirements of the job**

Please provide the number of years and type of experience required for this job, and describe the particular skill set that you would expect an employee in this position to possess. This may include specific licensing or certification that was not indicated above.

Note: You must specify the experience and skills required to perform the job, NOT the experience and skills that the foreign worker possesses. Your job offer must not have been designed for the foreign worker, making it inaccessible for Canadians and permanent residents.

**44. Language requirements**

Please indicate any language requirements for the job. Generally, one of the official languages will be a requirement to function in a job in Canada. However, there may be situations where one of the official languages (English or French) is not a requirement, or where another language is necessary to perform a job. Since employers have the right to provide services that respond to the expectations of their target clientele, you should indicate the exact language you need a person to speak/write in order to perform this job. If a language

other than English or French is necessary for a job, please identify the language and provide a rationale.

**45. Salary (in Canadian dollars)**

Please indicate the salary for the job in Canadian dollars and the number of hours. All offers of employment must include the salary or wages you will be paying. Wages are the monetary compensation for work performed or services provided and must be calculated on an hourly, daily, monthly or yearly basis. Wages/salary must be a fixed or agreed-to amount for an agreed-to number of hours of work. Wages offered must not be based on commission, tips, piecework or some other arrangement. Service Canada officers will NOT confirm offers of employment unless there is a guaranteed salary at the prevailing wage rate (not including commissions).

Service Canada expects employers to offer wages consistent with the prevailing rate paid to Canadians in the same occupation in the region. This is to ensure that it is not more attractive for an employer to hire a foreign worker than a Canadian worker; that the entry of foreign workers does not put downward pressure on Canadian wages; and that foreign workers are compensated for their work at the same prevailing wages as Canadians. In the case of jobs that are part of a bargaining unit, the collective agreement will generally govern the wage structure.

Service Canada generally does not confirm part-time jobs because of the need to ensure that foreign workers will be able to sustain themselves financially while working in Canada. We consider part-time work to be less than 30 hours per week.



**46. Benefits**

Please indicate the benefits associated with the job. Service Canada expects you to provide working conditions that are consistent with federal and/or provincial standards for the occupation and workplace.

**47. Other benefits**

Please indicate here any additional benefits such as a profit-sharing plan, dividends, bonuses or even free accommodation. Please note that any benefits indicated will NOT be considered in lieu of an adequate salary.

**48. Are there provincial/territorial/federal certification, licensing or registration requirements for the job?**

If the job offered to the foreign worker is part of a profession or industry governed by a certifying or regulating body, please indicate the name of this body. Service Canada officers consult with these professional groups as part of their assessment process.

**49. Is the position part of a union? Has the union been consulted about the hiring of a foreign worker?**

If the position is part of a union, please provide the union's name. Service Canada does not expect union concurrence, but does expect union documentation confirming that it has been advised that the position is being filled by a foreign worker and not by a Canadian or permanent resident. If you have not contacted the union, please explain why you have not done so. Service Canada officers have the discretion to consult with unions for the specific information needed to assess your application. They may require input or clarification on matters such as the status of a labour dispute, the wage rates for a particular occupation, the terms of a contract or broader labour market information.

**50. Is there a labour dispute in progress?**

Please indicate whether there is a labour dispute in progress. If so, please provide details. Employers may not use foreign workers to circumvent a legal work stoppage or otherwise influence the outcome of a labour dispute. In situations where the entry of a foreign worker would adversely affect an ongoing labour dispute, Service Canada must issue a negative labour market opinion or suspend the application pending the results of the labour dispute. CIC will not issue a work permit if there is a labour dispute in progress when the foreign worker applies for a work permit.

**51. Have you attempted to recruit Canadians/permanent residents for this job?**

Please indicate whether your business has attempted to hire Canadians or permanent residents for the job and provide details of recruitment efforts or a detailed explanation of why you haven't recruited. In order to conclude that the entry of a foreign worker will not have a negative effect on the Canadian labour market, Service Canada must first understand why you have determined that a foreign worker is needed to meet your requirements. Service Canada generally requires evidence of recent recruitment efforts to find qualified Canadians/permanent residents before applying to hire foreign workers. The intent of advertising is to determine the availability and interest of qualified Canadians/permanent residents. Therefore the advertisements must clearly describe the same job duties, position requirements, wages/salary and working conditions as described on your foreign worker application. You must provide evidence of your recruitment efforts and describe your results. Please provide copies of actual



advertisements in media such as local, provincial and/or national newspapers; recognized Internet job banks; job-specific and professional publications; and job orders/postings at post-secondary or apprenticeship training institutions.

Copies of invoices/receipts showing how long the advertisements were published are also required. Evidence of the recruitment of Canadians through other means such as job fairs, co-operative education programs and apprenticeships may also be acceptable.

52. **What are the potential benefits to the labour market in Canada that will occur as a result of employing the foreign worker?**

Please indicate the potential benefits to the labour market of hiring a foreign worker. This is the employer's opportunity to list the potential benefits that Service Canada officers can consider when assessing the request for hiring a foreign worker.

53. **Do you plan to train Canadians/permanent residents for the position to be filled by the foreign worker?**

Please indicate whether it is your intention to eventually train one or more Canadians for the position that the foreign worker will fill temporarily. If yes, please describe your intent. This question refers only to the position the foreign worker will fill, not to your general efforts to train Canadians.

## FOREIGN WORKER INFORMATION

54. **Name of foreign worker – Family name**  
Please provide the foreign worker's family name and ensure that the spelling is correct.
55. **Given name(s)**  
Please provide all of the foreign worker's given names and ensure that the spelling is correct.
56. **Male or female**  
Please indicate whether the foreign worker is male or female. If unknown, please leave blank.
57. **Date of birth (yyyy-mm-dd)**  
Please indicate the date of birth of the foreign worker. If unknown, please leave blank.
58. **Country of residence (where the worker currently resides)**  
Please provide the name of the country in which the foreign worker currently resides.
59. **Citizenship**  
Please provide the citizenship of the foreign worker. This may be different from the country in which the foreign worker currently resides.
60. **If the foreign worker is currently in Canada, please indicate the immigration status**  
If your prospective foreign worker is already in Canada, please indicate this person's current legal status. The foreign worker should be able to provide you with evidence that he or she is in Canada legally as a visitor, foreign worker, refugee claimant or student.
61. **Job title**  
Please provide the job title of the position for which you wish to recruit the foreign worker(s).



### ENTERTAINMENT REQUEST

This section is to be filled out only for entertainment requests such as bands, entertainers, or film and TV productions.

**62. Name of the production**

Please provide the name of the production for which you are requesting that a foreign worker be hired.

**63. Number of people involved in the production**

Please indicate the total number of people who are involved in the production.

**64. Type of production**

Please indicate the type of production (film production, festival, band performance, etc.) and provide details so that Service Canada officers can determine the type of entertainment request.

**65. Contract included with this application?**

Please indicate whether or not you are including the employer-foreign entertainer contract with your application. A copy of the contract between the employer and the foreign entertainer must be attached with your application form. Please note that a contract is not required for film and TV requests.

### DECLARATION OF EMPLOYER

The application must be signed by an authorized signatory of the business or organization which is applying for the foreign worker. This person is often the employer contact entered on the first page of the application. Please print the name and title of the authorized signatory within the business or organization.

### SIGNATURE OF THIRD PARTY

If you have chosen to use the services of a third party, the representative of that third party must also sign and print his/her name.

