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## **CANADA: CHANGES TO THE TEMPORARY FOREIGN WORKER PROGRAM**

The Government of Canada has recently announced a number of changes to the Temporary Foreign Worker (TFW) Program related to the Labour Market Opinion (LMO) process. The LMO process requires employers to test the labor market for Canadian workers before hiring a foreign national in most occupations.

Specifically, these new changes include:

- **Introduction of a Processing Fee.** Effective July 31, 2013, Canadian employers applying to hire TFWs must pay a processing fee of \$275 Canadian dollars for each position or job offer included on an LMO.
- **Introduction of a Language Restriction.** Amendments to the law have also established a new language assessment factor. As a result, only one of the two official languages of Canada (English and French) can be identified as a job requirement in LMO applications and in advertisements by employers. An exception can be made only if employers can demonstrate that a foreign language is essential for the job (e.g. foreign tour guides).
- **Introduction of New Advertising Requirements.** Canadian employers will need to provide evidence that greater efforts were undertaken to hire Canadian citizens and permanent residents before applying for an LMO. With a few exemptions primarily related to the hiring of live-in caregivers and agricultural workers, Canadian employers will now be required to advertise available positions for at least four (4) weeks before applying for an LMO. Employers must also demonstrate that they have continued to actively seek qualified Canadians to fill the advertised positions until an LMO has been issued.

In addition to advertising on the national Job Bank website or the equivalent provincial and territorial websites, employers must also provide evidence that they have utilized at least two other recruitment methods consistent with the advertising practices for the occupation. If hiring for a higher-skilled occupation, one of the methods must be national in scope. If hiring for a lower-skilled occupation, employers must demonstrate that they made efforts to target under-represented groups.

These changes clearly indicate the Canadian government's intent to continue their review of the current LMO process and use stricter scrutiny in their adjudication of the applications. We anticipate continued changes to the LMO that will add additional requirements to the process for employers seeking to utilize the program and will provide additional updates as new requirements are implemented.

As always FosterQuan will continue to monitor global immigration regulations and procedures and will provide additional information in future Immigration Updates®, and on our firm's website at [www.fosterquan.com](http://www.fosterquan.com).