

TEMPORARY FOREIGN WORKER PROGRAM (TFWP) CHANGES

ABOUT THE TEMPORARY FOREIGN WORKERS PROGRAM

- Administered by Employment and Social Development Canada (ESDC)
- Labour Market Impact Assessment (LMIA) now required, replacing Labour Market Opinion.
- LMIA application should include:
 - number of Canadians who applied for the job
 - number of Canadians interviewed and why those were not hired
 - confirmation that no Canadians will be laid-off or have hours reduced
- LMIA \$1000 Application Fee/Per Position
- LMIA valid for one year. Two-year maximum work permit.

TFWs CLASSIFIED BASED ON WAGE LEVEL

LOW-WAGE < **\$21.79**
HIGH-WAGE > **(MEDIAN WAGE)**

- Low wage TFWs: less than provincial median wage
- Low wage occupations are generally those requiring a high school diploma or maximum of 2 years of job-specific training
- High wage TFWs: paid above provincial median wage

CAP AND RESTRICTIONS ON LOW WAGE TFWs

- 10% cap on proportion of low-wage TFWs/worksites
- TFW cap phased-in over next 3 years
- Employers with current lower-wage TFW workforce above cap limited to 30% or frozen at current level
- 30% transition cap reduced to 20% beginning July 1, 2015 and to 10% on July 1, 2016
- Low-wage TFWs applications refused in Accommodation, Food Services & Retail Trade sectors in regions with 6%+ unemployment

TRANSITION PLANS FOR HIGH-WAGE POSITIONS

- Transition Plan required with LMIA to reduce reliance on TFWs
- Additional employer recruitment activities required to hire from under-represented groups.
- Report on transition plan success if reapplying for TFWs
- Transition plan results required if inspected

HIGH DEMAND OCCUPATIONS, HIGHEST PAID AND SHORT DURATION PROCESSED FIRST

- LMIA's processed within 10-business-day service standard for:
- highest-demand occupations (skilled trades),
 - highest-paid (top 10%) occupations
 - short-duration work periods (120 calendar days or less)

STRONGER ENFORCEMENT AND TOUGHER PENALTIES

- One in four employers inspected annually
- Employers are required to retain all recruitment documents for six years
- Non-compliance: Suspend/revoke LMIA; ban from applying for LMIA; up to 100K fine; blacklisted

ABOUT THE INTERNATIONAL MOBILITY PROGRAM

- Applies to foreign nationals entering Canada for work and not subject to a Labour Market Impact Assessment (LMIA)
- Primary objective of IMP is to advance Canada's economic and cultural national interest rather than fill particular jobs
- Administered by Citizenship & Immigration Canada (CIC)
- Employer submits job offer and other relevant information to CIC
- Foreign nationals apply for work permit after employer has submitted information to CIC
- CIC will inspect employers for compliance. Non-compliance may lead to penalties and bans from hiring foreign workers.

INTERNATIONAL MOBILITY PROGRAM CHANGES

INTRA-COMPANY TRANSFEREES

- Must be highly skilled and bring specialized knowledge.
- New guidelines to define specialized knowledge.
- Foreign workers under this program cannot receive training that would displace Canadian workers.
- Wage floor imposed for foreign workers from countries where Canada does not have a free trade agreement (prevailing wage based on occupation and region).
- New compliance fee of \$230 per work permit for employer-specific work permits

OPEN WORK PERMITS

- New privilege fee of \$100 for open work permits
- CIC will:
 - Increase participation of Canadians to live and work abroad
 - Reduce administrative barriers to Canadians participating in live/work abroad programs
 - Improve reciprocal rate among countries promote transition to permanent residence through new Express Entry system

FIND OUT MORE

Learn about how IEC-BC connects employers to immigrant talent. Visit iecbc.ca, call 604 629 - 5364 or email info@iecbc.ca

