

LABOUR MARKET IMPACT ASSESSMENT APPLICATION HIGH-WAGE AND LOW-WAGE POSITIONS

Employers should visit the Temporary Foreign Worker Program TFWP website at www.esdc.gc.ca/eng/jobs/foreign_workers/index.shtml, to verify that the Program is accepting applications for the specific occupation or sector for which they wish to hire the temporary foreign worker (TFW) and to determine if they are eligible to participate in the Program.

Personal Information Collection Statement

The information you provide on this form is collected by Employment and Social Development Canada (ESDC) under the authority of the *Immigration and Refugee Protection Act* (IRPA) and *Immigration and Refugee Protection Regulations* (IRPR), for the purpose of providing a Labour Market Impact Assessment (LMIA) in accordance with these statutes. Completion is voluntary; however, failure to complete this form will result in your LMIA application not being processed.

The information you provide may be shared with Citizenship and Immigration Canada (CIC) for the administration and enforcement of the IRPA and IRPR as permitted by the *Department of Employment and Social Development Act* (DESD Act), and may be accessed by the Canada Border Services Agency (CBSA) for the purpose of issuing work permits at Ports of Entry. ESDC may also provide information to CBSA in order for that agency to investigate and enforce the IRPA and IRPR in relation to an LMIA.

The information may also be shared with provincial/territorial governments for the purpose of administration and enforcement of provincial/territorial legislation, including employment standards and occupational health and safety legislation, as permitted by the DESD Act. The information may also be used by ESDC for inspections, policy analysis, research and evaluation in relation to the entry and hiring of TFWs to Canada or the IRPA.

The information you provide is administered under Part 4 of the DESD Act and the *Privacy Act*. You have the right to access and request correction of your personal information, which is described in Personal Information Bank PPU 440 and PPU 171 of Info Source. Instructions for making formal requests are outlined in the Info Source publication available online at infosource.gc.ca.

A person, who contravenes a provision set out under sections 126 or 127 of the *Immigration and Refugee Protection Act* (misrepresentation), could be liable to a fine or to imprisonment, or to both. Also, providing inaccurate information, in the context of this application, may lead to an administrative penalty such as being ineligible to access the Program for a period of two years.

BUSINESS INFORMATION				
1. Employer ID Number (if applicable):		2. Canada Revenue Agency Business Number (first 9 digits are mandatory for Canadian businesses):		
3. Business Legal Name:		4. Business Operating Name:		
5. Business Mailing Address:				
6. City:	7. Province/State:	8. Country:	9. Postal Code:	
10. Business Telephone Number:		11. Business Address (if different than mailing address):		
12. City:	13. Province/State:	14. Country:	15. Postal Code:	
16. Type of business (select all that apply): <input type="checkbox"/> incorporated/limited <input type="checkbox"/> partnership <input type="checkbox"/> sole proprietor <input type="checkbox"/> other, specify _____				
17. Is the business a franchise? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, is the corporate head office aware of this application for temporary foreign workers (TFW)? <input type="checkbox"/> Yes <input type="checkbox"/> No Provide the name of the corporation:				
18. Website Address:			19. Date Business Started: (YYYY-MM-DD)	
20. Describe the principal business activity:				

21. Primary Contact Name: First Middle Last			22. Job Title:		
23. Contact Phone Number: Ext.		24. Fax Number:		25. E-mail:	
26. Preferred Official Language of Correspondence: English French					
THIRD-PARTY, RECRUITER OR EMPLOYMENT AGENCY INFORMATION					
1. Are you using the services of a third-party, recruiter or employment agency for the purpose of hiring a TFW? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, complete the boxes on the right			2. Name of third-party, recruiter or employment agency:		
Note: In some provinces/territories it is mandatory to be registered in order to recruit TFWs on behalf of an employer. For more information visit: www.esdc.gc.ca/eng/jobs/foreign_workers/higher_skilled/index.shtml			3. Registration, license or certificate number:		
4. Are you appointing a third-party to represent you in completing this application form or to provide advice in an immigration process? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, complete Schedule A - Third-party representative			5. Name of third-party representative:		
6. A number of provinces/territories prohibit the charging of recruitment fees to TFWs for the purpose of securing a job offer. Have you the employer or any other third-party in connection to this job offer received payment from the TFWs to secure this offer of employment? <input type="checkbox"/> Yes <input type="checkbox"/> No					
BUSINESS DETAILS					
1. Number of employees currently employed nationally under this Canada Revenue Agency Business number (e.g. 5 franchises are covered by the business number and there are a total of 100 employees):					
2. Total number of employees currently employed at the work location specified on this form:					
3. Total number of Canadian/permanent resident employees at the work location specified on this form:					
4. Total number of employees (including Canadians/permanent residents and TFWs) working in this occupation at this work location.					
5. Total number of TFWs (as the result of receiving a positive LMIA) at the work location specified on this form:					
6. Did you employ a TFW (as the result of receiving a positive LMIA) in the last two years, prior to December 31, 2013? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES – did you provide all TFWs employed by you in the last two years with wages, working conditions and employment in an occupation that were substantially the same as those that were described in the offer(s) of employment (and confirmed in the LMIA letter(s) and annexe(s))? <input type="checkbox"/> Yes <input type="checkbox"/> No					
7. Have you applied for and received a positive LMIA on or after December 31, 2013, and employed a TFW in that position? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES – did you provide all TFWs employed by you, on LMIAs received on or after December 31, 2013, with employment in the same occupation as described in the offer(s) of employment (and confirmed in the LMIA letter(s) and annexe(s)) and with substantially the same wages and working conditions - but not less favourable than- those set out in that offer(s) of employment (and confirmed in the LMIA letter(s) and annexe(s))? <input type="checkbox"/> Yes <input type="checkbox"/> No Note: Employers should be aware that with recent changes to the Immigration and Refugee Protection Regulations, the look back period has changed from 2 to 6 years. However, this change is not retroactive and, therefore will not be fully implemented until January 2020.					
8. Have you had an LMIA revoked within the previous 2 years from the date you submitted this application? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, was the LMIA revoked because you had provided false, misleading or inaccurate information in the context of a request for an opinion. <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, please provide the following details regarding this revocation: Date (YYYY-MM-DD): _____ System File Number: _____ If the public policy considerations that justified the revocation are no longer relevant, please provide a detailed explanation:					

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

No

Yes If yes, how many Canadians/permanent residents? _____ How many TFWs? _____

Reason(s) for layoff(s) and occupations affected:

10. Does your business receive support through Employment and Social Development Canada's Work-Sharing program?

No

Yes If yes, provide details:

JOB OFFER INFORMATION

If you are requesting an LMIA to fill multiple jobs for the identical position/occupation, provide the job offer information only once. However, if there are multiple jobs for different positions/occupations, use a separate application form for each unique position/occupation.

1. Are you applying for an LMIA to hire a TFW in a Caregiver position? No Yes

If yes, employers hiring:

- an In-home Caregiver must complete this form and **Schedule G - In-Home Caregiving Occupations.**
- a Caregiver to work in a Health Institution must complete this form.

2. Job Title:	3. Number of TFWs requested for this job offer (same wage, job description, location, etc.):
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4. Expected employment duration: _____ Days _____ weeks _____ months _____ years	5. Expected employment start date (YYYY– MM –DD):
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6. Provide exact location where the TFW will be working (number and street address):

7. City:	8. Province:	9. Postal Code:
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10. Describe the main duties of the job:

11. Minimum education requirements of the job:

<input type="checkbox"/> Doctorate/PhD	<input type="checkbox"/> Doctor of Medicine	<input type="checkbox"/> Master's degree
<input type="checkbox"/> Bachelor's degree	<input type="checkbox"/> College level diploma/certificate	<input type="checkbox"/> Apprenticeship diploma/certificate
<input type="checkbox"/> Trade diploma/certificate	<input type="checkbox"/> Secondary school	<input type="checkbox"/> Vocational school diploma/certificate
<input type="checkbox"/> No formal education requirement		

Additional Information:

12. Minimum experience/skills requirements of the job: (include years of experience and/or occupational designations such as CA, CMA, CGA, R.N.,P.Eng.)

13. Indicate the language requirement stated in the offer of employment:

The offer of employment does not require the ability to communicate in any specific language.

The offer of employment requires the ability to communicate orally in:

English French English or French English and French

The offer of employment requires the ability to communicate in writing in:

English French English or French English and French

The offer of employment requires the ability to communicate in a language other than English or French.

If this option is selected, identify the specific language needed and clearly describe why this is a bona fide employment requirement for performing the duties associated with the employment. If insufficient space, attach a separate signed and dated sheet.

14. Wage in Canadian dollars and number of work hours. **Note:** Employers must provide the calculation of an hourly rate.

\$ per hour \$ per year

Overtime rate of \$ _____ starts after _____ hours of work per week.

Number of hours
per day

Total number of
hours per week

Total number of
hours per month

15. What is the wage range for these employees currently working in this occupation at this work location ?

Low-wage: \$ _____ /hour High-wage: \$ _____ /hour **OR** there are no employees currently working in this occupation at this work location

Note:
The wage range should be from the last 2 pay periods that have occurred within the 6 weeks prior to submitting the application.

16. Vacation (if applicable) Days: _____ (# of business days per year) OR Remuneration: _____ (% of gross salary)

17. Is the job offer for full-time employment (at least 30 hours of work per week) throughout the duration of employment covered by the LMIA ?

Yes No If no, explain.

18. Is this employment seasonal? Yes No

19. Benefits:

Disability insurance Dental insurance Pension Extended medical insurance (e.g. prescription drugs, paramedical services, medical services and equipment)

20. Other benefits (specify):

21. Are there any federal/provincial/territorial certification, licensing or registration requirements for this job?

No

Yes If yes, what is the name of the certifying/licensing/registering body?

Will the TFW have all required certification, licensing, or registration prior to entering and starting work in Canada?

No If no, indicate the anticipated period of time to acquire all of the required qualifications after starting work

_____ Days: _____ weeks _____ months

Yes If yes, the TFW must have proof that he/she already has all the required qualifications.

Note:

Securing the necessary documents to practice in Canada is the employer's and the worker's responsibility. CIC must be satisfied that the skilled workers are capable of performing the employment being offered to them. CIC will check to ensure the skilled workers hold the required certification, or license to practice in a regulated occupation in Canada. If the applicant is not certified or licensed, CIC will assess whether the applicant is likely to qualify for licensing/certification when in Canada.

22. Is the position part of a union?

No Yes If yes, what is the name of the union and the local?

Has the union been consulted about the hiring of a TFW?

No If no, explain.

Yes If yes, what is the position of the union? Provide details and attach documentation, if available.

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

No If no, explain.

Yes If yes, you must provide proof of recruitment (e.g. copy of advertisements and information to support where, when and for how long the position was advertised).

In addition, if you advertised on the Job Bank (or the provincial/territorial equivalent), provide the order number: _____

24. What are the potential benefits to the Canadian labour market for offering this job to a TFW(s)?

- Filling a labour shortage Development or transfer of skills and knowledge for the benefit of Canadians/permanent residents
 Other Direct job creation or job retention of Canadians/permanent residents

Provide Details:

25. Provide a rationale for the job offer you are making to the TFW(s) and describe how this will meet your employment needs:

26. Do you plan to hire or train Canadians/permanent residents for the position(s) for which you are requesting an LMIA ?

No If no, explain.

Yes If yes, provide a brief description of the training plan.

27. Will you provide the temporary foreign worker with suitable and affordable accommodation ?

No, but I will assist by doing the following: _____

Yes If yes, please indicate the rent : CAD\$ _____ per week or per month

and describe the type of accommodation:

Not applicable

SUMMARY OF RESULTS TO MEET MINIMUM RECRUITMENT AND ADVERTISEMENT REQUIREMENT

You must provide a brief summary of the results of the activities you conducted to meet the minimum recruitment and advertisement requirements to apply for an opinion.

1. Number of applications/resumes received from Canadians/permanent residents:

2. Number of Canadian/permanent resident applicants interviewed:

3. Number of Canadians/permanent residents offered the position:

4. Number of Canadians/permanent residents hired:

5. Number of job offers declined by Canadian/permanent resident applicants:	6. Number of Canadian/permanent resident applicants who were not qualified for the job:
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7. For each unsuitable Canadian/permanent resident applicant, provide an explanation as to why the candidate did not meet the requirements of the position, if necessary, attach a separate sheet. However, do not provide the names of the candidates (e.g. applicant #1 – has not completed the apprenticeship program and therefore cannot work as a journeyperson, applicant #2 – (unable to communicate in English to the level required for service in a fast paced environment).

TRANSITION TO A CANADIAN WORKFORCE

There are 2 possible paths for employers to transition to a Canadian workforce. The path that an employer must follow is determined by the wage being offered to the TFW for the position, in relation to the provincial/territorial median hourly wage, based on Statistics Canada’s Labour Force Survey (2014).

Exemptions:
The requirement to transition to a Canadian workforce is not applicable to employers who are hiring TFWs for:

- on-farm primary agricultural positions, specifically
 - farm managers/supervisors and specialized livestock workers (NOC 8251, 8252, 8253, 8254 and 8256); and
 - general farm workers, nursery and greenhouse workers and harvesting labourers (NOC 8431, 8432 and 8611).
- caregiver positions in a:
 - private household (NOC 3152, 3233, 3413, 6741 and 6474); and
 - health care facility (NOC 3152, 3233, 3413 and 6741).
- positions where they are submitting an application to exclusively support a TFW’s permanent residence under an Express Entry program (the TFW will not be applying for a work permit).
- positions in highly mobile industries or occupations when the:
 - workforce regularly crosses inter-jurisdictional boundaries (e.g. provincial, territorial and/or international) as part of the business’ ongoing operations or the international mobility-based nature for an occupation; and
 - position will not be filled after the worker leaves; and
 - position is for 120 days or less.

Note:
In exceptional circumstances the position can be for a period of more than 120 days when the entry of TFWs has implications for public health and safety.

Employers hiring TFWs in these positions, go to the IMPACTS ON THE CANADIAN LABOUR MARKET section

The provincial/territorial median hourly wages are as follows:

Alberta	\$25.00	Nunavut	\$29.00
British Columbia	\$22.00	Ontario	\$21.15
Manitoba	\$19.50	Prince Edward Island	\$17.49
New Brunswick	\$18.00	Quebec	\$20.00
Newfoundland and Labrador	\$21.12	Saskatchewan	\$22.00
Northwest Territories	\$30.00	Yukon	\$27.50
Nova Scotia	\$18.85		

Is the wage you are offering for the position at or above the provincial/territorial median hourly wage in the province/territory where the job is located?

No If no, complete the following Section A – Cap for Low-wage Positions

Yes If yes, skip to Section B – Transition Plans for High-wage Positions

Section A - Cap for the Low-wage Positions

Employers hiring TFWs and offering a wage that is below the provincial/territorial median hourly wage will be subject to a maximum 10% cap on the proportion of these low-wage TFWs. The cap will be phased in over the next 2 years to provide employers who use the program with time to transition to a Canadian workforce.

Employers that have a low-wage TFW workforce will be subject to an established cap, which is the lesser of their current percentage of TFWs in low-wage positions, or

- 30% as of June 20, 2014
- 20% as of July 1, 2015; and
- 10% as of July 1, 2016.

Exemptions to the Cap Requirement:

There is one exemption to the low-wage cap requirement. Employers should check the box if the following is applicable to their business:

- The business has fewer than 10 employees nationally, including the position to be staffed with TFWs;

Employers, who are exempt from the Cap requirement, go to the **IMPACTS ON THE CANADIAN LABOUR MARKET** section.

Employers, who are NOT exempt from the Cap requirement must complete **Schedule E - Cap for Low-wage Positions**.

Section B - Transition Plan for High-wage Positions

The Transition Plan is a mandatory requirement for all employers applying to hire TFWs, and are offering a wage that is at or above the provincial/territorial median hourly wage.

Rationale For Possible Exemption:

To be considered for an exemption from having to provide a Transition Plan, the employer must complete this section and provide a justification on how they meet the criteria indicated in the following question. Exemptions will be considered on a case by case basis.

Employers who are NOT exempt from the Transition Plan requirement must complete **Schedule C - Employer Transition Plan**.

1. What are the requirements of the position? Select all of the exemption criteria that apply to the position specified on this LMIA.

- The position has a limited duration which means – the job is time-limited and will no longer exist after the TFW leaves.
The employment duration is:
- 1 to 120 days (e.g. emergency or warranty work)
- more than 120 days to a maximum of 2 years (e.g. non-recurring project-based positions)
- The position is exempt under the Quebec Facilitated Process
(**Note:** Under the Facilitated Process, a Transition Plan is only required on the second LMIA application for the same occupation.)

2. Provide details:

IMPACTS ON THE CANADIAN LABOUR MARKET

The questions in this section are to be completed by all employers. The response to these questions will assist the Program to determine the impact the employment of temporary foreign workers will have on the Canadian labour market.

For the purpose of the Program:

Offshoring - is the relocation by a company of a business process from Canada to another country. This would include an operational process, such as manufacturing, or supporting processes (e.g. accounting or IT services). More recently, offshoring has been associated with technical and administrative services supporting domestic and global operations from outside Canada.

Outsourcing - is the contracting out of a Canadian business process to a foreign or Canadian third party organization resulting in the entry of Temporary Foreign Workers into Canada.

1. Will the entry of these TFWs lead to job losses, now or in the foreseeable future, for Canadians/permanent residents as a result of lay-offs, outsourcing, offshoring or other factors related to utilizing TFWs?

- No
- Yes If yes, provide a summary of the impact of hiring these TFWs, on your workforce (e.g. lay-offs, relocations) and the Canadian workforce more generally

<p>2. Is this job offer related to an activity, contract or a subcontract that will facilitate outsourcing or offshoring?</p> <p><input type="checkbox"/> No If no, go to the next section</p> <p><input type="checkbox"/> Yes If yes, you must:</p> <ul style="list-style-type: none"> - complete the following questions (a to c) and - have each employer with whom you have a contractual arrangement to provide services, complete a separate Schedule B – Impacts on the Canadian Labour Market. 	
<p>a.) Provide a summary of the contractual arrangement between the employer of record and the company receiving services including (but not limited to) information on: the purpose and scope of the project, the project timelines, the expertise required, and the number of Canadians and permanent residents working on the project.</p>	
<p>b.) Provide details on how Canadians/permanent residents with whom you have a contractual arrangement for services will be positively and/or negatively affected by this arrangement? (e.g. lay-offs, relocation, displacement, promotions, restructuring, transfer of skills and/or knowledge).</p>	
<p>c.) As part of this contractual arrangement, have you hired any foreign nationals through any work permit-exempt or Labour Market Impact Assessment-exempt processing stream?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes If yes, complete the following two questions (i) and (ii.)</p>	
<p>c-i) Provide details on efforts in the past two years to hire and/or train Canadians/permanent residents for positions where a foreign national has entered under a work permit-exemption or Labour Market Impact Assessment-exemption.</p>	
<p>c-ii) Provide a summary of the impact of hiring these foreign nationals on Canadians/permanent resident workers within the company receiving services under this contractual arrangement (e.g. lay-offs, relocation).</p>	
FILM AND ENTERTAINMENT REQUEST ONLY	
1. Name of the production:	2. Total number of people involved in the production:
3. Type of Production:	
<p>4. A copy of the contract between the employer and the foreign entertainer must be included with this application form, except for film and TV requests.</p> <p>Is the contract included with application? Yes No If no, please explain:</p>	

TEMPORARY FOREIGN WORKER INFORMATION

If you are hiring more than one TFW, use separate sheets to identify each worker coming to work for you in Canada. If the TFW information is not available, leave this section blank.

Note:
After the positive LMIA letter and annexes have been issued, six months will be allocated to the:
• employer to provide ESDC/Service Canada with the names of the TFWs; and
• TFWs to submit an application for a work permit to Citizenship and Immigration Canada.

1. Surname (family name) as shown on the passport:	2. Given name(s) as shown on the passport:
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3. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	4. Date of Birth (YYYY-MM-DD):
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5. Location of residence outside Canada: City: _____ Country: _____	6. Citizenship(s):
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7. If the TFW is currently in Canada, please indicate his/her location (city and province) and immigration status:

City: _____ Province: _____

Status: Temporary Foreign Worker Temporary Foreign Worker Visitor Student Refugee Claimant
(Foreign Live-in Caregiver)

DECLARATION OF EMPLOYER

I am an unincorporated employer, sole proprietor or partnership. Yes No

If you answered "YES" to the above:

I understand that some provinces and territories operate, pursuant to agreements with the federal Department of Citizenship and Immigration, Provincial Nominee Programs. I hereby consent to ESDC providing the personal information contained in this request for a Labour Market Impact Assessment to the provincial/territorial government(s) of the province(s) or territory(ies) where I carry on business to be used by the province(s) or territory(ies) for the administration of their Provincial Nominee Programs.

Yes
 No

Employers must check each box to declare that they comply (or will comply) with the statements below :

- I certify that I am an employer who does not, on a regular basis, offer strip tease, erotic dance, escort services or erotic massages. I understand that any LMIA application from an employer, who offers these services on a regular basis, will not be processed.
- I certify that I am actively engaged in the business in respect of which the offer of employment is made and understand that I must remain so during the period of employment for which the work permit is issued to the TFW(s).
- I certify that the offer is consistent with my reasonable employment needs
- I certify that I am reasonably able to fulfill the terms of the employment offer
- I certify that I am compliant with, and will comply with the federal/provincial/territorial laws that regulate employment and the recruitment of employees, in the province/territory in which it is intended that the TFWs work and, if applicable, with the terms and conditions of any collective agreement.
- I certify that all recruitment done, or that may be done on my behalf, by a third-party was, and will be, in compliance with federal/provincial/territorial laws governing recruitment. I acknowledge and understand that I will be held accountable for the actions of any third-party recruiting TFWs on my behalf.
- I certify that I am aware of the published recruitment and advertising requirements of the Temporary Foreign Worker Program. I am, and will continue to be, compliant with these requirements and I can provide proof upon request.
- I certify that the employment of a foreign worker will not adversely affect the settlement of any labour dispute in progress or the employment of any person involved in the dispute, should there be an ongoing or pending labour dispute at my business. I will inform Service Canada in the case one should develop.

- I will comply with the prevailing wage requirements and I agree to review and adjust, when applicable, the TFWs wages, at least annually, to ensure he/she continues to receive the prevailing wage for the occupation and region where he/she is employed.
- I certify that I will make reasonable efforts to provide a workplace that is free of abuse which includes physical, sexual, psychological or financial abuse.
- I certify that I will provide the TFWs with employment in the same occupation as that set out in the TFWs offer of employment and with wages and working conditions that are substantially the same as — but not less favourable than — those set out in the LMIA letter and annex A.
- I agree that I will not recover any costs, directly or indirectly, associated with seeking an LMIA from any TFW(s).
- I acknowledge and understand that for a period of six years from the first day of employment of the TFW(s), I may be subject to an inspection and I will retain any documents that relate to the LMIA application and the terms and conditions of the LMIA letter and annexes.
- If required, I will give all reasonable assistance to the officer conducting the inspection. I will attend interviews and on-site inspections, answer questions, provide information and documentation that relate to the conditions I have agreed to, pertaining to the LMIA letter and annexes.
- I understand that should an on-site inspection be required for verification of compliance with the conditions stated on the LMIA letter and annexes, the inspections may take place at any premises or location where the TFW(s) perform(s) work and any premises or place that the employer has provided to the TFW(s) as accommodations. In the case of private dwellings, employer consent or a warrant will be required.
- I will provide Service Canada with the names of the TFW(s) I intend to employ within six months from the date on the LMIA letter.
- I declare that the employment of the TFW(s) is likely to have a positive or neutral effect on the Canadian labour market and will not lead to job loss or reduction in work hours for any Canadian or permanent resident during the period of employment for which the work permit is issued.
- I agree to pay the total fee indicated in the Labour Market Impact Assessment Application - Processing Fee Payment section, either by credit card or certified cheque/money order. I also acknowledge that if I do not submit my payment, my LMIA application will not be processed. This attestation and the requirement to pay the processing fee are NOT applicable to employers who meet the definition of on-farm primary agriculture and are hiring TFWs in the following NOC codes 8251, 8252, 8253, 8254, 8256, 8431, 8432 and 8611.

Employers hiring TFWs in low-wage positions must check the following boxes to declare that they comply (or will comply) with the statements below.

- I have signed and enclosed a copy of the employment contract related to the job offer referred to in this LMIA application. I certify that this offer of employment meets all Program requirements. The terms and conditions in the offer, including the wages, working conditions, job duties and any benefits are (or will be adjusted to be) the same as those that will be described in the LMIA letter and annexes.
- I will retain a copy of the contract, related to the offer of employment, signed by all parties. I understand and agree that ESDC may request a copy during an employer compliance review or an inspection.
- I will pay all transportation costs for the TFW(s) to travel from their country of residence to the location of work in Canada and for the return transportation to their country of residence. If the TFW is already in Canada, I will pay all transportation costs from their residence in Canada to the location of work in Canada, and for the return transportation to their country of residence. I will not recover, directly or indirectly, any of these costs from any TFW(s).
- I will arrange and pay for private health insurance for the TFW(s), which is similar to provincial/territorial health care coverage, until he/she is eligible for provincial/territorial health care insurance coverage (where applicable) and will not recover these costs from the TFW.
- I am in good standing with the applicable workers' compensation program and I will register the TFW(s) under the appropriate provincial/territorial workers' compensation/workplace safety insurance plans, where available, or purchase, on-the-job injury or illness insurance that provides the TFW(s) with protection similar to the one offered by the applicable provincial/territorial law. I will not recover these costs from the TFW.

Important :

Employers must immediately inform Service Canada of any changes related to the foreign worker's terms and conditions of employment as described in the positive LMIA letter and annex. If Service Canada accepts the employer's changes to the original LMIA, the employers' file will be updated accordingly.

In accordance with the provisions of the Immigration and Refugee Protection Regulations, ESDC may conduct an inspection to verify the employer's compliance with the conditions set out in the positive LMIA letter and annexes. As a result, this inspection could include a review of the employer's file and if Service Canada does not have a copy of the changes, the employer will be held accountable for the information that is on file.

SIGNATURE OF EMPLOYER

The individual signing this form must have authority for either the hiring or financial decisions of the organization (e.g. owner, franchisee, general manager, or senior executive – such as VP Human Resources). For In-home Caregiver positions, employers must be a parent, legal guardian, be the recipient of care or have a valid power of attorney, etc.

I have read and I understand the Personal Information Collection Statement found at the beginning of this application. I declare that the information provided in this Labour Market Impact Assessment is true, accurate and complete.

Signature of Employer

Printed Name of Employer

Title of Employer

Date (YYYY-MM-DD)

A person, who contravenes a provision set out under sections 126 or 127 of the Immigration and Refugee Protection Act (misrepresentation), could be liable to a fine or to imprisonment, or to both. Also, providing inaccurate information, in the context of this application, may lead to an administrative penalty such as being ineligible to access the Program for a period of two years.

DOCUMENTATION REQUIRED

New employers hiring a TFW must always submit one document which supports their active engagement in the business. Returning applicants to the Program are not required to re-submit any documentation. However, ESDC/Service Canada may request employers submit additional documents when they are applying for a new LMIA. Employers, who provide documents that are not requested, may find that this slows down the processing of their application.

If a required document is not attached, please explain:

Proof of recruitment (e.g. copy of advertisement and information to support where, when and for how long the position was advertised)

Business registration or legal incorporation documents (if first LMIA application) Does not apply to employers of In-home Caregivers.

Municipal/provincial/territorial business license (where applicable and if first LMIA application) Does not apply to employers of In-home Caregivers.

Canada Revenue Agency:

- T2 Schedule 100 Balance Sheet Information (for corporations only – 2 most recent returns filed)
- T2 Schedule 125 Income Statement Information (for corporations only – 2 most recent returns filed)

Only required if this is the employer's first LMIA application. Does not apply to film and entertainment or employers of In-home caregivers.

Attestation by a lawyer, notary public or chartered accountant confirming that the business exists and the main activity of the business. (for sole proprietorship/partnership)

Letter from a legal business confirming the existence of a contract for a good and/or service with the employer applying for an LMIA

Provincial/territorial workplace safety and insurance (e.g. workers compensation board) clearance letter/certificate (if applicable)

Commercial lease agreement (where applicable and if first LMIA) Does not apply to employers of In-home Caregivers.

Film and Entertainment – copy of employment contract (except film and TV)

Provincial documentation requirements (for the provinces noted below):

ALBERTA - Employment Agency Business Licence (*Alberta's Fair Trading Act*) if applicable

BRITISH COLUMBIA - Employment Agency License (*British Columbia's Employment Standards Act*) if applicable

MANITOBA - Certificate of Registration (*Manitoba's Worker Recruitment and Protection Act*)

NOVA SCOTIA - Employer Registration Certificate (*Labour Standards Code*)

SASKATCHEWAN – Employer Registration Certificate (*The Foreign Worker Recruitment and Immigration Services Act*) (no documentation required, however employers must be registered).

Note:

In some cases the province may not provide a physical document but rather post the names of registered/certified employers on a website.

Send Application and all Supporting Documentation:

Employers must sign, and send the completed application and all required documentation to the Service Canada Centre responsible for processing applications in their area. A list of LMIA Processing centres is available on the ESDC website:

www.esdc.gc.ca/eng/jobs/foreign_workers/scc.shtml

Employers hiring In-home caregivers must send the completed application and all required documentation to the Service Canada Centre, in Ontario, responsible for processing In-home caregiver applications: www.esdc.gc.ca/eng/jobs/foreign_workers/scc.shtml#lcp

All employers requiring assistance can contact:

1-800-367-5693 (toll-free) from within Canada and the United States

506-546-7569 from outside Canada and the United States

Note:

A complete application means that employers have:

- filled out all of the fields in all of the necessary forms;
- included all of the required documentation;
- signed the forms where required; and
- submitted the fee payment with the application, if applicable

If an application is submitted and it is not complete, Service Canada staff will inform the employer that the application will not be processed. Incomplete applications and supporting documents submitted with the application will not be retained or returned to the employer. As a result, employers are advised to submit copies, not original documents.

**Please complete the Labour Market Impact Assessment - Processing Fee
Payment Form Printed on next page**

For office use only

LABOUR MARKET IMPACT ASSESSMENT – PROCESSING FEE PAYMENT

Employers must pay a processing fee for each position requested, except applications that involve on-farm primary agriculture occupations such as farm managers/supervisors and specialized livestock workers and general farm workers, nursery and greenhouse workers and harvesting labourers (specifically NOC codes 8251, 8252, 8253, 8254, 8256, 8431, 8432 and 8611), and those solely to support a foreign national's immigration application.

The total processing fee, where applicable, must be paid before the employer's LMIA application can be processed.

Step 1 – Complete employer information section:

Employer Business Name:	
Canada Revenue Agency Business Number: <i>(First 9 digits are mandatory for Canadian employers)</i>	

Step 2 – Calculate total labour market impact assessment processing fee in Canadian dollars:

Number of positions requested _____ X \$1,000 = TOTAL processing fee payment of \$ CAD _____

Step 3 – Select method of payment:

- Certified cheque or money order (postal or bank) made payable to the Receiver General for Canada
- Credit card (Visa, MasterCard, American Express)

For payment by credit card, complete and sign this section

CREDIT CARD INFORMATION AND PAYMENT AUTHORIZATION			
Name of cardholder (as it appears on the credit card):		Employer primary contact name:	
Credit card type: <input type="checkbox"/> Visa <input type="checkbox"/> MasterCard <input type="checkbox"/> American Express		Credit card number:	Expiry date: MM YYYY
Enter the card security/card verification value code (CVV) (a three or four digit number found on the back or front of the credit card): _____			
AUTHORIZATION:			
I authorize ESDC/Service Canada in the name of the Receiver General for Canada to charge _____ \$ CAD to my credit card			
This is permission for a single transaction, and does not provide authorization for any additional charges.			
Signature of cardholder:		Date: YYYY MM DD	

Send this form to Service Canada only

Note: Refunds will only be provided if a fee was collected in error (e.g. an incorrect fee amount was processed). There will not be refunds in the event of a negative labour market impact assessment since the fee covers the process to assess an application and not the outcome.