

# Hiring and Retaining Foreign Workers

Information for employers considering hiring temporary foreign workers



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## Meeting your labour needs

Some Alberta companies employ workers from outside the province and outside Canada. You may be eligible to hire temporary foreign workers and even nominate them for permanent residence through the Alberta Immigrant Nominee Program.

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## Hiring Temporary Foreign Workers

### Temporary Foreign Worker Program

The Temporary Foreign Worker (TFW) Program is operated by two departments of the Government of Canada, Human Resources and Skills Development Canada (HRSDC) and Citizenship and Immigration Canada (CIC).

The TFW Program allows:

- foreign workers to work temporarily in Canada
- Canadian employers to address labour shortages by temporarily employing foreign workers

To hire a temporary foreign worker, you must obtain a Labour Market Opinion (LMO) confirmation from HRSDC. An LMO is issued once HRSDC has assessed that the hiring of a foreign worker will have a positive or neutral effect on the Canadian labour market. As an employer, you will need to demonstrate that you have a genuine need for a foreign worker and that you are unable to fill the position with a Canadian worker.

The following is an overview of how to hire temporary foreign workers:

### STEP ONE

#### Gather information

#### **Determine the duties and skill level of the position**

Positions offered to foreign workers must be classified at a specific skill level based on the National Occupational Classification (NOC). The NOC defines skill levels for all occupations in Canada. HRSDC uses the NOC to categorize the job according to the job duties expected of the foreign worker. For more information visit [www.hrsdc.gc.ca/noc](http://www.hrsdc.gc.ca/noc)

The NOC Matrix provides an overview of positions and their skill level. The skilled worker category (NOC categories 0, A & B) includes managerial, professional or technical occupations that generally require post-secondary training. The semi-skilled worker category (NOC categories C & D) includes jobs that require lower levels of formal education.



| Level | Skilled occupations:  |
|-------|---|
| 0     | Management occupations  |
| A     | Occupations that usually require university degrees   |
| B     | Occupations that usually require college diplomas or trade/apprentice training                      |
| Level | Semi-skilled occupations:   |
| C     | Occupations that usually require secondary/high school and/or occupation-specific training, or both |
| D     | Occupations that do not require formal education and employers provide on-the-job training          |

### Determine if the position requires certification in Alberta

In Alberta, some occupations are regulated and require that workers obtain certification or licensing. Examples of regulated occupations include accounting, medicine, nursing, teaching, trades, engineering, psychology and law. For more information visit [www.AlbertaCanada.com/regulatedoccupations](http://www.AlbertaCanada.com/regulatedoccupations)

To become licensed or certified, foreign workers must apply to the relevant regulatory body to have their qualifications and skills assessed and/or pass an examination. As an employer, you should ensure that the foreign worker is aware of this step and that they contact the regulatory body for more information. A foreign worker may be required to be assessed by the regulatory body before they can obtain their work permit.

For information on occupations that require certification visit [www.alis.alberta.ca/certinfo](http://www.alis.alberta.ca/certinfo)

## STEP TWO

### Obtain a Labour Market Opinion

An LMO confirmation outlines the position and conditions of employment that you are offering such as wage and hours of work. It does not give the foreign worker permission to work in Canada, but a copy of the LMO will be required for the foreign worker to obtain a work permit.

### Applying for an LMO

You must submit an application for an LMO and supporting documents to HRSDC. The LMO application form should include basic information about your business, position to which you are recruiting, wage, duration, detailed job description and qualifications required for the position, as well as the foreign worker's details. Along with your LMO application form, you are required to submit proof of advertising to demonstrate that you have tried to employ a Canadian to fill the position.

If you do not have a foreign worker chosen for the position, you may still apply for an LMO. If approved, HRSDC will issue you a "pre-approval." Once you recruit a foreign worker, you may submit the details of the foreign worker to HRSDC and the LMO will be issued to you.



### **Assessment of an LMO application**

HRSDC will assess your LMO application and send you either a positive or negative LMO confirmation. The criteria used to assess the application includes, but is not limited to:

- whether the job offer is genuine
- whether the wages and working conditions are comparable to those offered to Canadians working in the same position
- if reasonable efforts were made to hire or train a Canadian for the position
- the impact of hiring on the Canadian labour market

A detailed description of the assessment criteria is available on the HRSDC website. For example, the website outlines the minimum advertisement requirements that you must demonstrate and submit to HRSDC. It is important to understand the criteria as they may impact the outcome of your LMO application.

Additional information on applying for an LMO, including the application process and forms can be found at [www.hrsdc.gc.ca/eng/workplaceskills/foreign\\_workers/index.shtml](http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/index.shtml)

### **Additional requirements for hiring semi-skilled occupations**

If you are hiring a foreign worker for a semi-skilled occupation (NOC skill level C & D), you must agree to additional requirements in order to obtain an LMO. Employers must pay for return transportation airfare; provide medical coverage until the foreign worker becomes eligible for Alberta Healthcare Insurance; and help the foreign worker find reasonable and proper accommodation. These additional requirements must be agreed to in an employment contract and submitted to HRSDC before the LMO will be issued.

### **Positions that do not require an LMO**

Most positions require the employer to apply for an LMO; however, some positions are LMO-exempt. This means the foreign worker does not require an LMO to obtain a work permit.

One category of LMO exemptions are foreign workers hired under international agreements. Hiring foreign workers under these agreements allows better mobility between Canada and other countries. For example, under the North American Free Trade Agreement (NAFTA), citizens of Mexico and the United States (U.S.) are LMO-exempt in certain professional occupations. For a list of eligible occupations under NAFTA visit [www.cic.gc.ca/english/work/special-business.asp](http://www.cic.gc.ca/english/work/special-business.asp)



Another option may be to access a federally-run International Youth Program. Countries such as France, Germany, the United Kingdom, Sweden, U.S., Chile and others have signed agreements with Canada under the International Student and Young Worker Employment Program. These programs allow Canadian companies to hire foreign workers without an LMO approval. In most cases, these programs allow workers from 18 to 35 years of age to work in Canada. The majority of these programs are for 12 months, however the time period may vary for some countries and it is advisable to check the website for details.

For more information on the categories that do not require an LMO visit [www.cic.gc.ca/english/work/apply-who-permit.asp](http://www.cic.gc.ca/english/work/apply-who-permit.asp)

If you require assistance to determine whether a position requires an LMO, contact CIC's Temporary Foreign Worker Unit (TFWU) at [www.cic.gc.ca/english/work/employers/tfw-units.asp](http://www.cic.gc.ca/english/work/employers/tfw-units.asp).

For more information on International Youth Programs visit [www.international.gc.ca/iyp-pij](http://www.international.gc.ca/iyp-pij)

### STEP THREE

#### The foreign worker obtains work permit

A work permit gives a foreign worker authorization to work in Canada. It is the responsibility of the foreign worker to apply for the work permit.

Once you obtain an LMO confirmation, you must provide a copy of the LMO and a written job offer to the foreign worker. These documents are required to apply for a work permit. If you are hiring a semi-skilled worker, you will also need to provide an employment contract outlining your additional obligations.

The foreign worker must submit an application for a work permit to CIC. Generally, applications must be submitted to a CIC visa office outside of Canada at a Canadian Embassy, High Commission or consulate. In some cases, a foreign worker may apply for a work permit at a port-of-entry upon arriving in Canada

Foreign workers are responsible for proving they are qualified to meet the job requirements as well as meeting CIC's requirements including medical, criminal and security checks. An immigration medical examination may be required before coming to Canada. The decision on whether a foreign worker is eligible for a work permit is made solely by CIC.

For more information on obtaining a work permit visit [www.cic.gc.ca/work](http://www.cic.gc.ca/work)

For more information on immigration medical and criminal requirements visit [www.cic.gc.ca/english/information/medical-criminal.asp](http://www.cic.gc.ca/english/information/medical-criminal.asp)



## ■ Retaining Foreign Workers in Alberta

### Settlement and integration of Temporary Foreign Workers

Only permanent residents can access government-funded settlement and integration programs including language training. Temporary Foreign Workers (TFWs) are not eligible.

You, as an employer, are likely one of your foreign workers' first points of contact with their new community. There are a number of supports you can provide to help them get oriented to the basic services and amenities they'll need on a daily basis. The following suggestions can mean a lot to a newcomer trying to get established in unfamiliar surroundings.

Foreign workers, like any new employees, benefit from an orientation to the workplace, its policies and expectations. But the need for orientation does not end at the workplace. Newcomers need orientation to the larger community, its resources, services and cultural differences. The employer plays an important role in providing newcomers with some of the information they need to successfully integrate themselves.

Newcomers adjust to life in Alberta by finding a place to live, buying food and clothing, locating appropriate services, learning to find their way around the community, and in some cases, improving their English and getting their families settled.

### General Information

Provide local maps, brochures on churches, libraries, recreational activities and local points of interest. Other publications include:

*Welcome to Alberta: Information for Newcomers* provides information to help temporary foreign workers settle in their community. Visit [www.alis.alberta.ca/publications](http://www.alis.alberta.ca/publications) to download or order the publication.

*A Newcomer's Introduction to Canada* contains general information about Canada, the Canadian way of life and rights and responsibilities. Visit [www.cic.gc.ca/english/resources/publications/guide/index.asp](http://www.cic.gc.ca/english/resources/publications/guide/index.asp) to download or order the publication.

*Working in Alberta: A Guide for Internationally Trained and Educated Immigrants* provides information for immigrants who have a professional degree, post-secondary diploma or trades certificate from outside Canada. Visit [www.alis.alberta.ca/publications](http://www.alis.alberta.ca/publications) to download or order the publication.

*Temporary Foreign Workers: A Guide for Employees* provides information on employee rights and responsibilities in the workplace, workplace health and safety and settlement assistance. Visit [www.employment.alberta.ca/immigration-tfw](http://www.employment.alberta.ca/immigration-tfw) to download or order the publication.

For more information visit the Immigrate to Alberta website at [www.AlbertaCanada.com/immigration](http://www.AlbertaCanada.com/immigration)



### Accommodations

Newcomers may require help in locating suitable accommodation. You can help by recommending resources about where to look for affordable places to live, such as rental guides, newspaper classified sections or local housing registries. For more information visit [www.AlbertaCanada.com/immigration/living](http://www.AlbertaCanada.com/immigration/living)

### Transportation

Foreign workers may need to access public transit services to get to work, make shopping trips and run other errands. Helping newcomers access transit schedules, online route planners and maps of the community can ease some of the anxiety associated with finding one's way around.

### Banking

Newcomers may need assistance in setting up a bank account. Many financial institutions provide free tip sheets on banking and insurance, credit, loans and debt, credit card fraud, identity theft protection, and consumers' rights and responsibilities. For more information visit [www.fcac-acfc.gc.ca/eng/publications](http://www.fcac-acfc.gc.ca/eng/publications)

### Schools

Newcomers may require information on enrolling their children in school. In addition to providing a list of local schools, you can direct employees to the information about enrolling children in school available at [www.AlbertaCanada.com/immigration/living](http://www.AlbertaCanada.com/immigration/living)

### Workplace safety

It's important for foreign workers to understand their rights and responsibilities in promoting safe, healthy and fair workplaces for all employees. Alberta Employment and Immigration provides workplace safety resources for download at [www.employment.alberta.ca/whs](http://www.employment.alberta.ca/whs). You may wish to make some of this information part of their workplace orientation.

### Health Care

Like other residents of Alberta, foreign workers and their dependants are eligible to receive Alberta Health Care Insurance Plan services if they are:

- legally entitled to be in Canada and living here permanently
- physically in Alberta for at least 183 days in a 12-month period
- not claiming residency or obtaining benefits under a claim of residency in another province, territory or country
- a resident, not including a tourist, transient or visitor to Alberta

Workers can receive health care coverage from the date they arrive in Alberta as long as they apply within three months of their arrival and meet Alberta Health Care's requirements. For workers not eligible, employers should explore private medical insurance plans. For more information visit [www.health.alberta.ca](http://www.health.alberta.ca)

### Resources

Resources for counseling, language learning and other settlement services for immigrants may be available in your community. Immigrant serving agencies may also offer workshops on cross-cultural communication. For a list of immigrant-serving agencies visit [www.aaisa.ca](http://www.aaisa.ca)

Prepare current employees for the arrival of new foreign workers by educating them about workforce diversity and cultural differences. Make everyone aware of Canadian workplaces expectations regarding discrimination and harassment. The Alberta Human Rights and Citizenship Commission offers employers seven different workplace modules on topics such as a respectful and inclusive workplaces, discrimination and harassment, and duty to accommodate. For more information visit [www.albertahumanrights.ab.ca](http://www.albertahumanrights.ab.ca)

### Language Training

In many communities language assessment and training is available to TFWs for a fee. Employers may want to invest in their workers by providing English as a Second Language (ESL) classes in the workplace, or by providing financial support to access community language training classes.

For more information visit [www.calgaryimmigrantaid.ca](http://www.calgaryimmigrantaid.ca) and check the ESL Directory in the Services and Programs section.



## Alberta Immigrant Nominee Program

If you are employing a temporary foreign worker in Alberta, and wish to retain the worker, the Alberta Immigrant Nominee Program (AINP) is designed to assist you.

The AINP is administered by the Government of Alberta in conjunction with Citizenship and Immigration Canada (CIC). Through the program you can retain a foreign worker by offering them full-time permanent employment and nominating them for permanent resident status.

Under the AINP Employer-Driven Stream, foreign workers may be nominated in one of the following categories:

- **Skilled workers** - Includes occupations under the NOC skill levels 0, A & B.
- **International graduates** - Includes occupations under the NOC skill levels 0, A & B. The foreign worker must have graduated from a post-secondary institution in Canada, possess a post-graduate work permit and be working for you in their field of study.
- **Semi-skilled workers** - Includes selected occupations under NOC skill levels C & D.

To nominate a foreign worker:

- ensure that you and the foreign worker meet the eligibility criteria.
- both you and the foreign worker must submit completed application forms along with the required supporting documents.

The AINP will review your business case to retain the foreign worker and will assess the foreign worker for eligibility. If the foreign worker is approved by the AINP, the individual becomes a Provincial Nominee. The foreign worker must then submit an application for permanent residence to CIC. CIC will assess the application and determine whether the foreign worker meets medical, criminal and security requirements. The decision to issue the permanent resident visa is made solely by CIC.

For more information on the AINP application process, eligibility criteria, or to download application forms visit [www.AlbertaCanada.com/ainp](http://www.AlbertaCanada.com/ainp)



## ■ Using Recruiters and Immigration Consultants

### Employment Agencies

If you choose to use the services of an employment agency, it is important to know these facts:

- employment agencies, regardless of their business location, must be registered and licensed by the Government of Alberta.
- you have the right to request an employment agency's licence to verify that it is a legitimate business.
- employment agencies cannot charge foreign workers job placement fees. It is illegal to do so in Alberta under the *Fair Trading Act*.
- an employment agency may charge an employer for their services. The employer cannot recover these costs from the employee (for example, the employer cannot deduct the costs from the employee's paycheque).
- no employment agency or employer may demand or hold a bond, deposit or passport from an employee to ensure the completion of a work term.

For more information on using an employment agency, and the *Fair Trading Act*, visit [www.AlbertaCanada.com/immigration/employmentagencies](http://www.AlbertaCanada.com/immigration/employmentagencies)

Or download *Temporary Foreign Workers: A Guide for Employers* available at [www.employment.alberta.ca/immigration-tfw](http://www.employment.alberta.ca/immigration-tfw)

### Immigration Consultants and Lawyers

An immigration consultant or lawyer is the only representative who may charge a fee to represent or advise a foreign worker on immigration matters with the Government of Canada. Immigration consultants or lawyers must be:

- lawyers who are members in good standing with a Canadian provincial or territorial law society.
- immigration consultants who are members in good standing with the Canadian Society of Immigration Consultants.
- notaries who are members in good standing with the Chambre des notaries du Québec.

A foreign worker does not need to hire an immigration representative to apply for a work permit or permanent residence.

For additional information on using an immigration representative visit [www.cic.gc.ca/english/information/representative/index.asp](http://www.cic.gc.ca/english/information/representative/index.asp)



## Frequently Asked Questions

- 1. How long can foreign workers work in Canada?**

A foreign worker may work in Canada for the length of their work permit. Generally, a work permit is valid for the same length of time as the employers' LMO. The validity period of a work permit is determined upon entry into Canada.
- 2. What is the processing time for an LMO from HRSDC? What is the processing time for foreign workers to obtain their work permit from CIC?**

The processing time for an LMO varies depending on the number of applications being processed. The processing time for a work permit varies depending on the Canadian visa office. For CIC work permit processing times refer to their website at [www.cic.gc.ca/english/information/times/index.asp](http://www.cic.gc.ca/english/information/times/index.asp)
- 3. What is concurrent processing?**

A foreign worker who has been offered a position as a skilled worker may be eligible for CIC concurrent processing. This means that a foreign worker may submit an application for a work permit and CIC will begin processing the application while awaiting the decision on the LMO application. Concurrent processing only applies to NOC skill level 0, A or B, and a worker must apply for it at a Canadian visa office outside Canada. For more information visit [www.cic.gc.ca/english/work/processing.asp](http://www.cic.gc.ca/english/work/processing.asp)
- 4. Can I terminate employment of foreign workers if they do not meet my expectations? Can a foreign worker terminate their employment with me?**

If a foreign worker does not meet your expectations as outlined in the job contract, you may terminate the foreign worker's employment. A foreign worker can also choose to terminate their employment with you. Foreign workers must be provided notice as outlined in the *Alberta Employment Standards Code*.
- 5. How can I hire a foreign worker who is here in Canada but has a work permit for another employer?**

If there is a foreign worker that you would like to employ who holds a valid work permit for another employer, the foreign worker must obtain a new work permit before working for you. You will have to obtain an LMO confirmation and provide the foreign worker with a copy of the LMO and a job offer. The foreign worker must then submit an application to CIC to change the conditions of their work permit. Please note that a foreign worker cannot start working for you until they receive a new work permit from CIC. For more information on obtaining a new work permit visit [www.cic.gc.ca/english/information/applications/extend-worker.asp](http://www.cic.gc.ca/english/information/applications/extend-worker.asp)



**6. Can you extend the work permit for a foreign worker?**

If a foreign worker with a valid work permit wishes to extend their work permit, you will have to first obtain a new LMO confirmation and then provide the foreign worker with a copy of the LMO and a job offer. The foreign worker must then submit an application to CIC for a new work permit.

If the foreign worker applies for a work permit extension and their current work permit expires before a decision is made on the application, the worker may continue working under the same conditions of the first work permit until a decision is made on the extension application. Be sure the worker applies to extend the work permit well before the expiry date of the current work permit. For more information on extending a work permit visit [www.cic.gc.ca/english/information/applications/extend-worker.asp](http://www.cic.gc.ca/english/information/applications/extend-worker.asp)

**7. What are employers' rights and responsibilities related to foreign workers?**

Employer responsibilities are the same for foreign workers as they are for Albertans. Foreign workers have the same rights as every worker and they are protected under Alberta's employment standards, workplace health and safety, and worker's compensation legislation.

The publication, *Temporary Foreign Workers: A Guide for Employers*, provides useful information on these topics as well as additional supports for foreign workers. Download or order the publication at [www.employment.alberta.ca/immigration-tfw](http://www.employment.alberta.ca/immigration-tfw)

**8. Can an employment agency charge placement fees to foreign workers?**

No, employment agencies cannot charge any fees to foreign workers related to finding or securing employment.

**9. What is the processing time for the AINP?**

Processing times vary greatly due to the number of applications being submitted and the completeness of the applications received. Processing times can be found at [www.AlbertaCanada.com/ainp](http://www.AlbertaCanada.com/ainp)

**10. If the foreign worker or I am not eligible for the AINP, how else can I assist the foreign worker to obtain permanent residency?**

The worker may be eligible to apply directly to CIC to become a permanent resident. For more information about CIC's immigration programs visit [www.cic.gc.ca/immigrate](http://www.cic.gc.ca/immigrate)



## Immigrate to Alberta Information Service

The Immigrate to Alberta Information Service provides direct access to information related to working, living and immigrating to Alberta. This support service is accessible via email or over the phone and is used by Alberta employers, foreign workers and the general public.

It is staffed by knowledgeable economic immigration specialists who are available to respond to enquiries and provide information on a wide range of topics including:

- the process for hiring foreign workers
- the Alberta Immigrant Nominee Program (AINP):
  - » employer and employee eligibility criteria for the various streams and categories under the AINP, and
  - » the steps for applying to the AINP including information about completing the required application forms and the necessary supporting documentation
- economic immigration including labour market information and occupational trends
- Labour Market Opinions (LMO)
- work permits
- becoming a permanent resident
- International Qualifications Assessment Service (IQAS)
- recognition of foreign qualifications and assessment of credentials
- Temporary Resident Visas
- federal immigration programs

Economic immigration specialists also provide foreign worker seminars for Alberta employers. These in-depth information sessions cover numerous topics related to foreign workers and the AINP.

Specialists also support employers and industry sector representatives by participating in international recruitment initiatives as well as immigration and job fairs in targeted countries.

For further information contact:  
Immigrate to Alberta Information Service  
Toll-free in Alberta: 1-877-427-6419  
Outside Alberta: 780-427-6419  
Email form: [www.AlbertaCanada.com/info](http://www.AlbertaCanada.com/info)





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