Hiring & Retaining Foreign Workers
Information for Alberta Employers

Hiring Foreign Workers
Retaining Foreign Workers in Alberta
Settlement & Integration of Foreign Workers
Using Recruiters & Immigration Consultants
As Alberta’s economy grows, the labour force will be called upon to provide more employees. As an Alberta employer you may be eligible to hire staff from other parts of Canada or from abroad to meet your labour needs. If you already employ a foreign worker and you would like to retain them permanently, you can help them apply for permanent residence.

**Abbreviation Key**
- AINP - Alberta Immigrant Nominee Program
- CIC - Citizenship and Immigration Canada
- EE - Express Entry
- ESDC - Employment and Social Development Canada
- IMP - International Mobility Program
- IQAS - International Qualifications Assessment Service
- LMIA - Labour Market Impact Assessment
- NOC - National Occupation Classification
- TFWP - Temporary Foreign Worker Program
There are two kinds of foreign workers in Canada - those who need a Labour Market Impact Assessment (LMIA) and those who are LMIA-exempt.

The LMIA application is used to assess the likely impact these workers would have on the Canadian labour market and ensures that Canadians have the first opportunity at available jobs. There are however, situations where foreign workers do not need an LMIA. This may be the result of free-trade agreements such as the North American Free Trade Agreement (NAFTA) or youth exchange programs, where there are reciprocal agreements that benefit Canada.

Workers that need an LMIA to enter Canada are part of the Temporary Foreign Worker Program. Workers that are LMIA-exempt are part of the International Mobility Program (IMP).

**Temporary Foreign Worker Program**

The Temporary Foreign Worker Program (TFWP) operates through the Government of Canada departments of Employment and Social Development Canada (ESDC) and Citizenship and Immigration Canada (CIC).

The TFWP allows Canadian employers to hire foreign workers on a temporary basis to fill critical labour challenges when Canadian workers are not available.

Foreign workers hired as part of this program are referred to as Temporary Foreign Workers (TFWs). They may get a work permit only after an LMIA concludes that no Canadians are available to do the job.

To hire a foreign worker, you must:

- have a genuine job offer
- show you have tried but are unable to hire a Canadian worker for the job
- provide wages and working conditions in line with prevailing industry standards
- have a Labour Market Impact Assessment (LMIA) confirmation from ESDC


STEP ONE
Gather Information

Determine the Duties and Skill Level of the Position

All occupations in Canada are classified with a National Occupational Classification (NOC) code. ESDC uses NOC codes in LMIs to identify occupations according to the job duties and skill level expected of the foreign worker. To find out more about how to determine the correct NOC code, visit www.albertacanada.com/noc.

Determine the Prevailing Wage Rate of the Position

Employers applying for a LMIA must pay the TFW the median prevailing wage rate for the occupation and work location. Refer to the Job Bank at www.jobbank.gc.ca, to look up the median wage for occupation. Higher wages may be required if existing workers are paid at a higher rate. ESDC has detailed information on determining the prevailing wage rate, and other requirements. To learn more go to www.esdc.gc.ca/eng/jobs/foreign_workers/index.shtml.

Implementation of High-Wage and Low-Wage Streams.

The TFWP is using the provincial/territorial median hourly wage to set program requirements. Employers offering a wage to a TFW that is at or above the median hourly wage will be subject to all of the requirements of the “Stream for High-wage Positions”. If the hourly wage is less than the median hourly wage, employers will be subject to all of the requirements of the “Stream for Low-wage Positions”. The median wage in Alberta is $25.00 / hour effective April 30, 2015. All previous low-skilled LMIA requirements (transportation costs, interim health coverage, ensure affordable housing etc.) will be required for all Low Wage LMIA regardless of skill level.

Transition Plans for High-Wage Positions

Employers hiring for positions that are at or above the provincial median wage will be required to submit a Transition Plan. The purpose of a Transition Plan is to identify the activities an employer is agreeing to undertake to recruit, retain, and train Canadians and permanent residents, and to assist TFWs to become permanent residents, if a positive LMIA is issued. The Transition Plan activities begin once the positive assessment has been issued and must occur throughout the duration of the employment period.
Additional Requirements for Low-Wage Positions

If you are hiring a foreign worker for a low wage occupation (less than provincial median wage) you must agree to additional requirements in order to obtain an LMIA.

Employers must:
• pay for the foreign workers return transportation airfare
• provide medical coverage until the foreign worker becomes eligible for Alberta Healthcare Insurance
• help the foreign worker find reasonable and appropriate accommodation
• employers cannot recover hiring costs from the foreign worker

The employer must agree to these additional requirements in an Employment Contract and submit it to ESDC before they will issue an LMIA.

Cap on Low-Wage Positions

Employers who are hiring low-wage TFWs for the first time will be subject to a 10% cap on the proportion of low-wage TFWs. The 10% cap is the maximum percentage of low-wage TFWs that an employer will be allowed to have at a work site, as of July 2016.

Employers that currently employ TFWs in low-wage positions are:
• reduced to 20% or frozen at their current level, whichever is lower, on July 1, 2015;
• reduced to 10% on July 1, 2016

For more information on the cap for low wage positions, and any exemptions visit www.esdc.gc.ca/eng/jobs/foreign_workers/high_low_wage/low_wage/index.shtml.

Determine if the Position Requires Certification in Alberta

In Alberta, some occupations are regulated and require workers to obtain certification or licensing. Examples of regulated occupations include accounting, medicine, nursing, teaching, electricians, engineering, psychology and law. For more details visit www.AlbertaCanada.com/regulatedoccupations and www.alis.alberta.ca/certinfo.

To become licensed or certified in a regulated occupation, foreign workers must apply to a regulatory body to assess their qualifications and skills and/or pass an examination. As an employer, make sure the foreign worker is aware of this step and that they contact the regulatory body for more information. A foreign worker may require assessment before they can obtain their work permit. The International Qualifications Assessment Service (IQAS) assesses international educational credentials and compares them to Canadian educational standards. For more information, go to www.employment.alberta.ca/iqas.
Along with your LMIA application form, you need to submit proof of advertising to show your efforts 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 LMIA. If approved, ESDC will issue you an unnamed LMIA valid for six months. Once you recruit a foreign worker, you may submit the details of the foreign worker to ESDC and they will issue the official LMIA to you. To learn more go to www.cic.gc.ca/english/work/employers/lmo-basics.asp.

LMIA Application Assessment
ESDC will assess your LMIA application and send you either a positive or negative LMIA confirmation. Assessment criteria include, but are not limited to:

- genuineness of the job offer
- if the wages and working conditions are comparable to that of Canadians working in the same position
- if reasonable efforts were made to hire or train a Canadian for the position
- the impact of hiring a foreign worker on the Canadian labour market

A detailed description of the assessment criteria is available on the ESDC website. It is important to understand the criteria as they may impact the outcome of your LMIA application. Additional information on applying for an LMIA, including the application process and forms, can be found at www.esdc.gc.ca/eng/jobs/foreign_workers/index.shtml

As an employer, you need to demonstrate a genuine need to hire a foreign worker and show you are unable to fill the position with a Canadian worker. Once ESDC determines that hiring a foreign worker has a positive or neutral effect on the Canadian labour market, they issue a Labour Market Impact Assessment (LMIA).

An LMIA confirmation outlines the job and conditions of employment you are offering such as wage and work hours. It does not give the foreign worker permission to work in Canada. A copy of the LMIA is required for the foreign worker to obtain a work permit.

Applying for an LMIA
You must submit an LMIA application and supporting documents to ESDC. The LMIA application form should include:

- basic information about your business
- title of job being offered
- wage and hours of work
- duration of job
- a detailed job description
- qualifications required for the position
- employment contract (low-wage)
- cap for low-wage positions
- transition plan for high-wage positions
- $1000 processing fee for each foreign worker

STEP TWO
Obtain a Labour Market Impact Assessment

There have been many changes to the TFWP.

Make sure your application is complete. Refer to the ESDC website to stay current.
Once you, as an employer, obtain a positive LMIA you must provide a copy of the LMIA and a written job offer to the foreign worker. If you are hiring a low-wage worker, you will also need to provide an employment contract outlining your additional obligations. These documents are among those required to apply for a work permit. A work permit gives a foreign worker authorization to legally work in Canada. It is the responsibility of the foreign worker to apply for the work permit.

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 (Canadian Embassy, High Commission or consulate). Some foreign workers may be eligible to apply for a work permit at a port-of-entry (border crossing or airport) upon arriving in Canada. To see how some workers can apply at a port-of-entry, go to www.cic.gc.ca/english/resources/publications/work-temp.asp.

Foreign workers are responsible for proving they are qualified for the job and meet CIC’s requirements. An immigration medical examination may also 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.
International Mobility Program

The International Mobility Program (IMP) includes all streams of work permit applications that are LMIA-exempt under one umbrella. The IMP aims to provide competitive advantages to Canada and reciprocal benefits to Canadians.

Exceptions from the LMIA process allows employers to hire or bring in foreign workers without the need for an LMIA.

Employer Specific and LMIA-Exempt

Certain categories of workers may be exempt from the LMIA requirement due to an international trade agreement, such as NAFTA, or an agreement between the federal government and a provincial/territorial government.

Employers hiring foreign nationals who are exempt from the LMIA process will be required to submit information about their business or organization, the Offer of Employment form, and pay a fee of $230 per work permit to CIC. Employers are subject to compliance checks. For more information on LMIA exemptions, visit [www.cic.gc.ca/english/work/apply-who-permit.asp](http://www.cic.gc.ca/english/work/apply-who-permit.asp).

Open Work Permits

Some LMIA exemptions allow foreign nationals to apply for open work permits. An employer can hire a foreign worker with an open work permit without any additional hiring requirements. The worker will be required to pay an additional $100 privilege fee at the time they apply for the open work permit. Employers will be subject to compliance checks.

IMP streams that feature open work permits rather than employer-specific work permits include the working holiday portion of International Experience Canada (IEC), the Post-Graduate Work Permit Program, spouses/common-law partners of highly skilled foreign workers and international students, and certain foreign nationals who are already in Canada awaiting finalization of their permanent residency application.


Hiring International Youth

You may be able to access workers through the federally run International Experience Canada program. This travel and work abroad initiative is for people aged 18-35. Countries such as Chile, France, Germany, Sweden, the United Kingdom, the United States, and others have agreements with Canada that allow Canadian companies to hire foreign workers without an LMIA. The candidates apply directly to the program and if approved are issued an open work permit. The majority of these programs are for 12 months; however the time period may vary for some countries. For the most up-to-date details, check the International Experience Canada website at [www.cic.gc.ca/english/work/iec/](http://www.cic.gc.ca/english/work/iec/).
Retaining Foreign Workers in Alberta

If you have a foreign employee that you would like to keep permanently, explore immigration pathways early.

If the foreign employee is a skilled worker (NOC 0, A, or B) with good language skills, Express Entry (EE) may be the best option. EE is the fastest route to permanent residence for top applicants under the Canadian Experience Class (CEC), Federal Skilled Trades Program (FSTP), or the Federal Skilled Worker Program (FSWP).

The Alberta Immigrant Nominee Program (AINP) may be the best option for skilled workers who do not receive an invitation to apply for permanent residence under EE and the only option for certain semi-skilled workers (NOC C or D).

Alberta Immigrant Nominee Program

The AINP is administered by the Government of Alberta in conjunction with CIC. Effective August 27, 2015, the AINP will not be accepting new applications under any AINP streams or categories until January 27, 2016. www.albertacanada.com/ainp.

Citizenship and Immigration Canada: Express Entry

The Government of Canada (through CIC) also offers immigration programs for skilled workers. Persons who are interested in applying for permanent residence through Express Entry must meet the criteria of one of the economic federal immigration programs (Canadian Experience Class, Federal Skilled Trades Program, or Federal Skilled Worker Program). This allows the person to submit an online Express Entry profile. Once complete, the person will be scored using a ranking system.

The highest ranked candidates will receive an invitation to apply for permanent residence from CIC. For more information on EE, visit www.albertacanada.com/express-entry.

Express Entry can help employers meet their labour market needs when Canadians and permanent residents are not available and support high-skilled foreign workers in obtaining their permanent resident (PR) status based on their potential to become economically established in Canada.
EE can be used for the permanent retention of existing skilled TFWs or to hire new skilled workers and support their application for permanent residence by making a job offer. For a job offer to be valid for EE, there must be a valid LMIA. An LMIA issued for permanent immigration only is fee exempt.

Employers who wish to hire skilled foreign workers may also want to hire these workers temporarily while their application for permanent residency is being processed by CIC. As a result, employers can apply for a dual intent Labour Market Impact Assessment (LMIA) which requires paying the procession fee. These dual intent LMIA can be used to support the foreign nationals’ application to CIC for a:

• permanent resident visa, and
• temporary work permit

Foreign workers with Canadian work experience and international students who graduate from a Canadian post-secondary institution often have the qualities to make a successful transition from temporary to permanent resident. Foreign workers and international graduates with at least one year of full-time skilled work experience in Canada may be eligible to apply for permanent residence under this category.

For more information on hiring skilled workers and supporting their permanent residence visit CIC’s page Hiring Skilled Workers and Supporting their Permanent Residence at www.esdc.gc.ca/eng/jobs/foreign_workers/higher_skilled/permanent/index.shtml.

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The employer must be offering a job that has:

• for management, professional, scientific, technical, or trade occupations (NOC 0, A, or B)
• full time hours
• permanent
• non-seasonal

The employer must be offering a job that is for:

• an eligible skilled trade or technical occupation (NOC B)
• full time hours (a minimum of 30 hours per week)
• at least one year

Note Under FSTP, the employment offer can be made by up to two employers.

Canadian Experience Class
Settlement & Integration of Foreign Workers

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 there. As an employer, you 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 the services they will need.

To feel welcome and adjust to life in Alberta, foreign workers and their families need orientation to the larger community, its resources, services and cultural differences. They need to find a place to live, buy food and clothing, find their way around the community, and in some cases, improve their English language skills.

Employers play an important role in providing foreign workers with some of the information they need to successfully integrate into their new life.

General Information

You may wish to provide your new employees with local maps, as well as brochures on places of worship, libraries, recreational activities and local points of interest. Other publications that may be helpful are:

Welcome to Alberta: Information for Newcomers provides information to help foreign workers settle into their new communities. To download or order the publication, visit www.alis.alberta.ca/publications.

Welcome to Canada: What you should know contains general information about Canada, the Canadian way of life, and rights and responsibilities. To download or order the publication, visit www.cic.gc.ca/english/resources/publications/welcome.

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. To download or order the publication, visit www.alis.alberta.ca/publications.

Temporary Foreign Workers: A Guide for Employees provides information on employee rights and responsibilities in the workplace, workplace health and safety, and settlement assistance. To download or order the publication, visit www.work.alberta.ca/Immigration/workers.html.

For more information, visit the Resources section of the Immigrate to Alberta website at www.AlbertaCanada.com/immigration.
Accommodation

Foreign workers may require help in finding suitable accommodation. You can help by recommending 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.aspa. Employers hiring foreign workers in low wage occupations have additional requirements for accommodation. To learn more, go to www.esdc.gc.ca/eng/jobs/foreign_workers/high_low_wage/low_wage/index.shtml#housing.

Transportation

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

Banking

Foreign workers 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 consumer rights and responsibilities. For more information, visit www.fcac-acfc.gc.ca.

Schools

Foreign workers may require information on enrolling their children in school. In addition to providing a list of local schools, you can direct employees to further information at http://www.albertacanada.com/opportunity/living/living-education.aspx.

Workplace Safety

It is important for foreign workers to understand their rights and responsibilities in promoting safe, healthy and fair workplaces for all employees. The Government of Alberta provides workplace safety resources for download. You may wish to include some of this information as part of their workplace orientation. Visit www.employment.alberta.ca/whs.

Health Care

Like other residents of Alberta, foreign workers and their dependants are eligible to receive Alberta Health Care Insurance Plan services if they have a work permit valid for at least 12 months.

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 requirements. For ineligible workers, employers should explore private medical insurance plans. For more information, visit www.health.alberta.ca.

Resources

Resources for counselling, language learning, workshops on cross-cultural communication, and other settlement services for immigrants may be available in your community. For a list of immigrant-serving agencies and the services they offer in your area, visit www.aaisa.ca.

As an employer, you should prepare current employees for the arrival of new foreign workers by educating them about workforce diversity and cultural differences. Make everyone aware of Canadian workplace expectations regarding discrimination and harassment. The Alberta Human Rights and Citizenship Commission offer employers seven different workplace modules on topics such as: a respectful and inclusive workplace; discrimination and harassment; and duty to accommodate. For more information, visit www.albertahumanrights.ab.ca.

Language Training

Many communities provide language assessment and training 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.catholicsocialservices.ab.ca/Content_Files/Files/ESLdirectory.pdf.
Using Recruiters & Immigration Consultants

Employment Agencies

If you choose to use the services of an employment agency, it is important to be aware that:

- 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 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.


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 Immigration Consultants of Canada Regulatory Council
- notaries who are members in good standing with the Chambre des notaries du Québec

**Note** 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.AlbertaCanada.com/immigration/immigrating/immigration-representative.aspx](http://www.AlbertaCanada.com/immigration/immigrating/immigration-representative.aspx).