

Hiring & Retaining Foreign Workers

Information for Alberta Employers

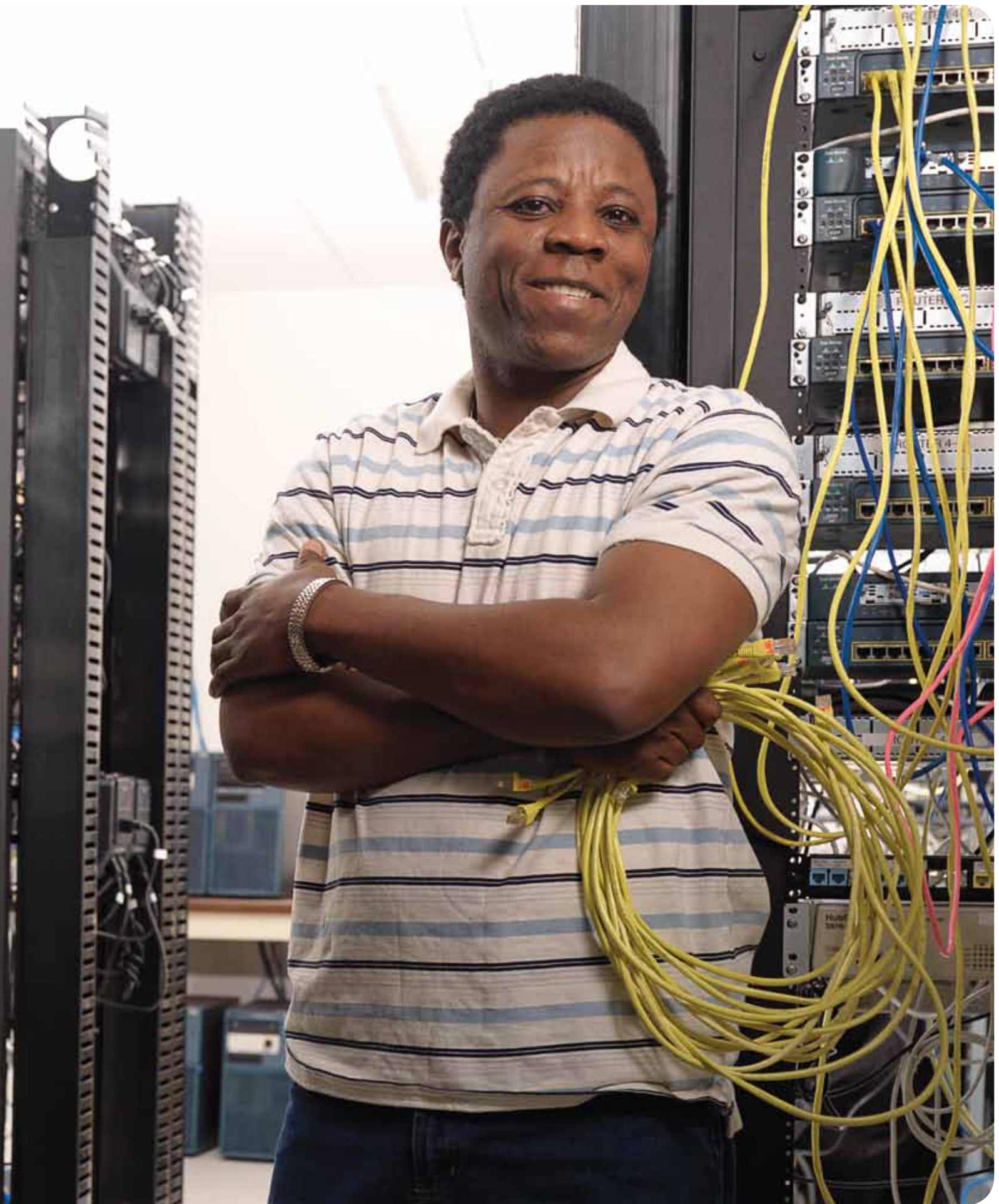
[Hiring Foreign Workers](#)

[Retaining Foreign Workers in Alberta](#)

[Alberta Immigrant Nominee Program](#)

[Using Recruiters and Immigration Consultants](#)







Meeting your Labour Needs

As Alberta's economy grows, the labour force will be called upon to provide more skilled labour. As an Alberta employer you may be eligible to hire foreign workers 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

HRSDC - Human Resources and Skills Development Canada

IQAS - International Qualification Assessment Service

LMO - Labour Market Opinion

NOC - National Occupation Classification

TFWP - Temporary Foreign Worker Program



Hiring Foreign Workers

Temporary Foreign Worker Program

The Temporary Foreign Worker Program (TFWP) operates through the Government of Canada departments of Human Resources and Skills Development Canada (HRSDC) and Citizenship and Immigration Canada (CIC).

The TFWP allows Canadian employers to hire foreign workers on a temporary basis to fill critical labour shortages when Canadian workers are not available. Employing foreign workers supports economic growth which in turn creates more opportunities for all Canadians.

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 Opinion (LMO) confirmation from HRSDC

To learn more, go to *How to Hire a Temporary Foreign Worker: A Guidebook for Employers* at www.cic.gc.ca/english/resources/publications/tfw-guide.asp.

For recent changes made to the Temporary Foreign Worker Program, go to CIC's website at www.cic.gc.ca/english/work/changes.asp.



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. HRSDC uses NOC codes in LMOs to identify occupations according to the job duties and skill level expected of the foreign worker. The skilled worker category (NOC categories O, A & B) includes managerial, professional and technical occupations which generally require post-secondary training. The semi-skilled worker category (NOC categories C & D) includes jobs requiring lower levels of formal education.

Level	Skilled occupations:
O	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 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 Qualification Assessment Service (IQAS) assesses international educational credentials and compares them to Canadian educational standards. For more information, go to www.employment.alberta.ca/iqas.



STEP TWO

Obtain a Labour Market Opinion

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 HRSDC determines that hiring a foreign worker has a positive or neutral effect on the Canadian labour market, they issue a Labour Market Opinion (LMO).

An LMO 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 LMO is required for the foreign worker to obtain a work permit.

Applying for an LMO

You must submit an LMO application and supporting documents to HRSDC. The LMO 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

Along with your LMO 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 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 they will issue the LMO to you. To learn more go to www.cic.gc.ca/english/work/employers/lmo-basics.asp.

If you are hiring for skilled positions you may qualify for the Accelerated LMO Initiative (A-LMO). If you meet all the eligibility criteria to participate in the A-LMO initiative, HRSDC may issue a positive LMO within 10 business days.

The A-LMO Initiative applies only to skilled workers classified under the National Occupational Classification (NOC) skill type O, (managerial occupations) or skill level A (professional occupations) or B (technical occupations and skilled trades). To be eligible you must:

- have been issued at least one positive LMO in the previous two years
- have a clean compliance record with the Temporary Foreign Worker Program (TFWP) within the last two years
- have agreed to all of the attestations included in the A-LMO application
- have consented to participate in a post A-LMO compliance review
- not have been the subject of an investigation, infraction or a serious complaint
- not have any unresolved violations or contraventions under provincial laws governing employment and recruitment

At the present time, employers hiring for film, entertainment and agriculture sectors must apply under the regular LMO process. To learn more, visit www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/communications/a-lmo.shtml.



LMO application assessment

HRSDC will assess your LMO application and send you either a positive or negative LMO 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 HRSDC website. 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. For more information on the Accelerated Labour Market Opinion Initiative (A-LMO) visit, www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/communications/a-lmo.shtml.

Additional requirements for hiring semi-skilled foreign workers

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 the foreign worker's 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

The employer must agree to these additional requirements in an employment contract and submit it to HRSDC before they will issue an LMO. A sample employment contract for semi-skilled workers can be found at www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/contracts-forms/annex2.shtml.

Occupations that do not require an LMO

Most occupations require the employer to apply for an LMO; however some positions are LMO exempt. This means the employer does not need to apply for an LMO and the foreign worker does not require an LMO to obtain a work permit. For a list of LMO exempt occupations, go to www.cic.gc.ca/english/work/apply-who-permit.asp.

A common LMO exemption is for foreign workers hired under certain international agreements. For example, under the North American Free Trade Agreement (NAFTA), citizens of Mexico and the United States are LMO exempt for certain professional occupations. For a list of eligible occupations under NAFTA, visit www.cic.gc.ca/english/work/special-business.asp.

If you need help determining whether a position falls under NAFTA, contact CIC's Temporary Foreign Worker Unit (TFWU). For more information, visit www.cic.gc.ca/english/work/employers/tfw-units.asp.



STEP THREE

The foreign worker obtains 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. Once you, as an employer, obtain an LMO confirmation you must provide a copy of the LMO and a written job offer to the foreign worker. These documents are among those 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 (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.

Hiring international youth

You may be able to access workers through the federally run International Experience Canada program. This travel and work-abroad initiative of Foreign Affairs and International Trade Canada is for people aged 18 to 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 LMO. 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.international.gc.ca/experience.

For more employer information,
go to www.AlbertaCanada.com/employers.

For frequently asked questions,
go to www.AlbertaCanada.com/help.





Retaining Foreign Workers in Alberta

Alberta Immigrant Nominee Program

The Alberta Immigrant Nominee Program (AINP) is administered by the Government of Alberta in conjunction with CIC. If you employ a foreign worker in Alberta who you would like to retain permanently, you can help them apply for permanent residence through the AINP.

Employer-Driven Stream

Under the AINP's Employer-Driven Stream, foreign workers require a supporting application from their employers to be nominated in one of three categories:

Skilled worker

Includes occupations under the NOC skill levels 0, A & B.

International graduate

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

For a complete list of criteria, visit www.AlbertaCanada.com/skilledcriteria.

Semi-skilled worker

Only select industries and occupations under NOC skill levels C & D are eligible.

- Food and beverage processing industry
- Hotel and lodging industry
- Manufacturing industry
- Long-haul trucking industry
- Foodservices industry (pilot project)

For a complete list of eligible semi-skilled occupations and their criteria, visit www.AlbertaCanada.com/semiskilledcriteria.

If you wish to nominate an employee under the AINP Employer-Driven Stream, make sure to meet all eligibility criteria and submit complete application forms, and include all required supporting documents.



Strategic Recruitment Stream

Certified tradespeople and some licensed engineers can apply to the AINP on their own under the Strategic Recruitment Stream.

Tradespersons

Includes tradespeople who have an Alberta Qualification Certificate in a Compulsory or Optional Trade.

Engineers

Includes engineer, designer or drafter with Alberta work experience.

For a complete list of criteria for the trades and engineers, visit www.AlbertaCanada.com/srs.

For more information on the AINP application process and eligibility criteria, or to download application forms, visit www.AlbertaCanada.com/ainp.

Citizenship and Immigration Canada Programs

The Government of Canada (through CIC) also offers immigration programs for skilled workers. Those interested in CIC's immigration programs must apply directly to CIC on their own.

Skilled workers and professionals

CIC selects skilled workers for permanent residency based on occupation, education, work experience, knowledge of English and/or French, and other criteria that has helped them become economically established in Canada.

Canadian Experience Class

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 with at least two years of full-time skilled work experience in Canada and international graduates with at least one year of skilled work experience in Canada may be eligible to apply for permanent residence under this category.

For more details on these and other immigration programs visit www.cic.gc.ca/english/immigrate.



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.employment.alberta.ca/immigration-tfw.

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



Accommodations

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.aspx. Employers hiring foreign workers in semi-skilled occupations (NOC C and D) have additional requirements for accommodation. To learn more, go to www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/pamphlet/ecr_pamphlet.shtml.

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 www.AlbertaCanada.com/immigration/living.

Workplace safety

It is important for foreign workers to understand their rights and responsibilities in promoting safe, healthy and fair workplaces for all employees. Alberta Human Services 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/ESL_Directory.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

For more information on using an employment agency, and Alberta's *Fair Trading Act*, visit www.AlbertaCanada.com/employmentagencies or download *Temporary Foreign Workers: A Guide for Employers* available at 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 Immigration Consultants of Canada Regulatory Council
- 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.AlbertaCanada.com/immigration/immigrating/immigration-representative.aspx.



www.AlbertaCanada.com/immigration

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