

Regulatory Amendment – LMIA Application Form Addendum

Question 1

Has this business employed one or more foreign workers at any time during the past six years under the Temporary Foreign Worker Program or the International Mobility Program?

No Yes

If no, is this business affiliated with any other business currently serving a ban or in the arrears of an administrative penalty under the Temporary Foreign Work Program or the International Mobility Program?

No Yes

If yes, for each affiliated business, provide the name of the business, CRA business number and a detailed description of how the businesses are affiliated.

[Click or tap here to enter text.](#)

Question 2

Employers hiring temporary foreign workers must comply with federal or provincial/territorial laws that regulate the employment or recruitment in the location in which the foreign national will work. If applicable, employers must submit proof of their registration or exemption with this LMIA application.

- Copy of certificate attached (if applicable, please upload to documents)
- Written proof of registration exemption attached (if applicable, please upload to documents)
- Not applicable, the position work location is not in a province/territory that regulates TFW employment or recruitment

For more information refer to the employment standards branch in your province or territory: [Employment Standards in Canada](#)

Attestation

By checking this box, you are attesting that you have read and understood the updated commitments/responsibilities and the IRPR Conditions for the TFW Program found below.

New/Updated Employer Responsibilities

Temporary foreign workers have the same workplace protections and rights as Canadians and permanent residents under applicable federal, provincial and territorial legislation. The Government of Canada takes the health and safety of foreign workers very seriously and will not tolerate any form of abuse of foreign workers or of the Temporary Foreign Worker (TFW) Program.

When hiring a TFW for the High-Wage Stream of the TFW Program, employers must be aware of their responsibilities. By signing and submitting this Labour Market Impact Assessment, the employer confirms they have read, understood and agreed to the contents of the application with its attached annex, in all respects.

Employer commitments for LMIA assessment:

- To provide to the foreign national, on or before their first day of work, an employment agreement that:
 - provides for employment in the same occupation and the same wages and working conditions as those set out in the offer of employment;
 - is drafted in the foreign national's chosen official language of Canada; and
 - is signed by both the employer and the foreign national.
- To confirm and commit that the employer has not and will not directly or indirectly charge or recover from a foreign national the fees* related to the LMIA and the recruitment of the foreign national.
- To ensure that any person who recruits the foreign national for the employer has not and will not, directly or indirectly, charge or recover from the foreign national the fees* related to the LMIA and the recruitment of the foreign national.

**This excludes the fees related to temporary visas, temporary resident permits and work permits, as workers are expected to pay those fees, and excludes fees related to the recruitment of the foreign national that are authorized under an international agreement between Canada and one or more countries concerning seasonal agricultural workers.*

Employer Conditions under IRPR:

- To comply with the conditions stipulated under Immigration and Refugee Protection Regulations sections [209.3\(1\)](#) and [209.4\(1\)](#). A complete list of the IRPR conditions is available in the attached Annex.

TFW Program Compliance Regime:

- The TFW Program's employer compliance regime ensures that employers are following the Program's Acts, Regulations, conditions, requirements and that they are meeting the commitments made to a foreign worker through the offer of employment.
- Employers who have hired through the TFW Program can be inspected for up to 6 years from the first day of employment on the work permit. Employers must retain all documentation that relates to compliance with the Program, its Acts, Regulations, conditions and requirements for a period of six years beginning on the first day of employment of the foreign national.
- When an employer is found, through an inspection, to be non-compliant the consequences can include a warning letter, an Administrative Monetary Penalty (AMP), a ban on hiring foreign workers for a certain period of time or permanently, or both an AMP and a ban.
- When an employer is found to be non-compliant and the consequences are an AMP and/or a ban the employer name is added to the [public non-compliance list](#). Employers in arrears of an AMP are not eligible to access the TFW Program.

Annex – IRPR Conditions for the Temporary Foreign Worker (TFW) Program - Quick Reference

Employment and Social Development Canada may inspect employers based on a reason to suspect non-compliance, if there is a history of non-compliance, and/or by random selection. Employers who are found to have violated one or more of the program conditions may be subject to administrative monetary penalties and temporary or permanent periods of program ineligibility.

Following is a list of all Immigration and Refugee Protection Regulations (IRPR) conditions that employers must comply with at all time. For additional details visit, IRPR sections [209.3\(1\) for TFW Program.](#)

Item	Provision	Short-form Description
New Conditions for All Employers – Effective as of September 26, 2022		All employers must:
1	s. 209.3(1)(a)(ii)(ii. 1)	Provide to the foreign national in their preferred official language of Canada, the most recent version of the “Temporary Foreign Workers: Your rights are protected” , provided by the Government of Canada. Make this information available to the temporary foreign worker throughout their period of employment. This information will be supplied by the Government of Canada.
2	s.209.3(1)(a)(xiii)	Obtain and pay for private health insurance for any part of the period of employment for which the TFW is not covered by the applicable provincial/territorial health insurance system.
3	s.209.3(1)(a)(xiv)	Make reasonable efforts to provide access to health care services when a TFW is injured or becomes ill at the workplace.
4	s.209.3(1)(a)(xv)	Not directly or indirectly, charge or recover from the foreign national any fees related to the recruitment of the foreign national.
5	s.209.3(1)(a)(xvi)	Ensure that any person who recruited the foreign national for the employer does not, directly or indirectly, charge or recover from the foreign national.
Conditions to comply with LMIA Commitments		All employers must:
6	s.209.3(1)(b)(i)	Ensure that the employment of the foreign national will result in direct job creation or retention for Canadian citizens or permanent residents, if that was a factor that led to the issuance of the work permit
7	s.209.3(1)(b)(ii)	Ensure that the employment of the foreign national will result in the development or transfer of skills and knowledge for the benefit of Canadian citizens or permanent residents, if that was a factor that led to the issuance of the work permit
8	s.209.3(1)(b)(iii)	Hire or train Canadian citizens or permanent residents, if that was a factor that led to the issuance of the work permit
9	s.209.3(1)(b)(iv)	Make reasonable efforts to hire or train Canadian citizens or permanent residents, if that was a factor that led to the issuance of the work permit
When the Worker Arrives		All employers must:
10	s.209.3(1)(a)(i)	Be actively engaged in the business in which the offer of employment was made, unless the offer was made for employment as a live-in caregiver
11	s.209.3(1)(a)(ii)	Comply with the federal and provincial laws that regulate employment and the recruiting of employees in the province in which the foreign national works
12	s.209.3(1)(a)(iv)	Provide the foreign national with employment in the same occupation and substantially the same, but not less favourable, wages and working conditions as outlined in the foreign national’s offer of employment
13	s.209.3(1)(a)(v)	Make reasonable efforts to provide a workplace that is free of abuse
14	s.209.3(1)(a)(vi)	Provide adequate accommodations to a foreign national employed to perform work under an international agreement between Canada and one or more countries concerning seasonal agricultural workers

15	s. 209.3(1)(c)(i)	Be able to demonstrate that any information provided for the assessment was accurate during a period of six years, beginning on the first day of the foreign national's employment
16	s. 209.3(1)(c)(ii)	Retain any document that relates to compliance with cited conditions during a period of six years, beginning on the first day of the foreign national's employment
Supplemental Conditions for All Employers during a Health Emergency (COVID-19)		All employers must:
17	s.209.3(1)(a)(vi)	Not do anything that prevents the foreign national from complying with an order or regulation made under the Emergencies Act or the Quarantine Act
18	s.209.3(1)(a)(vii)	Not do anything that prevents the foreign national from complying with a provincial law that governs public health in response to COVID-19
19	s.209.3(1)(a)(ix)	Provide the foreign national with accommodations that are separate from those provided to persons who are not in quarantine and that permit the foreign worker to remain at least two metres away from any other person
20	s.209.3(1)(a)(x)	Provide the foreign national with cleaning products for the purposes of cleaning and disinfecting the accommodations regularly
21	s.209.3(1)(a)(xi)	Provide a foreign national who develops any signs or symptoms of COVID-19, with accommodations that have a bedroom and a bathroom that are solely for the use of the foreign national while they isolate themselves
22	s.209.3(1)(a)(xii)	Provide, during the period the foreign national must isolate or quarantine themselves on entry into Canada, wages to the foreign national that are substantially the same as those set out in the offer of employment
Additional Conditions for Employers of Live-In Caregivers		For employers of a live-in caregiver, the employer must:
23	s.209.3(1)(a)(iii)(A)	Ensure that foreign national resides in a private household in Canada and provides child care, senior home support care or care of a disabled person in that household without supervision
24	s.209.3(1)(a)(iii)(B)	Provide the foreign national with adequate furnished private accommodation in the household
25	s.209.3(1)(a)(iii)(C)	Have sufficient financial resources to pay wages that were offered
Responsibilities during an Inspection		All employers must:
26	s.209.4(1)(a)	Report at any time and place specified to answer questions and provide documents
27	s.209.4(1)(b)	Provide required documents
28	s.209.4(1)(c)	Attend any inspection, unless the employer was not notified, give all reasonable assistance to the person conducting the inspection and provide that person with any required document or information