

NEWS BULLETIN

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Employers' Responsibilities Toward Temporary Foreign Workers

To all employers of the Temporary Foreign Worker Program,

Recent events across Canada have led to questions from stakeholders about employers' responsibilities toward temporary foreign workers affected by work stoppage situations, including those caused by labour disputes or unforeseen events (e.g., flooding, forest fires, etc.). This communication contains important clarifications on these questions.

While these events present challenges to businesses, as an employer under the Temporary Foreign Worker Program, Program officials want to remind employers that they are expected to meet their [obligations](#) by respecting the conditions set out in the offer of employment, and the Labour Market Impact Assessment (LMIA) decision letter and its corresponding annexes. This includes providing temporary foreign workers with full-time employment in the same job as stated in the employment offer, and paying workers wages as set out in the employment offer and LMIA.

This means that employers must ensure temporary foreign workers affected by any work stoppage receive compensation that, at minimum, is equivalent to full-time work for the entire employment duration, excluding any week for which the worker was eligible for other income support like Employment Insurance. In the event of a work stoppage situation, full-time work is a minimum of an average of 30 hours per week over the entire employment duration. The employment duration starts when the work was expected to have started or no later than seven calendar days after a worker has arrived in Canada, whichever is first, and ends when a worker returns home, voluntarily quits or legally commences employment with another employer in Canada.

Should a temporary foreign worker find work with another employer in Canada, it is important to remember that the new employer requires a valid LMIA and that the affected worker undertakes changes to their work permit. If you determine that a temporary foreign worker is no longer required, you are also expected to arrange and pay for return airfare home where it is a Program requirement (i.e., Low-wage Stream and Primary Agriculture Streams, except High-wage).

Lastly, we would also like to use this opportunity as a reminder that any work performed by temporary foreign workers at your place of business that does not align with the LMIA should be [voluntarily disclosed](#) to Service Canada.

We trust that you will find this information useful, and Program officials remain available for any questions that you may have.

You are encouraged to share this communication throughout your respective networks, and with any colleagues or peers who may need to be aware of this information. If you have questions on the TFW Program, please visit Canada.ca or contact the [Employer Contact Centre](#).

Thank you in advance for your usual collaboration.

**-The Temporary Foreign Worker Program
Employment and Social Development Canada**

Temporary Foreign Worker Program: Employment Agreement (templates available online)

Further to our message of January 31, 2023, we are pleased to inform you that Employment Agreement sample templates for all streams under the Temporary Foreign Worker (TFW) Program are now available online, within the following links:

1. [Seasonal Agricultural Worker Program \(SAWP\)](#)

Note:

- For SAWP only, the employment agreement (EA) is not meant to replace or supersede the Contract for employment in Canada of Seasonal Agricultural Workers. The EA is a separate document.
- In addition, a [Spanish](#) version of the employment agreement is available online for reference purposes only and not for completion or signature. Employers are encouraged to share this information with their workers.

2. [Primary Agriculture: Agricultural Stream, High and Low-wage Agriculture Positions](#)

3. [High Wage Positions Stream](#)

4. [Low-Wage Positions Stream](#)

5. [Global Talent Stream](#)

6. [Permanent Residency](#)

7. [In-home Caregiver](#)

You are welcome to use these templates or develop your own. These templates were designed to lessen administrative burden for employers and support compliance with amendments to the [Immigration and Refugee Protection Regulations](#) that came into force on September 26, 2022, and which require employers to:

- draft an employment agreement in either English or French as preferred by the foreign worker;
- include information for employment in the same occupation, with the same wages and working conditions as those set out in the offer of employment; and
- sign and secure signature from the foreign worker, and provide a copy to the worker.

You are encouraged to share this communication throughout your respective networks, and with any colleagues or peers who may need to be aware of this information. If you have questions on the TFW Program, please visit [Canada.ca](#) or contact the [Employer Contact Centre](#).

**-The Temporary Foreign Worker Program
Employment and Social Development Canada**

Provinces/Territorial Median Hourly Wage Update for the Temporary Foreign Worker Program

The purpose of this email is to share information on the provincial and territorial median hourly wage update for the Temporary Foreign Worker (TFW) Program.

The Program uses wage data from Statistics Canada's Labour Force Survey to help in the administration of the Program and review of the Labour Market Impact Assessment (LMIA). The LMIA is in place to protect the Canadian labour market from potential negative impacts of hiring temporary foreign workers, including any downward pressures on Canadian wages. The LMIA also protects the health and safety of temporary foreign workers while in Canada and ensures that appropriate wages are paid for the work undertaken.

The provincial and territorial median wage data is updated annually and used to determine whether a position falls into the Low-Wage or High-Wage Streams. This means, employers are eligible for the [Low-wage Stream](#) of the Program if they offer a wage that is below the provincial or territorial median hourly wage for the position requested on the LMIA and, are eligible for the [High-wage Stream](#) if they offer a wage that is at or above the provincial or territorial median hourly wage for the position requested on the LMIA. Each stream has specific requirements designed to recognize the labour market impacts of hiring TFWs in certain occupations and industries. The requirements include recruitment efforts, working conditions, and employment duration.

The updated median wages for 2023 are now available [online](#), and is in effect as of May 31, 2023. For LMIAs received on or after this date, employers will be required to submit the application forms and meet the program requirements of the new stream, using the updated median wages. It is important to note that the [online application form](#) will be updated automatically, as of May 31, 2023, assisting employers in their application process.

Note that a 90-calendar-day transition period has been put into place (until August 29, 2023), on an exceptional basis, to account for unforeseen delays in the publishing of the wage data this year. During this transition period, Service Canada will work with employers whose application will have changed streams because of the new wages (from Low Wage Stream to High Wage or vice versa) to complete the appropriate application form. Recruitment efforts that meet the Program requirements of the original application package will be accepted as meeting the requirements of the new program stream during this time. More information about the application process is available [on the Employment and Social Development Canada](#) website.

You are encouraged to share this communication throughout your respective networks, and with any colleagues or peers who may need to be aware of this information. If you have questions about the TFW Program, please visit [Canada.ca](#) or the [Employer Contact Centre](#).

**-The Temporary Foreign Worker Program
Employment and Social Development Canada**

Change to the Record of Employment (ROE) Serial Numbers

This month, the prefix for the serial numbers assigned in Record of employment on the web (ROE Web) will change from W to M. This change is required, as the W serial numbers have reached the end of the series. A notice will be posted on the ROE Web portal as a reminder for employers.

There is no action required. ROE Web assigns the serial number automatically when ROEs are submitted. The W serial numbers are still valid and previously issued ROEs may be amended, if required.

If you have any questions or concerns, please contact the Employer Contact Centre at 1-800-367-5693.

Thank you,

ROE Employer Services - Employment Insurance Program