



Temporary Foreign Workers Program Operations: Overview and Efforts to Improve Processing

*Canadian Federation of Agriculture
Ministerial Roundtable
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De la **RÉUSSITE**

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OVERVIEW

Overview of Key 2017-2018 processing trends

- Annual volumes across program streams and average processing times
- Overview of decisions rendered in 2017-2018

Measures Service Canada has taken in 2017-2018 to improve Service Delivery

- Streamlining of application process for returning employers
- Quality Assurance Program

Future initiatives that will be undertaken in 2018-2019 to improve LMIA processing

- Recruitment waiver for Primary Agriculture Transfer/Replacement of Workers
- Service Standard Review
- LMIA Online Pilot and TFWP Website Update

Discussion



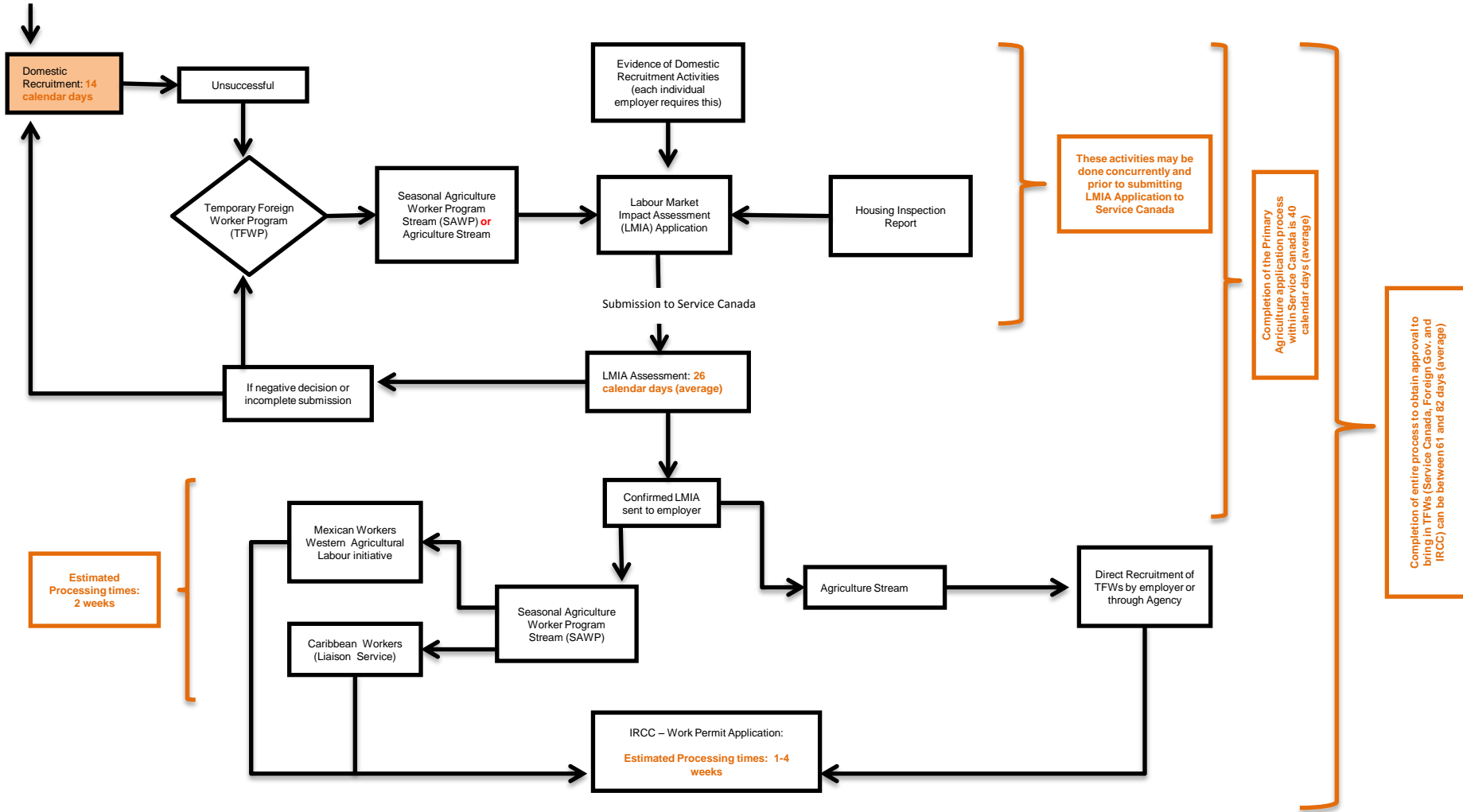
TEMPORARY FOREIGN WORKER PROGRAM – ROLES & RESPONSIBILITIES

- **Employment and Social Development Canada (ESDC)** reviews Labour Market Impact Assessments (LMIAs) applications to assess the likely impact these workers would have on the Canadian labour market and ensure that Canadians have the first opportunity at available jobs. In Quebec, this determination is conducted jointly with the MIDI.
- **Immigration, Refugees and Citizenship Canada (IRCC)** processes work permit applications submitted by foreign nationals who want to work in Canada. IRCC ensures that program requirements are met, and assesses the admissibility of applicants.
- **Canada Border Services Agency (CBSA)** examines foreign nationals at the time of entry (once work permit applications are approved by IRCC) and determines whether they may enter Canada.



SAWP/AGRICULTURE ESTIMATED PROCESSING TIMELINES

Employer identifies the need for workers and starts recruitment...



KEY PROCESSING STATISTICS (2017/2018)

PROCESSING STATISTICS for 2017-2018

- **SAWP Applications:** 4,661 confirmed LMIA's, representing 42,815 positions and a confirmation rate of 98%
- **Agriculture Applications:** 2,791 LMIA's confirmed LMIA's, representing 15,172 positions and a confirmation rate of 95%
- **Total for SAWP/Agriculture Applications:** 7,655, representing 57,987 positions and a confirmation rate of 97%
- **Overall confirmed TFWP LMIA's:** 32,693 LMIA's, representing 93,237 positions and a confirmation rate of 90%

Primary Agriculture Applications represent 23% of program applications; however, Primary Agriculture positions represent 62% of all TFW Program confirmed positions.

Average processing time for Primary Agriculture is 26 calendar days in 2017-2018 whereas it was 18 calendar days in 2016-2017

- New requirement for employers to submit a successful housing inspection report before a Labour Market Impact Assessment decision is issued may create delays for some employers.
- Efforts to upgrade our internal system have resulted in unanticipated delays in the processing of some applications. The department is working hard to minimize the impact on employers and resolve issues in a timely manner. We have added extra resources across Canada dedicated to assisting with these efforts.



OVERVIEW OF DECISIONS RENDERED FOR 2017-2018

Total Agriculture Stream LMIA applications received in 2017-2018	2934
Total Agriculture Stream applications issued a negative decision	143
% of Agriculture Stream applications issued a negative decision	5%
Total SAWP applications received in 2017-2018	4769
Total SAWP applications issued a negative decision	108
% of SAWP applications issued a negative decision	2%

Most Frequent Reasons For Leading To A Negative Decision:

- Insufficient efforts to hire Canadians/Permanent Residents
- Wages not consistent with program requirements
- Working conditions not consistent with program requirements
- Employer not able to demonstrate actively engaged in the business
- Employer not able to demonstrate the ability to fulfill the conditions of the employment contract



IMPROVEMENT OF APPLICATIONS FOR RETURNING EMPLOYERS

- In an effort to reduce the administrative burden on employers, returning employers who have received a positive Labour Market Impact Assessment within the past two years, must submit **only one document** to demonstrate that they have a legal business that provides a good or a service in Canada.
- Further operational efficiencies have been identified internally for streamlining of the assessment of subsequent LMIA requests for Primary Agriculture employer's who have accessed the program in that season:
 - The positions must be the same NOC as the initial/previous LMIA;
 - The positions must be for the same skill level;
 - The positions must be in the same SAWP season;
 - The positions must not demonstrate an increase in positions over the total number of approved workers from the previous year
- Triage for these applications are done at the time they are received to ensure no information is missing and then the assessment is expedited.
- ESDC/Service Canada continues to look for ways to further streamline processing and improve efficiencies.



NATIONAL QUALITY MONITORING PROGRAM

- To respond to the Office of the Auditor General Report and as part of ongoing efforts to improve the delivery of the Temporary Foreign Worker program the Department launched a National Quality Monitoring Program in December 2017 to achieve national consistency in processing labour market impact assessments.
- Anticipated outcomes of the National Quality Monitoring Program that the department will track and measure include:
 - National consistency in the assessment of LMIAs;
 - Strengthening of best practices in the processing of LMIAs; and
 - Identifying policy gaps and clarifying operational guidance;
- First quarter outcomes have included updates to operational guidance to support consistent decision making and updated website information for employers.



RECRUITMENT WAIVER FOR TRANSFER AND REPLACEMENT WORKERS IN THE AGRICULTURE AND SAWP STREAM

- Effective May 3, 2018, the TFW Program will operationalize a recruitment waiver for both replacement and transfer workers for the Agriculture and SAWP Streams.
- Employers will still be required to submit an LMIA. However, there will be no recruitment requirements for these requests in an effort to improve and expedite support to employers.
- For worker transfers, the receiving employer would not be required to advertise for the position, provided they have a valid LMIA for the same economic region and occupation in question.
- For replacement workers, employers would not be required to advertise again since this labour market factor was already assessed as part of the original LMIA assessment.
- All new applications submitted on or after May 3, 2018 will be exempt from this requirement and consideration will be given to all applications currently being assessed.



LAUNCH OF SERVICE STANDARD REVIEW

- ESDC commitment to respond to recommendations of HUMA Report to increase the **speed and efficiency** of the LMIA application process and to meet existing **service standards**
- Service Standards Review announced as part of the April 2017 *Path Forward* plan
- Results of review to be presented to Treasury Board by December 2018 as part of reporting conditions coming out of Summer 2017 submission
- The Department currently only has one official Service Standard. To be eligible for priority processing, LMIA applications must meet at least one of the following six (6) criteria:
 - Highly-paid position;
 - Short-duration and high-wage position;
 - Skilled trades and high-wage position;
 - Express Entry position;
 - Certain occupations identified as a priority under Fed/Prov/Territorial Annex Agreements; and,
 - Global Talent Stream pilot applications
- Starting May 4, 2018, engagement and collaboration with internal and external partners will begin as part of the Primary Agriculture Review.
- Consultation is essential to the success of the TFWP service standards review. Input and feedback obtained will be used to inform the recommendations of the review to ensure accurate and attainable performance indicators and service standards.



LMIA ONLINE SYSTEM AND EXTERNAL WEBSITE UPDATE

- LMIA Online will replace Web Service, which was used externally by employers and third parties up until May 2017 to submit LMIA's electronically to the Department.
- The new secure system will provide a revised interface, end-to-end application flow which matches the paper application and allows the electronic submission and status tracking of an LMIA application.
- LMIA Online will launch as a national pilot later this year once enhancements to the internal system have been stabilized.
- The Department will work closely to engage with third parties and employers to pilot the new LMIA System and consider feedback prior to national launch.
- Linked to the development of systems/tools to support employers, the Department is also committed to updating TFWP website content to be more clear and transparent in describing program requirements.

