

# Mobility: Immigration alert

August 2023

## Canada

### New Recognized Employer Pilot (REP) Program under the Temporary Foreign Worker (TFW) Program

#### Executive summary

The Minister of Employment, Workforce Development and Official Languages, Randy Boissonnault has just announced the introduction of a Recognized Employer Pilot (REP) under the Temporary Foreign Worker (TFW) Program. This is a three-year initiative to help reduce administrative challenges for compliant employers to hire worker they need.

#### Background

The TFW Program is a program designed to fill labor and skill shortages for Canadian employers, on a temporary basis, when qualified Canadians and permanent residents are not available. Participating employers must submit a Labour Market Impact Assessment (LMIA) to the department of Employment and Social Development Canada (ESDC) before they can hire a temporary foreign worker, unless the position fits within one of the LMIA-exempt categories. In April 2023, the program transitioned to an online system and the primary method to submit LMIA is through the Online LMIA Portal.

#### Key developments

REP is a three-year initiative set to address labor shortages and reduce the administrative burden for employers who repeatedly seek LMIA and demonstrate a history of compliance with program requirements. REP will give eligible employers access to LMIA that are valid for up to 36 months, as well as gain access to a simplified LMIA application for additional workers in the same occupation during the Pilot.

Key updates for this new Pilot are as follows:

- ▶ REP will be rolled out in two phases: in September 2023, primary agriculture employers will be able to apply; in January 2024, all other employers will be eligible to apply.
- ▶ Employer applications for both streams will close in September 2024.
- ▶ To participate, employers must have a minimum of three positive LMIA for the same occupation over the past five years. Occupations must be designated as in-shortage based on the [Canadian Occupational Projection System \(COPS\)](#) list. Importantly, occupations that are on the COPS list but which are already part of the Global Talent Strategy list of occupations (for example, many tech occupations) have been removed from the REP program, as they already benefit from facilitated processing measures.
- ▶ Employment and Social Development Canada (ESDC) will determine REP eligibility based on the employer's history with the TFW Program. Should an employer not receive recognized status, they will remain eligible to use the TFW Program and the Department would continue to assess their LMIA.
- ▶ Employers who are anticipated to meet REP eligibility requirements will be proactively invited to apply under the program.
- ▶ Employers will be subject to a more rigorous upfront assessment process to ensure that REP targets employers with the best recruitment practices.



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However, additional LMIA requests for the same occupation will be designed to be much simpler under the REP.

- ▶ Recognized employers will benefit from a Job Bank designation showing their recognized status to prospective workers.

Additional details on the new Recognized Employer Pilot and the application process will be available soon.

### What this means

The Recognized Employer Pilot is being introduced with the intent to reduce the administrative burden and delays for employers who make multiple LMIA applications for the same occupation. By developing a facilitated process for repeat occupations, the government is hoping to make it easier for Canadian employers to recruit and hire foreign talent when there is a proven labor market demand. Employers who demonstrate compliance with the TFW Program requirements and protection of workers can benefit from this expedited LMIA processing.

There remain a number of practical details about the REP that have yet to be published. EY Law will continue to monitor developments in this new pilot program. Should you have any questions with respect to this new program, please contact your EY Law professional.

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