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## **CANADA SUSPENDS ACCELERATED PROGRAM FOR TEMPORARY WORK AUTHORIZATION**

On April 12, 2013, Canadian Prime Minister Stephen Harper announced sweeping changes to the Canadian Labour Market Opinion (LMO) Program, which is the basic process for obtaining temporary work authorization for foreign workers in Canada. Prime Minister Harper expressed his concern that the Canadian Temporary Foreign Worker Program (TFWP) has grown too large and requires change in order to ensure that Canadians have the first chance for available jobs.

The LMO process requires employers to test the labor market for Canadian workers before hiring a foreign national in most occupations. Shortly after the April 12<sup>th</sup> announcement, the government imposed greater restrictions on the advertising requirements for testing the labor market, specifically for high-skilled occupations. Employers must place advertisements in outlets targeted to increase exposure of the available position to a greater number of Canadians. Employers will no longer be able to advertise for the position on their Company website, but must use a national job search website, job bank, or other specified media outlets.

On April 29, 2013, the Harper Government announced a second set of reforms which made more expansive changes, including the suspension of the Accelerated LMO program. The Accelerated LMO Program enabled qualifying companies to obtain an LMO decision in 10 days provided the company had previously obtained a positive LMO in the past two years. All LMO applications must now be filed under the traditional LMO program. Adjudication times under the traditional program are currently several months, and are anticipated to lengthen in light of the recent changes. Because adjudication times may lengthen and the Accelerated Program is no longer available, employers should contact their FosterQuan global immigration attorney now to initiate upcoming LMO Applications.

The new LMO application forms will require additional information and employer certifications in an effort to ensure that the TFWP is not used to facilitate outsourcing of Canadian jobs.

The Harper Government also announced that fees would be introduced for the adjudication of LMO applications, but the new fee schedule and payment procedure have not yet been announced.

Additional changes require employers to pay 100% of the prevailing wage, effective immediately. Employers had been permitted to pay 15% below the prevailing wage for high-skilled occupations and 5% below the prevailing wage for lower-skilled occupations.

FosterQuan's Global Section will continue to monitor these procedural changes and will provide further updates regarding the new LMO requirements as they become available. Please contact [globalinquiries@fosterquan.com](mailto:globalinquiries@fosterquan.com) if you would like additional information regarding these changes, or for any other assistance.