



Human Resources and Skills Development Canada

Temporary Foreign Worker Program

Accelerated Labour Market Opinion Fact Sheet

Before submitting an application under the Accelerated Labour Market Opinion (A-LMO) Initiative, employers must read and understand all of the requirements as described in this Fact Sheet.

Effective April 25, 2012, Human Resources and Skills Development Canada (HRSDC)/Service Canada is implementing a new A-LMO Initiative, in an effort to respond to the needs of eligible employers for timely Labour Market Opinion (LMO) processing while enhancing employer compliance.

The A-LMO Initiative introduces efficiency measures by reducing the amount of paper-burden on employers in the application process, and by introducing attestations for specific assessment criteria. An A-LMO application does not exempt employers from criteria assessed in the regular LMO process. HRSDC/Service Canada will continue to provide an A-LMO based on:

- the genuineness of the job offer;
- the wage offered; and
- whether the job offer is likely to fill a labour shortage.

If the employer meets all the eligibility criteria to participate in the A-LMO Initiative, HRSDC/Service Canada will then verify if the employer has agreed to all of the attestations and issue a positive A-LMO within 10 business days.

Employer Eligibility

The A-LMO Initiative applies only to higher skilled positions such as: management, professional and technical occupations (classified under the National Occupational Classification (NOC) skill type 0, and skill levels A and B). However, at the present time, employers hiring in the film and entertainment and agriculture sectors, must apply under the regular LMO process.

To be deemed eligible for the A-LMO Initiative, employers must meet all of the Program requirements for [higher skilled positions](#), including:

- researching and understanding the wages posted on the [Working in Canada](#) (WiC) Web site for the occupation they are requesting an A-LMO. Employers have some flexibility to base the wage paid to the TFWs on what they pay their Canadian and permanent resident employees.

NOTE:

A wage up to 15% less than the posted wage will be accepted provided that the wage is the same wage paid to Canadian or permanent resident employees in the same occupation. Employer opting to pay less than the posted wage may be subjected to a compliance review. HRSDC/Service Canada will issue a negative A-LMO if the wage offered to the TFW is more than 15% below the posted wage.

- meeting the [advertisement and recruitment efforts](#) in order to hire Canadian citizens and permanent residents, prior to offering the job to a temporary foreign worker (TFW) and submitting an A-LMO application.

In addition, employers must:

- have been issued at least one positive LMO in the previous two years;
- have a clean compliance record with the Temporary Foreign Worker Program (TFWP) within the last two years;
- have agreed to all of the attestations included in the A-LMO application, consenting to participate in a post A-LMO compliance review;
- not have been the subject of an investigation, infraction or a serious complaint, and
- not have any unresolved violations or contraventions under provincial laws governing employment and recruitment.

If the employers do not meet the A-LMO eligibility criteria, HRSDC/Service Canada will inform them that their applications will be assessed under the regular LMO process, and will direct them to the TFWP Web site for information related to the Program requirements.

Accelerated Labour Market Opinion Compliance Review

As part of the A-LMO application, employers must provide their consent to participate in a post-LMO compliance review. By consenting, employers agree to allow HRSDC/Service Canada to perform a compliance review of the positive A-LMO or any other positive LMO issued to the employer in the previous two years.

During the review, employers will be required to submit documentation to demonstrate compliance with the terms and conditions of the positive LMO or A-LMO letters and their annexes. An average of 18% of positive A-LMOs will be selected for a compliance review. These reviews may be based on random selection, or in response to information received subsequent to the issuance of an A-LMO.

Employer Compliance

To be compliant, employers must meet all the terms and conditions set out in the positive A-LMO or LMO letters and their annexes. Compliance includes, but is not limited to the fact that the:

- employer provided wages, working conditions, and an occupation to the TFW that are substantially the same as those offered in the LMO or A-LMO application;
- employer provided wages and working conditions that are the same as those offered to Canadian citizens and permanent residents in the same occupation and work location;
- employer performed the minimum recruitment efforts required by the Program;
- employment of a TFW filled a labour shortage;
- employment of a TFW did not adversely affect the settlement of a labour dispute; and
- employer agrees to abide by the relevant federal/provincial/territorial laws that regulate employment and recruitment.

Documentation required to demonstrate compliance

Employers must always review the positive A-LMO and LMO letters and annexes to understand all the terms and conditions in which they must be compliant. They should also contact HRSDC/Service Canada if they discover discrepancies or if they are thinking of making any changes to the terms and conditions set out on the positive A-LMO and LMO letters and annexes. To demonstrate compliance through a review, employers may be required to submit the following documents:

- payroll information for the TFW and potentially for Canadian citizens and permanent residents;
- collective bargaining agreements;
- time sheets;
- job descriptions;
- copies of recruitment advertising;
- proof of no labour dispute;
- copies of the TFW's work permit; and
- proof of registration with provincial/territorial workplace safety, where applicable.

Employers should retain all documents related to their A-LMO application and attestations, as well as any

documents related to other positive LMOs, for up to 6 years. Failure to provide the requested documentation will result in the employers' ineligibility to participate to the A-LMO Initiative.

Non-compliant employers

When non-compliance is determined, employers will have an opportunity to provide justification as well as to take corrective action, where applicable. HRSDC/Service Canada will work with the employer to implement the appropriate corrective action and may request proof to this effect in order for the employer to be deemed compliant.

Employers found non-compliant with the A-LMO Initiative, will be subject to consequences which will include:

- ineligibility to use the A-LMO Initiative;
- possible revocation of other LMOs for which work permits have not been issued yet;
- sharing the compliance review finding with HRSDC/Service Canada federal and provincial partners, for further investigation; and
- greater scrutiny of any pending or subsequent LMO applications.

How to Apply

Employers who want to hire TFWs using the A-LMO Initiative can apply online or send a paper application. Employers must ensure that they have met all of the Program requirements for the [higher skilled](#) positions.

Online A-LMO Process

The [TFW Web Service](#) has been adapted to offer Web Service users access to the online A-LMO application process. The registration forms for the Web Service will include an option which allows users to be considered for the A-LMO Initiative. Once the registration is completed and mailed or faxed to the nearest Service Canada Centre, it will be reviewed to determine if the employer's organization is eligible for access to both the Web Service and the online A-LMO process.

A-LMO Paper Application

Employers must complete, sign and submit the [A-LMO application](#) to the [Service Canada Centre](#) responsible for their area.

NOTE:

Employers who have previously submitted an LMO application, for which an opinion has not been issued yet, may now take advantage of the new A-LMO Initiative. They can withdraw their LMO application and resubmit an A-LMO application, provided that both applications are for the same position. To withdraw your previous application, please inform HRSDC/Service Canada in writing when applying for your A-LMO.