



Employment and Social Development Canada

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Hiring Live-in Caregivers and Nannies

The Live-in Caregiver Program (LCP) allows families to hire a foreign live-in caregiver, often called a nanny, when Canadian citizens and permanent residents are not available.

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Next Steps

Employment and Social Development Canada (ESDC)/Service Canada will assess the labour market opinion (LMO) application submitted by the employer to determine what impact hiring a temporary foreign worker (TFW) would have on Canada's job market. Based on the application and the documents received, the Department will issue a positive or negative LMO.

Labour Market Opinion - Assessment Process

All LMO applications go through a systematic assessment process to:

1. Verify if the employer is:
 - a. eligible to participate in the Temporary Foreign Worker Program (TFWP). The list of ineligible employers appears on [Citizenship and Immigration Canada's](#) (CIC) website; and
 - b. using an authorized third-party representative, if applicable.
2. Verify the consistency of the job offer with federal/provincial/territorial agreements.
3. Assess the genuineness of the job offer. The assessment is based on whether the:
 - job offered to the TFW is consistent with the employment needs of the employer;
 - employer can fulfil the terms and conditions of the job offer;
 - employer or the third-party representative is compliant with the relevant federal-provincial-territorial employment and recruitment legislation;
 - live-in caregiver will reside in the private household and provide care without supervision to a child, senior or disabled person;
 - employer will provide adequate private furnished accommodations in the household where the care is required; and
 - employer has sufficient financial resources to pay the wage offered to the TFW.
4. Assess the language requirement of the job offer, to ensure that English and French are the only languages identified as a job requirement, unless employers can demonstrate that another language is a bona fide requirement for the job.
5. Assess:
 - the impact of hiring a TFW on the labour market including:
 - i. wages and working conditions offered;
 - ii. occupation in which the TFW will be employed;
 - iii. employer's recruitment and advertisement efforts;
 - iv. benefits to the labour market;
 - v. consultations, if any, with the appropriate union; and
 - vi. the effect on the settlement of a labour dispute.

- previous job offers that the employer has made to a TFW within the 2 years preceding the date of the new LMO application. This is to determine whether the employer has provided substantially the same (STS) wages, working conditions and occupation as outlined on the previous positive LMO letter and annex or employment contract.

In addition, as part of the assessment process, ESDC/Service Canada will ensure that the employer has met all the Program Requirements.

Once the application has been assessed, the employer will receive a positive or negative LMO letter. To increase Program integrity, only the employer will receive the letter, even if a third-party representative was appointed. However, the third-party will receive a notification that a decision has been made on the application.

Positive LMO

A positive LMO is valid for [6 months](#) from the date of issue, (except in Quebec where it is valid 3 months after the issuance of the Certificate of Acceptance (CAQ) by the ministère de l'Immigration et des Communautés culturelles (MICC)). For privacy reasons, the letter will not include the name of the TFW. However, it provides specific details about the job offer, such as the wages, working conditions and occupation as well as a system file number. The name of the worker will appear in Annex B which is intended for the employers' records only, and is NOT to be shared with the TFW as it is not required for the purposes of applying for a work permit.

Once the positive LMO letter is received, it is the employer's responsibility to:

- send a copy of this letter and the employment contract, signed by the employer, to the TFW.
- ask the TFW to apply to CIC for a work permit. The TFW must include with the work permit application a copy of the positive LMO letter and the employment contract signed by both the employer and the worker.

Provincial/territorial Variations

If the job is located in the province of:

Quebec - Employers must:

- send to the TFW a copy of the:
 - positive LMO letter issued jointly by ESDC/Service Canada and the MICC;
 - Quebec CAQ issued by MICC; and
 - employment contract signed by the employer.
- ask the TFW to submit this documentation along with the work permit application to CIC. Visit CIC's Web site to find a [Canadian Visa Office](#).

British Columbia - If the employers have not submitted [part 2 of the registration form](#), they must do so within 30 days from the date of hiring the live-in caregiver.

Work Permit

CIC will then assess the TFW's work permit application. If the assessment is positive, the TFW will receive a work permit to be able to work for a specific employer, under established working conditions and for a particular duration in Canada.

Note:

- Some countries may require that their citizens meet certain conditions if they want to work in Canada as live-in caregivers (e.g. approval to leave the country). Employers should:
 - ask the TFW to verify if additional conditions apply,
 - contact the consulate of the foreign worker's country in Canada; or
 - visit the consulate's Web site.

Once the live-in caregiver arrives in Canada, the employer must:

- ensure that the worker is authorized to work as a live-in caregiver and check the duration of the work permit;
- verify that the caregiver's work permit issued by CIC indicates either the:
 - name of the individual hiring the live-in caregiver as the authorized employer; or
 - live-in caregiver has an open work permit that does not mention the employer's name, as the caregiver has completed the 24-month work duration requirement and has applied for permanent residency.
- keep records of the number of regular and overtime hours the TFW has worked on a weekly/monthly basis. This information is required if the caregiver plans on applying for permanent residency.

Note:

Employers are not allowed to take away the TFW's identification documents such as passport, work permit or other identification.

Employers do not need to apply for a new LMO if they want to extend the stay of their current live-in caregiver beyond the work permit's expiry date, except if they move to another province or territory. However, they must provide the worker with a new job offer letter and employment contract indicating any revisions such as an increase in wages and the new expiry date. The live-in caregiver will need these documents to apply for a work permit extension.

The caregiver must complete and submit the application for an extension of work permit directly to CIC Case Processing Centre in Vegreville at least 30 days prior to the permit's expiry date. The application must also include:

- a copy of the employer's letter of offer
- a copy of the original employment contract
- the applicable fee

Employers must apply for a new LMO if they are not extending the stay of their current live-in caregiver but wish to hire a new caregiver. The new LMO application should be sent at least 4 months prior to the expiry of the caregiver's work permit to allow ESDC/Service Canada and CIC sufficient time to process the applications.

Note:

On April 1, 2011, CIC introduced a regulatory amendment that establishes a 4-year cumulative duration limit that a TFW can work in Canada. This 4-year limit means that TFWs reaching or close to reaching the [4-year cumulative duration limit](#) may have their work permit application refused or its duration limited. In addition, they will not be granted another work permit to work in Canada for 4 years. As a result, starting April 1, 2015, the first TFWs could begin to reach the 4-year limit and therefore be denied a renewal of their work permits.

The maximum cumulative duration regulation does not apply to live-in caregivers who have applied for permanent residency and received an approval in principle letter from CIC.

Revocation of an LMO

The revocation of an LMO means overturning the decision based on new information, which changes the opinion from positive to negative.

An LMO may be revoked if it has not yet expired, work permits or permanent residence visas have not been issued by CIC, and if one or more of the following circumstances apply:

- The employer has provided materially false or misleading information.
- New facts or information are brought forward after a positive LMO has been issued, that would have changed the assessment of the application, resulting in a negative LMO.

- The opinion was based on an unintentional error as to some material fact.

The revocation of an LMO is based on reliable and documented evidence that confirms that the new information or altered circumstances would have had an impact on the assessment of the factors listed under section 203 of the [Immigration and Refugee Protection Regulations](#) (IRPR).

Negative LMO

ESDC/Service Canada issues a negative LMO letter if the employer does not meet all the Program Requirements.

Employer Compliance

ESDC/Service Canada takes the integrity of the TFWP very seriously. Employers hiring TFWs are expected to be compliant with the TFWP, by upholding the terms and conditions of employment as stated in the original job offer and set out in the positive LMO letter and annexes.

Employers must also follow all federal/provincial/territorial employment regulations and laws, as all workers in Canada, including TFWs, have the same labour and human rights and social protections as all Canadians.

In accordance with amendments to the [IRPR](#), (s. 203(1)(e)), all returning employers that have hired a TFW within the past 2 years and are submitting a new LMO application may be subject to an employer compliance review.

This review, often known as an STS assessment, requires employers to demonstrate that the TFWs were provided with substantially the same:

- wages;
- working conditions; and
- occupation, as set out on the positive LMO letter and annexes.

More information is available in the [Employer Compliance brochure](#).

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