GUIDE TO RECRUITING SKILLED FRENCH-SPEAKING AND BILINGUAL INTERNATIONAL WORKERS





Le leader du développement économique des communautés francophones et acadienne

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) NOTE TO READERS

This guide was prepared for information purposes and has no official sanction. It contains answers to the main questions from employers that would like to recruit international candidates and promote their integration into Francophone and Acadian communities in Canada. The content of this guide is based on information available in December 2021.

INFORMATION ON GOVERNMENT OF CANADA PROGRAMS

Telephone: TDD: 1-800-O-Canada (1-800-622-6232) 1-800-926-9105

USEFUL LINKS

Immigration, Refugees and Citizenship Canada (IRCC): www.cic.gc.ca

Employment and Social Development Canada (ESDC): www.canada.ca/en/employment-social-development.html

Government of Canada: www.canada.ca

Service Canada: www.servicecanada.ca

Canada Border Services Agency (CBSA): www.cbsa-asfc.gc.ca

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FRANCOPHONE AND ACADIAN COMMUNITIES IN CANADA

According to the Statistics Canada 2016 census, one-third of Canadians speak French. In total, close to ten million speak French in the ten provinces and three territories, including more than 2.7 million outside Quebec.



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QUICK ACCESS TO DIVERSIFIED AND SKILLED EXPERTISE

Hiring competent and diversified workers is within your reach!

<u>RDÉE Canada</u>, with its twelve provincial and territorial members, is a preferred link between employers, immigrants and Francophone and Acadian communities.

Are you looking for a skilled candidate? First of all, we ask that you:

- Clearly define the job to be filled and the essential skills required, particularly language skills;
- Ensure that your labour requirements cannot be filled in Canada;
- Contact the provincial or territorial member of RDÉE Canada to walk you through the various steps as part of your process to recruit international workers.

SHORTAGE OF SKILLED LABOUR

A study by the Business Development Bank of Canada (BDC), which appeared in September 2021, indicated that labour shortages are here to stay due to our aging population. Economic immigration is one of the methods that the Government of Canada has put forward to address current and future hiring difficulties.

BDC study: <u>https://www.bdc.ca/en/about/analysis-</u> research/labour-shortage

Close to one half of Canadian companies are being confronted by labour shortages, which have been worsened by the pandemic and have major consequences such as:

- Limits to their growth;
- Increases in the number of hours worked by current employees;
- Increases in salaries and benefits;
- Delays in delivering orders to customers or even rejections of orders.

If you cannot recruit any candidates in Canada, one solution is to recruit internationally trained workers (ITW) through federal, provincial and territorial immigration programs. You will no doubt be looking for the immigration program best suited to your needs.

The good news is that the RDÉE Canada National Network, along with its provincial and territorial members, can help you reduce the repercussions of labour shortages through the recruiting of international French-speaking and bilingual workers.

SERVICE CANADA'S JOB BANK

Did you know that the Job Bank is a bilingual service available to Canadian employers? It puts you in contact with international workers and offers you the tools and resources to help you find, hire and retain your talent. In addition, the Job Bank promotes diversity and the inclusion of newcomers to Canada in the workplace.

TYPES OF VISAS AND PERMITS NEEDED TO WORK IN CANADA

You shall consider, in particular, the Canadian status of the candidate you wish to hire for the job and the type of visas and permits they have.

If the candidate is a permanent resident of Canada

Candidates who have immigrated permanently to Canada receive a permanent resident visa. A permanent resident is entitled to work for any employer they choose with no restrictions as to the location, time or activities. This job candidate will present a permanent resident (PR) card issued by Immigration, Refugees and Citizenship Canada (IRCC) and a social insurance number (SIN) issued by Service Canada.

If the candidate has a temporary work permit

In general, most foreign workers need a visa to enter Canada and a permit to work.

A temporary foreign worker (TFW) will present you with a temporary work permit issued by IRCC and a SIN.

This work permit is either:

- An Employer-specific work permit, with certain conditions mentioned on the permit, including the name of the employer, type and place of work, and the duration of the permit;
- Or an **Open work permit**, which allows foreign workers to work for any employer in Canada, with the exception of restrictions indicated in current regulations.

In some cases, employers must obtain a positive Labour Market Impact Assessment (LMIA) before the worker can apply for a work permit. In other cases, the job offer may be LMIA-exempt.

LABOUR MARKET IMPACT ASSESSMENT (LMIA)

An LMIA is a document that employers in Canada must usually obtain prior to hiring a foreign worker in a specific profession. The employer must submit an LMIA application to Employment and Social Development Canada (ESDC) to determine whether they can hire a foreign worker to address a labour or skills shortage on a temporary basis. The employer must obtain a positive LMIA that confirms that no Canadian workers or permanent residents are able to do the work.

If the candidate is an international student in Canada or who has recently obtained their Canadian diploma/degree

International students are an increasingly larger source of labour. Statistics Canada and IRCC have noted that increasing numbers of international students are participating in the Canadian workforce. Depending on their situation, an international student will present their social insurance number (SIN) along with their IRCCissued study permit or work permit.

- **Study permit**: most study permits authorize international students to work, without a work permit, either on or <u>off campus</u>, after they have begun their studies and met all requirements. This work authorization is directly indicated on the study permit and enables the student to work on campus full time or off campus up to a maximum of 20 hours a week while studying and full time during university holiday periods;
- Coop work permit: A student who is an intern or a participant in a coop program must obtain a <u>work permit</u> in Canada;

• **Post-graduation work permit (PGWP):** after obtaining their Canadian diploma, the student can continue working in Canada if they are able to apply for a <u>PGWP</u>. Employers wishing to hire an international student who graduated in Canada can make a job offer that is LMIA-exempt. This program enables graduates to receive an open work permit and work full time.

NATIONAL OCCUPATIONAL CLASSIFICATION (NOC)

The <u>NOC</u> is the national reference for classifying positions in Canada and is used to describe and classify jobs. A certain number of Canadian immigration programs use the NOC to determine whether a job meets eligibility requirements. For international recruiting, you must locate the NOC code that best corresponds to the job sought and determine whether the duties set out in your offer of employment meet the job requirements established by the NOC. A "skilled" job belongs to skill type 0 or to skill level A or B.

For immigration purposes, the main groups of jobs are as follows:

- · Skill type 0 (zero): management jobs;
- Skill level A: professional jobs;
- Skill level B: technical and skilled trades jobs;
- Skill level C: intermediate jobs;
- Skill level D: labour jobs.

For the time being, the 2016 version of the NOC is still in force. A new 2021 version is currently being developed by Employment and Social Development Canada (ESDC) and Statistics Canada. This version should, in principle, be implemented in late 2022.

INTERNATIONAL FRANCOPHONIE: A WORLD OF SKILLS WITHIN YOUR REACH!

By opening up to Francophones internationally, you can attract talent from all over the world and offer them either temporary or permanent employment.

If your labour needs cannot be met in Canada, federal immigration programs or streams such as Mobilité Francophone for temporary recruiting or the Federal Skilled Worker Program of the Express Entry system for permanent recruiting provide you with a golden opportunity to recruit skilled and bilingual international Frenchspeaking workers, regardless of their country of origin.

WHO ARE FRANCOPHONES?

The worker's **language of use** is French. In other words, they mostly use French in their daily lives.

It is important to make two major distinctions:

- French does not necessarily have to be an official language of the Francophone candidate's country or origin;
- The language used in the workplace in Canada does not have to be French, such as, for example, the Mobilité francophone stream.

The French-speaking or bilingual candidate will have to justify a certain language skill level as per the immigration programs.

In cases where a French language test is required, the IRCC accepts only the following language tests:

- The Test d'évaluation de français (TEF Canada);
- The Test de connaissance du français pour le Canada (TCF Canada).

These tests are used to determine the minimum Niveaux de compétence linguistique canadiens (NCLN), which is the French version of <u>Canadian</u> <u>Language Benchmarks</u> (CLB) to meet the eligibility requirement that is part of an immigration program.

EXAMPLES OF FRANCOPHONE COUNTRIES AND TERRITORIES AROUND THE WORLD

Algeria, Aosta Valley, Belgium, Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, Democratic Republic of the Congo, Djibouti, Dominique, Equatorial Guinea, France, French Guyana, French Polynesia, Gabon, Guadeloupe, Guinea, Haiti, Ivory Coast, Jersey, Luxemburg, Madagascar, Mali, Morocco, Martinique, Maurice, Mayotte, Monaco, New Caledonia, Niger, Republic of the Congo, Reunion Island, Rwanda, Saint Barthelemy, St. Lucia, St. Martin, Saint-Pierreet-Miquelon, Senegal, Seychelles, Switzerland, Togo, Tunisia, Vanuatu, Wallis and Futuna.

International Francophonie is diverse and contributes to the diversity of talent in your company.

RECRUITING OF TEMPORARY OR PERMANENT FRANCOPHONE WORKERS -YOUR CHOICE

Depending on your needs for skilled labour, you can take advantage of facilitating conditions to hire temporary French-speaking workers or attract and retain Francophone talent internationally by supporting their permanent residence application in Canada.

FACILITATED PROCESSING: RECRUITING OF TEMPORARY INTERNATIONAL FRENCH-SPEAKING WORKERS

The issuance of a temporary work permit usually requires a positive Labour Market Impact Assessment (LMIA). **One undeniable advantage of hiring Francophone labour is that the offer of employment may be LMIA-exempt.** The LMIA requirement shall be determined by the nature of the immigration program you come under in order to hire the temporary foreign worker (TFW), or one of the following programs:

• The <u>Temporary Foreign Worker Program</u> (TFWP)_

The TFWP requires that you apply for a LMIA to Economic and Social Development Canada (ESDC) before hiring a temporary worker to address a labour or skills shortage;

• The International Mobility Program (IMP) The IMP allows you to hire a temporary worker without first having to obtain a LMIA.

An International Mobility Workers Unit (IMWU) at IRCC can help you determine whether your job offer is LMIA-exempt or whether the person you hope to recruit as a temporary employee is work permit-exempt. To apply for an IMWU opinion, the temporary worker must be outside Canada and from a <u>visa-exempt country</u>.

The process of obtaining a positive LMIA from the ESDC can be lengthy, costly and tedious (see our sheet on the LMIA in the appendix). That is why the objective of this guide is to promote the measures implemented by the Government of Canada to simplify the process of recruiting international French-speaking workers on a temporary basis by including an exemption from the LMIA requirement.

The Mobilité francophone stream – a must for Francophone immigration outside Quebec

Since 2016, under the terms of the <u>Mobilité</u> <u>francophone stream of the International</u> <u>Mobility Program (IMP)</u>, you can benefit from an exemption of the Labour Market Impact Assessment (LMIA) when recruiting skilled and bilingual French-speaking candidates:

- Who have a level 7 in French on the <u>Niveaux</u> <u>de compétence linguistique canadiens</u> (<u>NCLC</u>), which is the French version of Canadian Language Benchmarks (CLB);
- Whose workplace will be in a province or territory other than Quebec;
- Who will occupy either a temporary management position (skill type 0 on the NOC or a professional position (skill level A) or a technical or skilled trades job (skill level B).

The worker's temporary work permit is employer-specific.

Members of the family accompanying the temporary worker can also be eligible for a study permit or an open LMIA-exempt work permit.

Further details on the Mobilité francophone stream appear in the appendix.

> International Experience Canada (IEC)

Thanks to bilateral agreements between Canada and 36 countries and territories, which include France, Belgium, Luxemburg and Switzerland, the <u>IEC program</u> allows young candidates between the ages of 18 and 35 to acquire personal and professional experience in Canada in three categories:

- Working Holiday open work permit;
- Young Professionals employment-specific work permit;
- International Co-op (Internship) for students only – employment-specific work permit.

The IEC program is also part of the International Mobility Program (IMP) and places emphasis on youth mobility. As a result, the work permit application is LMIA-exempt.

LOOKING LONG TERM: PERMANENT RESIDENCY TO ATTRACT AND RETAIN TALENT

> Express Entry

If the offer of employment to the skilled immigrant is skill type 0 or skill level A or B, you can also support their application for permanent residence as part of the <u>Express</u> <u>Entry</u> system launched in 2015.

Take advantage of the following programs to make it easier to hire international workers as residents or permanent residents:

- Federal Skilled Worker Program <u>FSWP</u>;
- Federal Skilled Trades Program <u>FSTP</u>;
- Canadian Experience Class <u>CEC;</u>
- Provincial Nominee Program PNP.

A valid offer of employment from a Canadian

employer to a French-speaking worker is LMIA-exempt and must refer to a full-time job of at least one year's duration after the permanent resident visa is issued. This offers candidates a huge advantage in terms of the FSWP selection criteria and the Express Entry system, as it generates enough points for the candidate to submit a permanent residence application.

The Express Entry system also helps support the development of minority Francophone communities outside Quebec to achieve the national target of 4.4 % French-speaking immigrants by 2023 as part of the 2018-2023 Francophone Immigration Strategy and the Action Plan for Official Languages 2018-2023.

In October 2020, the Government of Canada significantly increased the number of points allotted to Francophone and bilingual immigrants with advanced French-languages skills. They can obtain up to 50 additional points in the <u>Comprehensive Ranking System</u> (CRS), even when French is their second language!

A table setting out the Express Entry system and its various programs appears in the appendix.

> Provincial Nominee Program (PNP)

If your are offering a job with a skill type 0 or a skill level A, B, C or D, you can support, in the province or territory where your company is established, a candidate's nomination application as per the <u>Provincial Nominee</u> <u>Program (PNP)</u>. Furthermore, under the Express Entry system, a nomination by a province or territory awards an additional 600 points to a candidate for skill type 0 or a skill level A or B, and significantly increases the chances of that person being invited to submit a permanent residence application during the next round of invitations.

The conditions, criteria and procedures vary from one province or territory to the next. In addition, some provinces favour the nomination of Francophones under the PNP, such as Ontario, New Brunswick, the Northwest Territories, Manitoba, Newfoundland and Labrador and Saskatchewan.

The immigrant must intend to settle in the province or territory that nominated them.

> Atlantic Immigration Pilot (AIP)

Launched in 2017, the <u>Atlantic Immigration</u> <u>Pilot Program (AIPP)</u> was intended to attract skilled newcomers to meet economic and demographic challenges in the four Atlantic Provinces – New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador. Due to its success, the AIPP has been replaced by a permanent program since January 1, 2022: the <u>Atlantic Immigration</u> <u>Program (AIP)</u>.

You must be a designated employer in Canada to offer employment to a foreign worker under the AIP. The profession must have a skill type 0 or a skill level A, B or C as per the NOC. The Pilot also offers a dependent spouse or common-law partner the opportunity to submit an open work permit application.



SUPPORT RESOURCES IN CANADA AND ABROAD

You have access to the following resources to accelerate the process of hiring skilled French-speaking and bilingual international candidates.

DESTINATION CANADA MOBILITY FORUM

Each year, you can take part in the **Destination Canada Mobility Forum**, which gives you access to a large pool of competent Frenchspeaking workers from all over the world, who work in a variety of different sectors.

Candidates invited to participate in this annual event:

- Already have an open work permit such as the Working Holiday under the International Experience Canada (IEC) program;
- Are exempt from the Labour Market Impact Assessment (LMIA), who are eligible for an employment-specific work permit pursuant to the Mobilité francophone stream;
- Are permanent residence candidates whose Express Entry profile was submitted to immigrate to Canada (outside of Quebec);
- Are keenly interested in international mobility and job opportunities in Canada.

As a Canadian employer, you will be able to post your job offers at your booth, review CVs and meet with possible workers. The RDÉE Canada National Network also takes part in this event.

ORGANIZATIONS SPECIALIZED IN INTERNATIONAL FRANCOPHONE MOBILITY

At any given time and at the Destination Canada Mobility Forum, you can turn to <u>Canadian</u> <u>embassies abroad</u> and to various organizations that offer customized recruiting services:

- <u>Équipe Destination Canada Mobility Forum</u> of the Canadian Embassy in Paris;
- Pôle emploi in France;
- Actiris International in Belgium;
- Le Forem in Belgium;
- ANAPEC in Morocco;
- ANETI in Tunisia;
- ATCT in Tunisia;
- ANPEJ in Senegal;
- <u>The Ministry of Labour, Human Resource</u> <u>Development and Training</u> in Mauritius.

For more information, please refer to the list of provincial and territorial members of RDÉE Canada on page 19 of this Guide.

Statistics Canada research indicates that, by the middle of the next decade, almost all labour growth will be attributable to immigration.

Foreign Credentials Referral Office

PART 2: QUESTIONS AND ANSWERS TO MAIN CONCERNS

GETTING PREPARED

- Q1 What are the steps involved in hiring foreign workers?
- A: Before undertaking any recruiting process, you must:
 - 1. Clearly define the job to be filled and the essential skills sought, particularly language skills;
 - 2. Ensure that your labour requirement cannot be fulfilled in Canada;
 - 3. Contact the provincial or territorial RDÉE Canada resource to offer you guidance on the steps to be followed. See the contact information on page 19;
 - 4. Refer to the IRCC's <u>Employer's Roadmap to hiring and retaining internationally</u> <u>trained workers</u>.
- Q2 Which documents are required and what are the procedures to follow before reaching out to a foreign worker?
- **A:** Some immigration procedures are solely the responsibility of the employer, and others must be taken care of by the foreign worker. The employer and the foreign worker can be assisted by an authorized representative of their choice during their immigration processes.

Steps to be taken by the employer

Job offer	A job offer must be written up using the right code and the professional functions of the National Occupational Classification (NOC). When recruiting internationally, defining the nature of your job (temporary or permanent) will give you a better understanding of the various programs available to you.
LMIA	You must obtain a positive <u>Labour Market Impact Assessment (LMIA)</u> from Employment and Social Development Canada (ESDC) before proceeding to the work permit application, except if the job is LMIA-exempt. The employer must always submit and pay for the LMIA application. See the table on this topic in the Appendix.
Employer compliance	 In general, an employer wishing to recruit a temporary foreign worker (TFW) must <u>comply</u> with all federal, provincial and/or territorial rules in force. In addition, IRCC has imposed a list of conditions that must be met. Except for exceptions provided in the legislation, you must comply with the: International Mobility Program (IMP); The Temporary Foreign Worker Program (TFWP).
Credentials	You can go to the <u>Canadian Information Centre for International Credentials</u> (<u>CICIC</u>) to evaluate the credentials of internationally trained workers (ITW) as they compare with existing professional standards in Canada. The <u>Job Bank</u> also provides a tool to recognize foreign credentials, which provides information on job requirements.

Steps to be taken by the foreign worker

<u>Work permit</u>	This permit is necessary to occupy most jobs in Canada and is generally issued at a port of entry to Canada. The temporary foreign worker submits the work permit application. An employer can cover the cost of this application, if it so desires.
<u>Visa/ETA</u>	Depending on their country of citizenship, a foreign worker may have to obtain a temporary resident visa (TRV) to enter Canada. Some foreign workers are visa-exempt and can submit an electronic travel authorization (eTA) application to fly to Canada. When an initial study or work permit application is submitted, a visa or an eTA is automatically issued. A foreign worker must ensure that their visa or eTA is still valid if they temporarily leave Canada and hope to return. N.B.: A visa or an eTA is not a work permit!
<u>SIN</u>	A foreign worker wishing to work in Canada must apply to Service Canada for a Social Insurance Number.
<u>Language</u> <u>test</u>	All immigrants must meet minimal level of linguistic proficiency both orally and in writing. A language test may be required for immigration purposes. French tests are developed according to the Niveaux de compétence linguistique canadiens (NCLC), which is the French version of Canadian Language Benchmarks (CLB).
<u>ECA</u>	An educational credential assessment (ECA) may be required for immigration purposes. Various organizations are now responsible for ECAs. The list of designated organizations is up on the <u>IRCC site</u> .
<u>IME</u>	An immigration medical examination (IME) may be required depending on the immigration program or the type of job occupied. A designated doctor whose name appears on a list prepared by IRCC shall perform this examination.
<u>Police</u> <u>certificate</u>	Depending on the immigration program, the foreign worker may have to submit along with the application police certificates from countries where they previously resided. IRCC can thus perform a background check and assess whether they are eligible to enter Canada. It may take the foreign worker quite some time to obtain a police certificates, because each country has its own issuance requirements.
<u>Biometrics</u>	Most foreign workers must provide biometrics (fingerprints and a photo) to confirm their identity and when they apply for a work permit or for permanent residence.

If you would like to obtain more information on immigration requirements for working in Canada, visit the IRCC website at <u>www.canada.ca/en/immigration-refugees-citizenship/</u><u>services/work-canada.html</u>.

Q3 How long does it take to process a work permit application?

A: The time needed to process an application can range from a few weeks to a few months depending on the candidate's country of origin and the international agreements that country has with Canada. It is therefore recommended that the process be started as soon as possible.

However, the <u>Global Skills Strategy (GSS)</u> does provide priority processing times to employers wishing to attract talented individuals to their company. The Government of Canada is willing to review temporary work permit applications within a two-week window, particularly for:

- Foreign workers exempt from the Labour Market Impact Assessment (LMIA) who submit their work permit application outside Canada and have a job offer with a skill type 0 (managerial position) or a skill level A (professional) as per the National Occupational Classification (NOC). However, the International Experience Canada (IEC) program is excluded from this;
- Workers who must produce an LMIA, if a positive LMIA is obtained through the <u>Global Talent</u> <u>Stream of the Temporary Foreign Worker Program</u>.

These foreign workers remain subject to eligibility rules, particularly police certificates, a medical visit, as required, and elements that could lengthen the processing time.

Q4 How long is the work permit valid?

A: A work permit can be valid from a few months to a few years, depending on needs and the work permit required. In general, it will be valid for the duration of the job offer or until the travel document (the passport, for example) or the biometrics expire, whichever comes first.

The work permit can be renewed before the expiry date without the foreign worker having to leave Canada. Some conditions may apply depending on the situation.

NOTES:

A work permit is usually valid for the job requested for an employer and for a limited time;

A visa or an electronic travel authorization (eTA), enabling the candidate to enter Canada, must be granted before the worker leaves their country of origin.

RECRUITING AND HIRING

Q5 Who can help me recruit a worker with specific expertise?

A: The <u>RDÉE Canada</u> network coordinates, collaborates in and takes part in events to facilitate international recruiting such as the <u>Tournée de liaison</u> (Liaison Tour) in partnership with the IRCC, <u>Destination Canada Mobility Forum</u>, and <u>virtual employment fairs</u>. Refer to the RDÉE in your province or territory for the details.

Do not hesitate to refer to immigrant assistance services, databases on the web and your employees, and visit employment fairs in your region both in Canada and abroad.

Throughout the year, you will also be able to contact the <u>Canadian visa office in Paris</u>. This service helps recruit candidates from a certain number of Francophone countries, including France, Belgium, Morocco, Tunisia, Algeria, the Ivory Coast, Cameroon, Mauritius and Mexico.

As part of international recruitment, if you have difficulty understanding immigration programs, you have the option of paying for services provided by an immigration professional, who can represent you and the foreign worker during all of the steps involving Canadian authorities. This representative is a member in good standing of the <u>College of Immigration and Citizenship</u> <u>Consultants</u> (CICC), the Canadian Bar or the Chambre des notaires du Québec.

Q6 Can I hire a foreign worker who has been referred to me?

A: Yes, this can be done. However, before going ahead with the hire of an internationally trained worker, you must follow all of the steps described previously and ensure that you have the legal documents (LMIA, work permit, etc.), in accordance with the rules in current federal, provincial and/or territorial legislation.

Q7 Are there some tools available to facilitate the hiring process?

A: The provincial and territorial organizations that are members of RDÉE Canada with their partners will guide you during this process.

Immigration, Refugees and Citizenship Canada (IRCC) has also produced the <u>Employer's Road-map to hiring and retaining internationally trained workers</u>. This practical guide contains information and advice that will help you recruit, evaluate, select and integrate foreign-trained workers.

Q8 What labour standards do I have to observe?

A: Each province and territory has standards to protect employers and employees, whether they are Canadian citizens, workers or temporary foreign workers. Contact the ministry or organization responsible for labour standards in your province or territory for answers to your specific concerns.

Moreover, employers wishing to recruit foreign workers under the Temporary Foreign Worker Program (TFWP) or the International Mobility Program (IMP) must comply with federal immigration programs. Go to the websites of the Employment and Social Development Canada (ESDC) and Immigration, Refugees and Citizenship Canada (IRCC) for more information.

Q9 Can the family members of the worker I want to hire work or study in Canada?

A: In general, spouses and common-law partners and dependent children who wish to work or study while in Canada must submit their own work permit or study permit application at the same time as the principal applicant or at a subsequent date.

The work permit can be:

- Employment-specific. The employer may first have to obtain a positive Labour Market Impact Assessment (LMIA);
- Open, which means the candidate can work for any employer in Canada. Go to the IRCC website for more information on cases where an open work permit can be issued.

Mobilité francophone is an immigration stream enabling spouses and common-law partners accompanying the principal applicant to receive an LMIA-exempt open work permit without having to first obtain a job offer, provided the principal applicant has a valid work permit for at least 6 months and the couple is living together in Canada.

INTEGRATING

Q10 How do I go about facilitating the worker's professional integration?

A: Prepare your workplace for diversity! Professional integration services, mentoring services, intercultural communication training and language training programs do exist for employers and foreign workers.

Contact the provincial or territorial organization that is a member of RDÉE Canada. It will guide you with resources and tools to help you during this professional integration process.

Q11 How is an inclusive workplace created?

A: The establishment of an onboarding and integration program for new employees, regardless of their cultural origin, is generally a win-win approach for a company or an organization!

The following contribute to the creation of an inclusive environment:

- Establishment of an onboarding and orientation program;
- Twining of employees;
- · Creation of opportunities to share with community and business networks;
- Celebration of diversity.

AT YOUR SERVICE

The provincial and territorial organizations that belong to RDÉE Canada offer invaluable assistance when you are in the process of recruiting and integrating workplace diversity.

Here are some of the services offered:

- · Meshing of employers and immigrants;
- Participation in recruiting missions abroad;
- Socio-professional and economic integration.

OUR CONTACT INFORMATION

Réseau de développement économique et d'employabilité Canada (RDÉE Canada)

1 Nicholas Street, suite 606 Ottawa, Ontario K1N 7B7 Telephone: 613-244-7308 Email: immigration@rdee.ca <u>www.rdee.ca</u>

Social networks

Facebook: <u>www.facebook.com/RDEECanada/</u> LinkedIn: <u>www.linkedin.com/company/936253/admin/</u> Twitter: <u>twitter.com/RDEECanada</u> Instagram: <u>www.instagram.com/rdeecanada/?hl=fr</u> YouTube: <u>www.youtube.com/c/RD%C3%89ECanada</u>

RDÉE Canada is a network that brings together more than 100 Francophone economic development practitioners. This is quite a team that can guide and support you with your economic immigration projects in Canada.

OUR MEMBERS

Alberta		<u>Conseil de développement économique de l'Alberta (CDÉA)</u> Tel. : 780-414-6125 Email: info@lecdea.ca
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APPENDIX A

C LABOUR MARKET IMPACT ASSESSMENT (LMIA): PRINCIPLES AND OPERATION

What is a positive LMIA?

Generally, a Canadian employer wishing to hire a temporary foreign worker will be required to submit a <u>Labour Market</u> <u>Impact Assessment (LMIA)</u> to Employment and Social Development Canada (ESDC). The LMIA determines whether an employer can temporarily hire a worker to address a labour or skills shortage. To this end, the employer must obtain a positive LMIA, which means that no Canadian citizen or permanent resident is available to fill the position temporarily. The temporary worker then submits the work permit application to Immigration, Refugees and Citizenship Canada (IRCC). The complexity of the LMIA may be difficult to understand. Our <u>RDÉE Canada National Network</u> can help you with your recruiting process abroad!

How does one determine whether an LMIA is required?

Two temporary foreign worker programs exist:

- The Temporary Foreign Worker Program (TFWP) that requires a positive LMIA;
- The International Mobility Program (IMP) that is LMIA-exempt. The Mobilité francophone stream is part thereof. See our sheet on Mobilité francophone for more information.

To determine whether you need an LMIA, you can:

- · Verify the LMIA exemption codes and the work permit exemptions; or
- Contact an International Mobility Workers Unit (IMWU) if the worker is outside Canada and from a country whose nationals are visa-exempt.

Various LMIA applications are based on hiring streams

LMIA applications differ based on the profession and the programs concerned. They are divided into two major categories that differentiate between specialized and general hiring streams:

SPECIALIZED APPLICATIONS	GENERAL APPLICATIONS	
Permanent residence stream – <u>Express entry</u> (see our detailed sheet on the Express Entry system)	High-wage position stream Persons in a high-wage position are paid	
Global Talent Stream	a wage equal to or greater than the provincial or territorial median hourly	
Foreign academics (university professors)	wage. ¹	
<u>Agriculture</u> (Primary Agriculture sector): Seasonal Agricultural Worker Program (SAWP), Agriculture stream	Low-wage position stream Persons in a low-wage position are paid a	
In-home caregiver	wage less than the provincial or territorial median hourly wage. ¹	
Hiring in the Province of Québec		

Each stream has its specific criteria and its assigned processing centre in Canada.

¹ Median hourly wage according to the province or territory

LMIA process with ESDC and work permit application to the IRCC

EMPLOYER

Submit an application to ESDC via the online LMIA Portal

A pilot project with Job Bank now makes it possible to submit LMIA applications electronically via an online portal. The employer must have a valid Job Bank user account to sign in. ESDC strongly recommends the online LMIA process.

Submit an application to ESDC on the LMIA Application Form

The employer can nonetheless sign and send its application through the appropriate ESDC processing centre, depending on the stream and the work location of the application.

LMIA application processing fees: \$1,000 per position requested. These fees shall be covered by the employer, not the foreign worker.

Positive LMIA: the employer receives a letter of confirmation from ESDC and must give a copy to the temporary worker. This positive LMIA is valid for 6 months.

TEMPORARY FOREIGN WORKER (TFW)

Submit an online work permit application to IRCC along with a positive LMIA and biometrics.

Work permit application accepted: a worker outside of Canada shall receive a letter of introduction for the point of entry along with a visa or an electronic travel authorization (eTA) to enter Canada.

Issuance of a work permit at the point of entry the day they arrive in Canada (or sent directly to the worker if the application was made in Canada).

Type of work permit: employer-specific, specifying the type, place and period of employment and the employer.

Take advantage of two-week processing under the Global Skills Strategy (GSS): for applications submitted outside Canada, in which case a positive LMIA has been obtained through the Global Talent Stream.

Family members accompanying the principal applicant: the spouse or common-law partner and dependent children can submit simultaneously an application to come to Canada as a visitor, student or a worker. The spouse or common-law partner can receive an open work permit if the principal applicant is a skilled worker at skill level 0, A or B of the National Organizational Classification (NOC) and has obtained a work permit for at least 6 months.

What is meant by employer compliance?

Under the Temporary Foreign Worker Program (TFWP), employers that hire workers must comply with their obligations as employers and be the subject of an inspection. In cases of non-compliance, employers can face a financial penalty or be prohibited from hiring TFWs.

What grounds are used to refuse to process an LMIA application?

There are two categories:

1. Regulatory authority:

- The employer offers services in the sex industry;
- The employer appears on the <u>Immigration, Refugees and Citizenship Canada ineligibility list</u>, particularly in cases of non-compliance.

2. Public policy considerations as determined in Ministerial instructions:

- Certain positions in the accommodation and food services and retail trade sectors;
- If the <u>current cap</u> on the number of low-wage temporary foreign workers has been exceeded at the same workplace;
- Certain high-wage and low-wage positions in the province of Alberta (unless they have been exempted);
- · In-home caregiver positions where there is a live-in requirement;
- Any position if you have had a Labour Market Impact Assessment revoked in the past 2 years.

In cases where the LMIA application has not been processed, the employer receives an explanatory letter and no processing fees are owing.

ATTRACTING AND RETAINING FRANCOPHONE AND BILINGUAL WORKERS VIA THE MOBILITÉ FRANCOPHONE STREAM

Launched on June 1, 2016, <u>Mobilité francophone</u> is a stream of the International Mobility Program (IMP), which facilitates the hiring of French-speaking temporary foreign workers outside Quebec by exempting them from the Labour Market Impact Assessment (LMIA). The federal government is thus encouraging Francophone immigration across the country in order to achieve the 4.4% target by 2023. The <u>RDÉE Canada Network</u> has, in particular, a mission to promote Francophone immigration nationally by accompanying Canadian employers during their recruiting process and integrating French-speaking or bilingual immigrants.

The Mobilité francophone stream, an LMIA exemption for Francophone candidates, an asset worth emphasizing!

With respect to the Mobilité francophone stream, a job offer is exempt from the Labour Market Impact Assessment (LMIA) requirement for Canadian interests and considerable interest reasons, which gives Canada a major social, cultural and/ or economic advantage. During the temporary foreign worker recruiting process, the LMIA is generally the phase that dissuades Canadian employers. It is a case where the employer must submit the application beforehand to Employment and Social Development Canada (ESDC), if they want to temporarily hire a foreign worker to address a labour or a skills shortage. See the LMIA sheet for more details.

By recruiting French-speaking and bilingual labour, the Mobilité francophone stream enables employers to:

- · Avoid having to obtain a positive LMIA whose application extends and complexifies the foreign recruiting process;
- Quickly recruit Francophone and bilingual foreign workers, who are skilled and diversified, from around the world;
- · Access new markets internationally and serve their clientele in both official languages;
- Take part in the <u>Destination Canada Mobility Forum</u>, which the RDÉE Canada National Network participates in, for the purpose of establishing contact with skilled Francophone candidates abroad in various fields.

General criteria of the Mobilité francophone stream

Language skills ^{1, 2, 3}	Minimum of level 7 on the Niveaux de compétence linguistique canadiens (NCLC), which is the French version of <u>Canadian Language Benchmarks (CLB)</u>
Job offer/promise to hire ⁴	Managerial positions (skill type 0), professional positions (skill level A), technical and skilled trades jobs (skill level B) as per the <u>National Occupational</u> <u>Classification (NOC)</u>
Workplace	Outside Quebec

Remarks:

¹ French must be the language used by the foreign worker during his day-to-day life; however, there is no requirement that the working language be French.

²The Francophone or bilingual candidate does not necessarily have to be a citizen of the country whose official language is French. Only their French-language skills will be taken into consideration in this stream.

³ The approved French language tests (the Test d'évaluation de français-TEF Canada or the Test de connaissance du français-TCF Canada) are not systematically required, but they could be required by the officer processing the application if they are not convinced that French is not the language used by the temporary foreign worker.

⁴ The offer must be detailed and include, among other things, the position title, the NOC code, the functions meeting the requirements of the profession established by the NOC, the duration, wage and annual benefits in Canadian dollars, the number of working hours, the business commercial name.

<u>IRCC</u>-managed simplified online process for Canadian employers and Frenchspeaking international candidates

STEP 1

EMPLOYER 1 Create an online account on the IRCC Employer Portal	2 Submit an Offer of Employment on the Portal by applying the Mobilité francophone exemption title and exemption code C16	3 Pay the \$230 employer compliance fee	4 Forward the offer of employment number to the candidate
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Employer compliance: Immigration, Refugees and Citizenship Canada (IRCC) demands that employers hiring temporary foreign workers (TWF) abide by federal, provincial and territorial labour law legislation and by requirements set by the IRCC under the terms of the International Mobility Program (IMP). Employers may be the subject to an inspection, and in cases of non-compliance, receive a financial penalty and/or be prohibited from hiring TFWs.

STEP 2



If the work permit application is made within Canada: the permit will be directly sent by mail to the temporary foreign worker (TFW).

Work-permit type: employment-specific work permit.

Duration of work permit: the LMIA-exempt work permit is valid, in principle, for the duration of the employment or until the passport or travel document (e.g., the passport) or the biometrics expire, whichever comes first.

Eligibility for accelerated processing in 2 weeks under the <u>Global Skills Strategy (GSS)</u>: for applications made outside Canada and for a job offer with a NOC skill type 0 (managerial positions) or an A skill level (professional positions).

Possibility of extending, changing or renewing the temporary work permit as per IRCC requirements.

Other advantages associated with the Mobilité francophone stream regarding family members of a skilled worker

- If the work permit is valid for at least 6 months, the spouse or common-law partner who wants to reside in Canada can request an LMIA-exempt open work permit at the same time without needing a prior job offer.
- Dependent children accompanying the principal applicant can submit a study permit application. If they are minors, they may be exempted from the requirement to obtain a study permit.

Mobilité francophone, a path to permanent residence to retain your skilled labour

Thanks to the Mobilité francophone stream, employers planning on retaining Francophone or bilingual candidates wishing to settle for the longer term in Canada can submit their **LMIA-exempt job offer** under the terms of the **Express Entry** system. See our sheet on the Express Entry for further details.

THE EXPRESS ENTRY SYSTEM TO SUPPORT FRANCOPHONE IMMIGRATION OUTSIDE QUEBEC

Recruiting and retaining skilled labour abroad

The Express Entry system came into effect on January 1, 2015. This online system makes it possible to process quickly, in less than 6 months, permanent residence applications from skilled workers, outside Quebec, wishing to take part in the country's economy. Francophone and bilingual immigrants are favoured by the Express Entry system. Our <u>RDÉE Canada</u> <u>National Network</u> can help you recruit French-speaking or bilingual candidates from around the world to ensure the long-term growth of your Canadian company.

The Comprehensive Ranking System (CRS)

The <u>CRS</u> is a points-based system, which awards up to a maximum of 1200 points, that is used to evaluate skilled immigrants in the Express Entry pool based on their skills, studies, language skills, professional experience and other factors. Candidates who fill out an Express Entry profile are scored by the CRS. If their CRS mark exceeds the minimum score during the Express Entry round of invitations, the candidate is then invited by Immigration, Refugees and Citizenship Canada (IRCC) to submit a permanent residence application. Rounds of invitation take place twice a month on average throughout the year. The Express Entry profile created is valid for 12 months.

Express Entry economic immigration programs

	THREE FEDERAL PROGRAMS		PROVINCIAL/TERRITORIAL PROGRAM
Federal Skilled Worker Program (FSWP)	Federal Skilled Trades Program (FSTP)	Canadian Experience Class (CEC)	Provincial Nominee Program - PNP
This program is intended for skilled workers with foreign work experience.	This program is intended for skilled workers in one of the skilled trades listed.	This program is intended for skilled workers who have Canadian work experience.	This program is intended for workers who have the skills, education and work experience required to contribute to the economy of a specific province or territory.
 Step 1 – Selection factors Age Education Work experience Valid job offer (if such is the case) Language skills Adaptability Pass mark: 67/100 points Step 2 – Express Entry pool Minimum requirements Skilled work experience NOC 0, A, B¹, at least 1 year of continuous work, either full time or part time, in more than one job, in the past 10 years Paid and continuous student work experience included Language skills Minimum mark of 7 on the NCLC², for writing, reading, listening and speaking 	 Express Entry pool Minimum requirements Skilled work experience At least 2 years of full-time or part-time work experience in a skilled trade in the past 5 years in the following NOC' B groups: Major Group 72: industrial, electrical and construction trades Major Group 73: maintenance and equipment operation trades Major Group 82: supervisors and technical jobs in natural resources, agriculture and related production Major Group 92: processing, manufacturing and utilities supervisors and central control operators Minor group 632: chefs and cooks Minor group 633: butchers and bakers 	 Express Entry pool Minimum requirements Skilled work experience NOC 0, A, B¹, at least 1 year of continuous work, either full time or part time, in more than one job, in the past 3 years Work experience acquired legally in Canada, with the exception of applicants for asylum Self-employment and student work experience does not count Language skills For writing, reading, listening and speaking Minimum mark of 7 on the NCLC² for NOC 0 or A¹ Minimum mark of 5 on the NCLC² for NOC B¹ 	Provincial immigration streams Each province or territory establishes its own immigration streams with eligibility criteria that vary from one province and territory to the next based on the local economic needs and targets they seek to achieve As for the Express Entry, pro- vinces generally target students, skilled workers and workers in a skilled trade Depending on the provinces or territories, the candidate shall have a job offer or professional experience of at least one year, corresponding to level 0, A or B of the NOC ¹ . We invite you to visit the Internet sites of each province or territory to find out more about their requirements

THREE FEDERAL PROGRAMS			PROVINCIAL/TERRITORIAL PROGRAM	
Federal Skilled Worker Program (FSWP)	Federal Skilled Trades Program (FSTP)	Canadian Experience Class (CEC)	Provincial Nominee Program - PNP	
This program is intended for skilled workers with foreign work experience.	This program is intended for skilled workers in one of the skilled trades listed.	This program is intended for skilled workers who have Canadian work experience.	This program is intended for workers who have the skills, education and work experience required to contribute to the economy of a specific province or territory	
Education Diploma from a secondary institution. An ECA ³ is nee- ded for education abroad Proof of funds ⁴ (if necessary) Admissibility to Canada Medical examination ⁵ , police certificate, biometrics	Meet the job requirements for this skilled trade Volunteer work or unpaid internships don't count Valid offer of full-time em- ployment for a total period of at least 1 year or a certificate of qualification issued by a Canadian provincial, territorial or federal authority Language skills Minimum score of 5 on the NCLC ² for speaking and listening and a mark of 4 for reading and writing Education No education requirement but you can improve your rank by obtaining points if you have at least a diploma from a secondary institution. For a foreign education, an ECA ³ is required Proof of funds ⁴ (if necessary) Admissibility to Canada Medical examination ⁵ , police certificate, biometrics	 Education No education requirement but you can improve your rank by obtaining points if you have at least a diploma from a seconda- ry institution. For a foreign education, an ECA³ is required Proof of funds Not required Admissibility to Canada Medical examination ⁵, police certificate, biometrics 	A candidate who has obtained a designation from a province or a territory shall submit their residence application to IRCC either electronically or in hard copy (paper) : • Express Entry online process Some provincial immigration streams come under the Express Entry with an online process. Candidates must not only comply with the eligibility requirements of the province or territory but also with the minimum requirements of Express Entry • Hard copy (paper)-based process Other streams do not come under the Express Entry and use a paper-based process, which involves longer processing time All Candidates must be admissible to Canada (Medical examination ⁵ , police certificate, biometrics) A candidate from a province must reside in the province or territory that nominated them	
 the federal government has taken Additional points are awarded language skills (even if French If the candidate has scored a leven (listening, speaking, reading and 	l 7 or over on the NCLC ² in French in	French-speaking candidate : andidates with strong French- the four French-language skills	Provinces and territories such as Ontario, New Brunswick, the Northwest Territories, Manitoba, Newfoundland and Labrador an Saskatchewan target Franco- phone candidates under the PN Nomination from a province or	
in English) 50 additional points if they obta	territory awards an additional 600 points under the CRS for			
These points are in addition to those already awarded for the mastery of the official languages.			a candidate in the Express Entry	
			system and onsures that they we	

• Points awarded for a valid offer of a job of at least one year after the permanent resident visa is issued

As per the **Mobilité francophone** stream, a job offer made to a French-speaking temporary foreign worker is exempt from the **Labour Market Impact Assessment (LMIA)** for a position at level 0, A or B of the NOC¹ or in one of the aforementioned skilled trades. See our sheet on the Mobilité francophone stream.

- ⁴ Proof of funds to settle in Canada and meet the needs of the main applicant and their family. <u>See the IRCC site</u>
- ⁵ Immigration Medical Exam (IME) performed by a designated physician Exam valid for 12 months from the date of the results

system and ensures that they will

receive an invitation to apply for

permanent residence

¹ <u>National Occupational Classification</u> (NOC) of 2016: managerial positions (skill type 0), professional positions (skill level A), technical or skilled trades jobs (skill level B) ² Niveaux de compétence linguistique canadiens (NCLC), for the results of approved French language tests and <u>Canadian Language Benchmarks</u> (CLB) for the results of English language tests: Test valid for 2 years from the date of the test result

³ Educational Credential Assessment (ECA) for designated organization immigration purposes – Assessment valid for 5 years from the date of the assessment







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