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## **Changes to the Labour Market Opinion (LMO) Program**

The Labour Market Opinion (LMO) program of Service Canada has recently changed: extension applications for LMOs are no longer permitted. Instead, each request to continue to employ a foreign worker will be treated as a new LMO request and will need to be supported by evidence of updated recruitment activity. In addition, there have been changes to the Expedited LMO program which require evidence of recruitment efforts undertaken and a completed detailed questionnaire about the Employer's workforce.

For all LMO applications, the employer will now be asked to participate in a "Monitoring Initiative" which is a voluntary program in which the employer will be asked to submit documentation demonstrating it has respected the terms of previous offers of employment including wages and working conditions of temporary foreign workers. An employer will have to report any anticipated layoffs or impending changes in the workforce. This information will allow Service Canada to monitor the continued need for foreign workers and ensure Canadian citizens and Permanent Residents are considered first for job opportunities. While this program is voluntary, Service Canada encourages participation to "strengthen the integrity of the program" and more importantly, to demonstrate good standing for consideration in future LMO applications.

Where an employer expects that a temporary foreign worker's employment will need to be extended, the employer should apply for a new LMO four months prior to expiry.

Service Canada has confirmed that the factors it will consider are:

- Whether the employment of the foreign national is likely to result in direct job creation or job retention for Canadian citizens or Permanent Residents;
- Whether the employment of the foreign national is likely to result in the creation or transfer of skills and knowledge for the benefit of Canadian citizens or permanent residents;
- Whether the employment of the foreign national is likely to fill a labour shortage;
- Whether the wages offered to the foreign national are consistent with the prevailing wage rate for the occupation;
- Whether the working conditions meet generally acceptable Canadian standards;
- Whether the employer has made or has agreed to make reasonable efforts to hire or train Canadian citizens or permanent residents; and
- Whether the employment of the foreign national is likely to adversely affect the settlement of any labour dispute in progress.



If you have any questions or concerns about changes to this or any other immigration program, please contact any one of us.

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