



## LABOUR MARKET IMPACT ASSESSMENT APPLICATION SEASONAL AGRICULTURAL WORKER PROGRAM

Employers should visit the [Temporary Foreign Worker \(TFW\) Program website](#), to verify that the Program is accepting applications for the specific occupation or sector for which they wish to hire the temporary foreign worker (TFW) and to determine if they are eligible to participate in the Program.

### Privacy Notice Statement

The personal information that you provide is collected by Employment and Social Development Canada (ESDC) under the authority of the *Immigration and Refugee Protection Act* (IRPA) and the *Immigration and Refugee Protection Regulations* (IRPR), for the purpose of administering and enforcing the Temporary Foreign Worker (TFW) Program.

The information that you provide may be shared with: Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency for the administration and enforcement of the TFW Program and IRPA/IRPR; the Canada Revenue Agency for the administration and enforcement of the TFW Program; and, provincial/territorial governments for the administration and enforcement of provincial/territorial legislation and programs. The information may also be used by ESDC for research and evaluation purposes and to support the administration or enforcement of other programs in ESDC, including Service Canada and the Labour Program.

This information may also be shared with any Party identified by the employer on the LMIA application form or in the employment agreement.

Your personal information is administered in accordance with the IRPA, IRPR, the *Privacy Act*, the *Department of Employment and Social Development Act* (DESDA) and other applicable laws. You have the right to the protection of, access to, and correction of your personal information, which is described in Personal Information Banks: TFWP ESDC PPU 440 and TFW Program Inspections ESDC PPU 715. Instructions for obtaining this information are outlined on the [Treasury Board of Canada Secretariat website](#).

This website may also be accessed on-line at any Service Canada Centre. You have the right to file a complaint with the Privacy Commissioner of Canada regarding the institution's handling of your personal information on the [Office of the Privacy Commissioner of Canada website](#).

**A person, who contravenes a provision set out under sections 126 or 127 of the *Immigration and Refugee Protection Act* (misrepresentation), could be liable to a fine or to imprisonment, or to both. Also, providing inaccurate information, in the context of this application, may lead to an administrative penalty such as being ineligible to access the Program for a specific period.**

SECTION 1: BUSINESS INFORMATION		
1. Canada Revenue Agency Payroll deductions program account number (15 digits):  RP	2. Business Legal Name (as registered with CRA):	
3. Business Address (as registered with CRA): Line 1:	4. City:	5. Province/Territory/State:
Line 2:	6. Country:	7. Postal/Zip Code:
8. Mailing Address (if different from business address): Line 1:	9. City:	10. Province/Territory/State:
Line 2:	11. Country:	12. Postal/Zip Code:
13. Website Address:	14. Date business started (YYYY-MM-DD):	
15. Organization type and structure (select all that apply):		
Business <input type="checkbox"/> Sole proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Co-operative    Other: <input type="checkbox"/> Non-profit <input type="checkbox"/> Registered Charity		
16. Has this business employed one or more foreign workers at any time during the past six years under the Temporary Foreign Worker Program or the International Mobility Program?  <input type="radio"/> No <input type="radio"/> Yes		
If no, is this business affiliated with any other business currently serving a ban or in the arrears of an administrative penalty under the Temporary Foreign Work Program or the International Mobility Program?  <input type="radio"/> No <input type="radio"/> Yes		
If yes, for each affiliated business, provide the name of the business, CRA business number and a detailed description of how the businesses are affiliated. If necessary, attach a separate sheet.		

17. **Provincial Law:** [Worker Recruitment and Protection Act](#)

Employers hiring temporary foreign workers in British Columbia or Manitoba, must include a copy of their provincial employer registration certificate or proof of exemption with the LMIA application.

Your LMIA application will not be considered complete if submitted without the required documentation.

Indicate one of the following if your LMIA lists a work location in British Columbia or Manitoba

- Copy of certificate provided with the application       Proof of registration exemption provided with the application

**SECTION 2: EMPLOYER CONTACT INFORMATION**

**PRINCIPAL EMPLOYER CONTACT INFORMATION (This person must be the employer or be an employee of the employer)**

1. First Name:		Middle Name:		Last Name:		2. Job Title:			
3. Telephone Number:		Ext:		4. Other Telephone Number:		Ext:		5. Fax Number:	
6. Email Address:				7. Email Preference:				8. Language of Correspondence:	
				<input type="checkbox"/> Do not contact via email				<input type="radio"/> English <input type="radio"/> French	
9. Mailing Address: Line 1:				10. City:				11. Province/Territory/State:	
Line 2:				12. Country:				13. Postal/Zip Code:	

**ALTERNATE EMPLOYER CONTACT INFORMATION (This person must be the employer or be an employee of the employer)**

14. First Name:		Middle Name:		Last Name:		15. Job Title:			
16. Telephone Number:		Ext:		17. Other Telephone Number:		Ext:		18. Fax Number:	
19. Email Address:				20. Email Preference:				21. Language of Correspondence:	
				<input type="checkbox"/> Do not contact via email				<input type="radio"/> English <input type="radio"/> French	
22. Mailing Address:				23. City:				24. Province/Territory/State:	
Line 2:				25. Country:				26. Postal/Zip Code:	

**SECTION 3: THIRD-PARTY INFORMATION**

1. Is the employer appointing a third-party to represent them for the assessment of this Labour Market Impact Assessment (LMIA) application?  
**Note:** The employer is responsible for all decisions made on their behalf by the third-party, for the purpose of this LMIA application.  
 Yes    If yes, continue completing **Section 3: Third-party Information**     No    If no, skip to **Section 4: Labour Market Impacts**

2. Canada Revenue Agency Payroll deductions program account number (15 digits):

RP

3. Business Legal Name (as registered with CRA):

4. Business Operating Name (if different from Legal Name):

5. Business Address:

6. City:

7. Province/Territory/State:

Line 2:

8. Country:

9. Postal/Zip Code:

**THIRD-PARTY RERESENTATIVE INFORMATION (Appointed representative acting on behalf of the employer)**

10. First Name:

Middle Name:

Last Name:

11. Job Title:

12. Telephone Number:

Ext:

13. Other Telephone Number:

Ext:

14. Fax Number:

15. Email Address:

16. Email Preference:

Do not contact via email

17. Language of Correspondence:

English     French

18. Mailing Address

19. City:

20. Province/Territory/State:

Line 1:

Line 2:

21. Country:

22. Postal/Zip Code:

23. Is the third-party being paid by the employer to represent them for the purpose of obtaining this Labour Market Impact Assessment (LMIA)?

Yes - If yes, then which applies to the third-party?

a member in good standing of the College of Immigration and Citizenship Consultants (CICC)    Membership ID: \_\_\_\_\_

a member in good standing of the law society of the following province/territory: \_\_\_\_\_    Membership ID: \_\_\_\_\_

a member of The (text in French) Chambre des notaires du Québec    Membership ID: \_\_\_\_\_

other (please describe): \_\_\_\_\_

No - If no, then which applies to the third-party?

a family member or friend

a member of a non-governmental or a religious organization

a member in good standing of the College of Immigration and Citizenship Consultants (CICC), a provincial or territorial law society, or The (text in French) Chambre des notaires du Québec doing pro bono work

other (please describe): \_\_\_\_\_

SECTION 4: LABOUR MARKET IMPACTS	
<p>1. How many employees are employed nationally under the employer's 9 digit CRA business number?</p>	<p>2. Did the business report more than \$5 million (CAD) in annual gross revenue to CRA during its last tax year? <input type="radio"/> No <input type="radio"/> Yes</p>
<p>3. Will hiring a TFW result in direct job creation or job retention of Canadians/permanent residents?</p> <p><input type="radio"/> No <input type="radio"/> Yes</p>	<p>4. If yes, provide details:</p>
<p>5. Will hiring a TFW result in the development or transfer of skills and knowledge for the benefit of Canadians/permanent residents?</p> <p><input type="radio"/> No <input type="radio"/> Yes</p>	<p>6. If yes, provide details:</p>
<p>7. Will hiring a TFW fill a labour shortage?</p> <p><input type="radio"/> No <input type="radio"/> Yes</p>	<p>8. If yes, provide details:</p>
<p>9. Please describe any other benefits to the Canadian labour market that will result from offering this job to a TFW:</p>	
<p>10. In the last 12 months, did the employer lay off any employees working in the position(s) being requested in this application?</p> <p><input type="radio"/> No <input type="radio"/> Yes</p>	<p>11. If yes, how many Canadians/permanent residents? _____ How many TFWs? _____</p> <p>Provide reasons(s) for the layoff(s):</p>
<p>12. Will the hiring of the TFW(s) requested in this application lead to job losses, or a reduction in work hours, now or in the foreseeable future, for Canadian/permanent resident employees in the employer's workforce or to the Canadian workforce more generally as a result of lay-offs including those resulting from outsourcing, off-shoring or other factors related to utilizing a TFW?</p> <p><input type="radio"/> No <input type="radio"/> Yes</p>	<p>13. If yes, provide details on the impact of hiring the TFW(s) on the employer's workforce and the Canadian workforce more generally:</p>

<p>14. Does the business receive support through Employment and Social Development Canada/Service Canada's Work-Sharing program?</p> <p><input type="radio"/> No      <input type="radio"/> Yes</p>	<p>15. If yes, provide details:</p>
<p>16. Is there a labour dispute in progress at any of the job offer locations?</p> <p><input type="radio"/> No      <input type="radio"/> Yes</p>	<p>17. If yes, provide details:</p>

**SECTION 5: JOB OFFER DETAILS**

<p>1. How many TFWs is the employer applying for in this occupation?</p>	<p>2. What is the job title of the position being offered to the TFW(s):</p>
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3. Describe, in your own words and in as much detail as possible, the main duties of the position offered to the TFW(s):

4. How is the position requested in this application necessary for the operations of the business and explain the impact on your operations should the position remain vacant?

<p>5. What is the expected employment start date (YYYY-MM-DD)?</p>	<p>6. What is the expected employment duration?          _____ <input type="radio"/> day(s)      <input type="radio"/> week(s)      <input type="radio"/> month(s)      <input type="radio"/> year(s)</p>
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7. Please justify the requested employment duration in accordance with the planned activities or projects within your organization.

8. Indicate the language requirement stated in the offer of employment:

- This position requires the ability to communicate orally in:
  - English       French       English **or** French       English **and** French
- The position requires the ability to communicate in writing in:
  - English       French       English **or** French       English **and** French
- This position does not require the ability to communicate in any specific language.
- The position requires the ability to communicate in a language other than English or French.  
If this option is selected, please provide a rationale :

9. Minimum education requirements of the job:

- No formal education requirement       Professional degree       Doctor of Medicine
- Completion of secondary school       Bachelor's degree       Other minimum education requirements
- Apprenticeship, trade or vocational diploma or certificate       Master's degree       Not specified by employer
- College level diploma/certificate       Doctorate/Ph.D.

Describe the specific diploma/certificate, degree, Ph.D. or other education requirements that the job requires:

10. Minimum experience/skills requirements of the job (include years of experience and/or occupational designations such as CPA, RN, P.Eng.):

11. Is the occupation regulated at a federal/provincial/territorial level and requires occupational certification, licensing, or registration?

- No       Yes

12. If yes, indicate the type of occupational certification, licensing, or registration and the name of the issuing body/ authority:

**SECTION 6: WORK LOCATION**

1. Business Operating Name of the primary work location:

2. Describe, in your own words and in as much detail as possible, the principal business activity at the primary work location:

3. Describe, in your own words and in as much detail as possible, any safety concerns or hazards associated with the principal business activity or site.

4. Address of the primary location where the TFW will work Line 1:	5. City:	6. Province/Territory:
Line 2:	7. Postal/Zip Code	

**Note:** If necessary, attach a separate sheet. If the TFW will be working at multiple locations, include the business operating name, the description of the principal business activity, and the address of each additional work location.

**For employment in Quebec.** For positions longer than 30 days, all Labour Market Assessment Impact (LMIA) applications must be submitted simultaneously to Employment and Social Development Canada (ESDC) **AND** the Quebec's [ministère de l'immigration, de la Francisation et de l'intégration \(MIFI\)](#). Failure to do so will prevent your application from being processed and will result in its closure. **No refund of the processing fee will be made.** Please consult the page hiring in the province of Quebec, or contact the MIFI at 1-877-864-9191 or visit their [website](#) for more information.

**SECTION 7: HOURS, PAY AND BENEFITS**

1. What is the wage range for all employees currently working in this same occupation, with the same skills and years of experience, at this work location?

Lowest Wage: \_\_\_\_\_ \$/hr    Highest Wage: \_\_\_\_\_ \$/hr    **OR**     there are no employees currently working in this occupation, with the same skills and years of experience, at this work location

**Note:** The wage range should be from the last 2 pay periods that have occurred within the 6 weeks prior to submitting the application.

2. How many hours will the TFW work each day?	3. How many hours will the TFW work each week?
4. Will the TFW have an atypical schedule without standard daily or weekly hours?  <input type="radio"/> No <input type="radio"/> Yes	5. If yes, provide details:
6. Is the employer's job offer for a full-time position (average of at least 30 hours per week) throughout the duration of employment covered by this LMIA?  <input type="radio"/> No <input type="radio"/> Yes	7. If no, provide details:

<p>8. What is the regular (non-overtime) wage in Canadian dollars per hour being offered to the TFW?</p> <p><b>Note:</b> Employers must provide the calculation of an hourly wage in \$CAD, even if the position is salaried, paid in foreign currency, or paid by piecework.</p>	<p>9. What is the overtime wage in Canadian dollars per hour being offered to the TFW? (if applicable and must meet provincial/territorial requirements)</p> <p><b>MANDATORY: If you have entered an overtime rate you must complete the section Starting after - hours per day or hours per week or both).</b></p> <table style="width:100%; border: none;"> <tr> <td style="border: none; width: 60%;">                     Overtime rate of \$ per hour   <input type="checkbox"/> N/A                 </td> <td style="border: none; width: 40%;">                     Starting after _____ hours per day                      _____ hours per week                 </td> </tr> </table>	Overtime rate of \$ per hour  <input type="checkbox"/> N/A	Starting after _____ hours per day _____ hours per week
Overtime rate of \$ per hour  <input type="checkbox"/> N/A	Starting after _____ hours per day _____ hours per week		

<p>10. Was the wage converted from a monthly or yearly salary, or a currency other than Canadian dollars, or both?</p> <p><input type="radio"/> No    <input type="radio"/> Yes</p>	<p>11. If yes, provide calculations used to obtain hourly \$CAD wage:</p>
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<p>12. Will the TFW be paid any contingent wages (e.g. piecework, mileage, commissions, guaranteed bonuses, or predictable overtime)?</p> <p><input type="radio"/> No    <input type="radio"/> Yes</p>	<p>13. If yes, provide details:</p>
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<p>14. Is the position part of a union?</p> <p><input type="radio"/> No    <input type="radio"/> Yes</p>	<p>If yes, attach the section(s) of the collective bargaining agreement that list rates of pay.</p>
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15. Benefits (additional benefits offered over and beyond the provincial/territorial requirements):

Disability insurance   
  Dental insurance   
  Employer-provided Pension   
  Extended medical insurance (e.g. prescription drugs, paramedical services, medical services and equipment)

Other benefits (explain):

16. Vacation (must meet minimum provincial/territorial requirements):

Days \_\_\_\_\_ (# of business days per year)    Remuneration \_\_\_\_\_ (% of gross salary)     N/A

**SECTION 8: RECRUITMENT**

1. Is the position subject to a variation in minimum advertising requirements as listed on the [TFW program website](#), including the Quebec Facilitated Process?

Yes    If yes, specify the variation requested and provide a rationale for meeting its criteria:

**Refer to the website for guidance on the applicable recruitment or advertising [variation](#) and continue completing Section 8: Recruitment only if necessary.** Variations are subject to review.

No    If no, proceed to the next question



2. Did the employer try to recruit Canadians/permanent residents prior to submitting this LMIA application for this job?

**Note:** Most program streams require recruitment efforts within the 3 months prior to submitting an application. Please refer to the [website](#) for more details.

No If no, explain why the employer has not attempted to recruit Canadians/permanent residents:

Yes If yes, complete all the applicable boxes and provide the required information below

Method	Name of Advertising Source	Website Address (if applicable)	Advertisement #	Publication Date	Expiry Date
i.					
ii.					
iii.					
iv.					

Proof of recruitment must be submitted with the LMIA application (i.e. copy of advertisements and information to support where, when and for how long the position was advertised).

3. How many applications/resumes were received from Canadians/permanent residents?	4. How many Canadians/permanent resident applicants were interviewed?
5. How many Canadians/permanent residents were offered the position?	6. How many Canadians/permanent residents were hired?
7. How many Canadians/permanent residents declined a job offer?	8. How many Canadians/permanent residents applied but were not interviewed or offered the position?

9. For each unsuitable Canadian/permanent resident applicant, provide a detailed explanation as to why the candidate did not meet the requirements of the position. If necessary, attach a separate sheet. However, **do not provide the names of the candidates** (e.g. applicant #1 – has not completed the apprenticeship program and therefore cannot work as a journeyperson).

**SECTION 9: AGRICULTURAL OPERATION DETAILS**

1. List crops/commodities, acreage and harvesting method for the job that will be performed by temporary foreign workers.

Crop/Commodity	Acreage and/or headcount of livestock	Method Harvested
		<input type="radio"/> Fully automated <input type="radio"/> Semi-automated <input type="radio"/> Hand harvested <input type="radio"/> Job does not require harvesting
		<input type="radio"/> Fully automated <input type="radio"/> Semi-automated <input type="radio"/> Hand harvested <input type="radio"/> Job does not require harvesting
		<input type="radio"/> Fully automated <input type="radio"/> Semi-automated <input type="radio"/> Hand harvested <input type="radio"/> Job does not require harvesting
		<input type="radio"/> Fully automated <input type="radio"/> Semi-automated <input type="radio"/> Hand harvested <input type="radio"/> Job does not require harvesting

2. Total number of Canadian/permanent resident workers in the same occupation working at the same location:

Expected to be employed this year/ season	Employed last year/ season
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3. Total number of temporary foreign workers in the same occupation at the same location:

Expected to be employed this year/ season	Employed last year/ season
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4. If the total numbers of workers, which includes Canadian citizens, permanent residents and temporary foreign workers (TFWs) is different from last year/ season, provide an explanation

**SECTION 10: TYPE OF REQUEST**

1. Please check one of the following boxes to indicate the type of request this LMIA is:

- Direct Arrival** (Initial request for SAWP worker(s) from abroad)
- Direct Replacement** (Request to replace worker(s) who returned home prior to the expected departure date)
- Double Arrival** (Request where worker(s) go home and return to the same employer in the same program year)
- Double Transfer** (Request for worker(s) to transfer back to original employer from a second employer)
- Replacement Transfer** (Request to replace worker(s) from within Canada)
- Transfer** (Request to transfer worker(s) from one employer to another within Canada)

**NOTE:** TFWs cannot be transferred to another employer or shared without approval. Transferring or sharing TFWs informally contravenes section 124(1)(c) and 125 of the *Immigration and Refugee Protection Act (IRPA)* and is punishable by a fine of up to \$50,000 and imprisonment.

**2. If replacement:**  
 What is the initial LMIA # you require replacement workers for?  
 How many workers are currently employed under the initial LMIA?  
**If transfer:**  
 What is the LMIA # of the employer transferring workers?  
 or  
 Have you received a positive LMIA for the current SAWP season for the same position? If yes what is the LMIA # ?

3. Substitute Workers  
 **Check box to indicate that substitute workers WILL NOT be accepted in situations where previously identified workers are not available.**

4. Country of Origin of the TFW(s):

**SECTION 11: ACCOMMODATION**

Employers must provide proof that the on-farm or off-site housing has been inspected by the appropriate provincial, territorial, or municipal body or by an authorized private inspector with appropriate certifications from a relevant level of government, in accordance with the Agreement for the employment in Canada for the Seasonal Agricultural Worker Program. Employers in British Columbia must use the British Columbia Agriculture Council (BCAC) housing inspection form and have the housing inspection conducted by a BCAC sanctioned inspector who is authorized to conduct housing inspections. If the authorized inspector or jurisdiction does not have a standard format for reporting official housing inspections, employers must ensure that Schedule F – Housing Inspection Report Seasonal Agricultural Worker Program and Agricultural Stream is used to report the results.

Employers must submit a housing inspection report that indicates that the housing has been inspected within the eight month period prior to the date the LMIA application is received by Service Canada. Example: An LMIA application received by Service Canada on December 1, 2021 included a housing inspection report dated May 15, 2021. The housing inspection will be accepted as it was completed within 8 months of the application submission date. For Direct Replacement and Replacement Transfer request types, employers may continue to use the housing inspection report submitted with the initial application, even if completed more than 8 months prior to application receipt, as long as the replacement worker will be living in the same accommodation, filling the same position, during the same calendar year.

**HOUSING LOCATION**

1. Physical address of housing provided to the TFW Line 1:	2. City:	3. Province/Territory:
Line 2:	4. Country:	5. Postal Code <b>(Mandatory)</b> :

**HOUSING INSPECTION REPORT**

6. Date completed (yyyy-mm-dd)	7. Maximum occupancy	8. Result: (for example: Pass/Pass with Conditions/Fail)
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**SECOND HOUSING LOCATION (if applicable)**

9. Physical address of second housing location, if applicable Line 1:	10. City:	11. Province/Territory:
Line 2:	12. Country:	13. Postal Code <b>(Mandatory)</b> :

**HOUSING INSPECTION REPORT**

14. Date completed (yyyy-mm-dd)	15. Maximum occupancy	16. Result: (for example: Pass/Pass with Conditions/Fail)
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Attach a separate sheet for each additional housing location. A housing inspection report must be submitted for each housing location.

**SECTION 12: ARRIVAL INFORMATION**

1. Expected Arrival dates for SAWP workers under this LMIA application:

Number of Named Workers	Number of Unnamed Workers (if applicable)	Requested Arrival Date (yyyy-mm-dd)	Anticipated Departure Date (yyyy-mm-dd)

**SECTION 13: EMPLOYER RESPONSIBILITIES**

Temporary foreign workers have the same workplace protections and rights as Canadians and permanent residents under applicable federal, provincial and territorial legislation. The Government of Canada takes the health and safety of foreign workers very seriously and will not tolerate any form of abuse of foreign workers or of the Temporary Foreign Worker (TFW) Program.

When hiring a TFW for the Seasonal Agricultural Worker Stream of the TFW Program, employers must be aware of their responsibilities. By signing and submitting this Labour Market Impact Assessment, the employer confirms they have read, understood and agreed to the contents of the application with its attached annex, **in all respects**.

**Employer commitments for LMIA assessment:**

- To provide to the foreign national, on or before their first day of work, an employment agreement that:
  - o provides for employment in the same occupation and the same wages and working conditions as those set out in the offer of employment;
  - o is drafted in the foreign national's chosen official language of Canada; and
  - o is signed by both the employer and the foreign national.
- To confirm and commit that the employer has not and will not directly or indirectly charge or recover from a foreign national the fees\* related to the LMIA and the recruitment of the foreign national.
- To ensure that any person who recruits the foreign national for the employer has not and will not, directly or indirectly, charge or recover from the foreign national the fees\* related to the LMIA and the recruitment of the foreign national.

*\*This excludes the fees related to temporary visas, temporary resident permits and work permits, as workers are expected to pay those fees, and excludes fees related to the recruitment of the foreign national that are authorized under an international agreement between Canada and one or more countries concerning seasonal agricultural workers.*

**Employer Conditions under IRPR:**

- To comply with the conditions stipulated under Immigration and Refugee Protection Regulations sections 209.3(1) and 209.4(1). A complete list of the IRPR conditions is available in the attached Annex.

**TFW Program Compliance Regime:**

- The TFW Program's employer compliance regime ensures that employers are following the Program's Acts, Regulations, conditions, requirements and that they are meeting the commitments made to a foreign worker through the offer of employment.
- Employers who have hired through the TFW Program can be inspected for up to 6 years from the first day of employment on the work permit. Employers must retain all documentation that relates to compliance with the Program, its Acts, Regulations, conditions and requirements for a period of six years beginning on the first day of employment of the foreign national.
- When an employer is found, through an inspection, to be non-compliant the consequences can include a warning letter, an Administrative Monetary Penalty (AMP), a ban on hiring foreign workers for a certain period of time or permanently, or both an AMP and a ban.
- When an employer is found to be non-compliant and the consequences are an AMP and/or a ban the employer name is added to the public non-compliance list. Employers in arrears of an AMP are not eligible to access the TFW Program.

**Policy Requirements for the Seasonal Agriculture Worker Program:**

- Under no circumstances should the employer confiscate a worker's identification documents such as a passport, work permit or other identification.
- Employers should register the TFW with the appropriate provincial/territorial workplace safety insurance, or private workplace safety insurance if provincial/territorial insurance is not available. Employers should not deduct any money from the TFWs pay for the workplace safety insurance plan.
- Employers should offer the TFW the same benefits that they offer to their Canadian and permanent resident employees doing the same job, at the same worksite.
- Providing suitable accommodations and have an inspection report completed for the housing provided by the appropriate provincial/ territorial / municipal body or by an authorized private inspector with appropriate certification.
- Employers must ensure the occupancy of each accommodation location does not exceed the maximum occupancy permitted. They must also ensure that sufficient housing will be made available for all TFWs per approved accommodation from the date of arrival to the date of departure.
- Providing the worker with a copy of the relevant SAWP employment contract which has been signed by the employer, the worker and the liaison officer from the foreign government.
- Adhering to the terms and conditions as set out in the relevant SAWP agreement.

**SECTION 14: DOCUMENTATION CHECKLIST – SEASONAL AGRICULTURAL WORKER PROGRAM**

**IMPORTANT:** Employers must use this step-by-step checklist to ensure that all the documents required are submitted, otherwise there will be delays in processing the application.

Under this stream, employers must complete, sign (where applicable) and submit the following documents:

**This Labour Market Impact Assessment application form**

Additional attached sheets if there was insufficient room to answer a question on the form

**Documentation supporting the business legitimacy. [The list of required documents](#) is available on the TFW Program website.**  
ESDC/Service Canada may request that employers submit additional proof of business legitimacy documents at a later date.

**Proof of Recruitment**

Submitted documents must include where, when and for how long the position was advertised and/or the recruitment activity took place. These documents must also prove that the advertisements and/or recruitment activities are consistent with the normal practice for the occupation. Refer to the [TFW program website](#) for more details.

Depending on the nature of the position and/or the province of work, a recruitment variation may apply. Proof of recruitment may or may not be required in these cases. Refer to the [TFW program website](#) for more details.

**Proof of Job Bank Advertisement**

If the employer did not use Job Bank, a copy of the advertisement posted on its provincial counterpart.

**Copy of the signed off-farm housing contract** (if applicable)

**[Housing Inspection Report](#)**

**Provincial/Territorial Requirements**

Employers hiring temporary foreign workers must comply with federal or provincial/territorial laws that regulate the employment or recruitment in the location in which the foreign national will work.

**For Employment in British Columbia (BC) or Manitoba (MB)**

Provide one of the following if your LMIA lists a work location in BC or MB:

- Copy of certificate provided with the application
- Proof of registration exemption provided with the application

For more information about provincial laws on the employer registration requirement and possible exemptions in British Columbia and Manitoba, please visit the following websites:

- British Columbia
  - o Provincial website: [Register to hire foreign workers](#)
  - o Provincial law: [Temporary Foreign Worker Protection Act](#)
- Manitoba
  - o Provincial website: [Employer Registration Information](#)
  - o Provincial law: [Worker Recruitment and Protection Act](#)

**For Employment in Quebec**

- For positions longer than 30 days, all Labour Market Assessment Impact (LMIA) applications must be submitted simultaneously to Employment and Social Development Canada (ESDC) AND the Quebec's [ministère de l'Immigration, de la Francisation et de l'Intégration](#) (MIFI). Failure to do so will prevent your application from being processed and will result in its closure. No refund of the processing fee will be made. Please consult the page hiring in the province of Quebec, or contact the MIFI at 1-877-864-9191 or visit their website for more information.

Employers must send all required documentation to the [Service Canada Processing Centre](#) responsible for processing their specific type of Labour Market Impact Assessment application.

A complete application means that employers have:

- used the latest version of the application form
- filled out all of the required fields in all of the necessary forms
- included all of the required documentation
- signed the forms where required

If this application is incomplete, Service Canada staff will inform the employer that it will not be processed. Incomplete applications and supporting documents submitted **will not be retained or returned** to the employer. As a result, employers are advised to submit copies, not original documents.

**SECTION 15: DECLARATION OF THE THIRD-PARTY REPRESENTATIVE (IF APPLICABLE)**

I, hereby, declare that the information in SECTION 3: THIRD-PARTY INFORMATION is true, accurate and complete.

\_\_\_\_\_  
Signature of the Third-party Representative

\_\_\_\_\_  
Printed name of the Third-party Representative

\_\_\_\_\_  
Date (YYYY-MM-DD)

**SECTION 16: APPOINTMENT OF THIRD-PARTY (IF APPLICABLE)**

The individual signing this form must have authority for either the hiring or financial decisions of the organization (e.g. owner, franchisee, general manager, or senior executive – such as VP Human Resources).

**FOR THE PURPOSE OF THIS LABOUR MARKET IMPACT ASSESSMENT APPLICATION:**

I, hereby, appoint the third-party named in SECTION 3: THIRD-PARTY INFORMATION as my representative to act on my behalf in order to obtain a Labour Market Impact Assessment from ESDC/Service Canada in order to hire a foreign national for the position described above.

I, hereby, agree to ratify and confirm all that my third-party representative shall do or cause to be done by virtue of this appointment.

This appointment shall remain in full force and effect only for the processing of this application, unless due notice in writing of its revocation has been given to ESDC/Service Canada.

\_\_\_\_\_  
Signature of Employer

\_\_\_\_\_  
Printed Name of Employer

\_\_\_\_\_  
Date (YYYY-MM-DD)

\_\_\_\_\_  
Signature of Employer #2 (if applicable)

\_\_\_\_\_  
Printed Name of Employer #2

\_\_\_\_\_  
Date (YYYY-MM-DD)

**SECTION 17: SIGNATURE OF EMPLOYER**

The individual signing this form must have authority for either the hiring or financial decisions of the organization (e.g. owner, franchisee, general manager, or senior executive – such as VP Human Resources). For In-home Caregiver positions, employers must be the parent or legal guardian of the child receiving care, be the recipient of care or have a valid power of attorney for the individual receiving care.

By signing this document employers attest that they have read and understood the Privacy Notice Statement found at the beginning of this application; that the information provided in this Labour Market Impact Assessment application is true, accurate and complete; and that they understand, accept, and will comply with all Temporary Foreign Worker Program requirements, as specified in the [Immigration and Refugee Protection Act](#), [Immigration and Refugee Protection Regulations](#) and all of the [Temporary Foreign Worker Program requirements](#).

\_\_\_\_\_  
Signature of Employer

\_\_\_\_\_  
Printed Name of the Employer

\_\_\_\_\_  
Title of Employer

\_\_\_\_\_  
Date (YYYY-MM-DD)

\_\_\_\_\_  
Signature of Employer #2 (if applicable)

\_\_\_\_\_  
Printed Name of the Employer #2

\_\_\_\_\_  
Title of Employer #2

\_\_\_\_\_  
Date (YYYY-MM-DD)

A person, who contravenes a provision set out under sections 126 or 127 of the [Immigration and Refugee Protection Act](#) (misrepresentation), could be liable to a fine or to imprisonment, or to both. Also, providing inaccurate information, in the context of this application, may lead to an administrative penalty such as being ineligible to access the Program for a specified period.

Important: Employers must take immediate action when changes have been made or need to be made to a foreign national worker's terms and conditions of employment as described in the positive LMIA letter and any annexes. ESDC/SC recommend that employers consult the [Modification to positive LMIA](#) web page to determine when a change requires contacting the Employer Contact Centre or submitting a new LMIA form. In accordance with the provisions of the Immigration and Refugee Protection Regulations, ESDC may conduct an inspection to verify the employer's compliance with the conditions set out in the positive LMIA letter and annexes. This inspection could include a review of the employer's file and as a result if Service Canada does not have a copy of the changes, the employer will be held accountable for the information that is on file.



TEMPORARY FOREIGN WORKER INFORMATION TEMPLATE

Complete and attach with the application the names of the Temporary Foreign Workers. If the names of the TFWs have not been identified yet, leave the Template blank. If more room than provided below is needed, please attach additional sheets to identify additional workers.

Note: The positive Labour Market Impact Assessment (LMIA) letter and annex specifies the expiry date of the LMIA. The TFW must submit an application for a Work Permit prior to the expiry of the LMIA. Requests to modify, add, remove or change a name on an LMIA must be received by ESDC/Service Canada at least:
• 15 days prior to the expiry of the LMIA; or
• 20 days prior to the expiry of the LMIA if more than 10 names.

WORKER #1
First name: Last Name:
Date of Birth (YYYY-MM-DD): Country of residence:

WORKER #2
First name: Last Name:
Date of Birth (YYYY-MM-DD): Country of residence:

WORKER #3
First name: Last Name:
Date of Birth (YYYY-MM-DD): Country of residence:

WORKER #4
First name: Last Name:
Date of Birth (YYYY-MM-DD): Country of residence:

WORKER #5
First name: Last Name:
Date of Birth (YYYY-MM-DD): Country of residence:

WORKER #6
First name: Last Name:
Date of Birth (YYYY-MM-DD): Country of residence:

WORKER #7
First name: Last Name:
Date of Birth (YYYY-MM-DD): Country of residence:

## Annex – IRPR Conditions for the Temporary Foreign Worker (TFW) Program - Quick Reference

Employment and Social Development Canada may inspect employers based on a reason to suspect non-compliance, if there is a history of non-compliance, and/or by random selection. Employers who are found to have violated one or more of the program conditions may be subject to administrative monetary penalties and temporary or permanent periods of program ineligibility.

Following is a list of all Immigration and Refugee Protection Regulations (IRPR) conditions that employers must comply with at all time. For additional details visit, [IRPR sections 209.3\(1\) for TFW Program](#).

New Conditions for All Employers – Effective as of September 26, 2022.		
Item	Provision	Short-form Description - All employers must:
1	s. 209.3(1)(a)(ii)(ii.1)	Provide to the foreign national in their preferred official language of Canada, the most recent version of the “ <a href="#">Temporary Foreign Workers: Your rights are protected</a> ”, provided by the Government of Canada. Make this information available to the temporary foreign worker throughout their period of employment. This information will be supplied by the Government of Canada.
2	s.209.3(1)(a)(xiii)	Obtain and pay for private health insurance for any part of the period of employment for which the TFW is not covered by the applicable provincial/territorial health insurance system.
3	s.209.3(1)(a)(xiv)	Make reasonable efforts to provide access to health care services when a TFW is injured or becomes ill at the workplace.
4	s.209.3(1)(a)(xv)	Not directly or indirectly, charge or recover from the foreign national any fees related to the recruitment of the foreign national.
5	s.209.3(1)(a)(xvi)	Ensure that any person who recruited the foreign national for the employer does not, directly or indirectly, charge or recover from the foreign national

Conditions to comply with LMIA Commitments		
Item	Provision	Short-form Description - All employers must:
6	s..209.3(1)(b)(i)	Ensure that the employment of the foreign national will result in direct job creation or retention for Canadian citizens or permanent residents, if that was a factor that led to the issuance of the work permit
7	s.209.3(1)(b)(ii)	Ensure that the employment of the foreign national will result in the development or transfer of skills and knowledge for the benefit of Canadian citizens or permanent residents, if that was a factor that led to the issuance of the work permit
8	s.209.3(1)(b)(iii)	Hire or train Canadian citizens or permanent residents, if that was a factor that led to the issuance of the work permit
9	s.209.3(1)(b)(iv)	Make reasonable efforts to hire or train Canadian citizens or permanent residents, if that was a factor that led to the issuance of the work permit

When the worker arrives		
Item	Provision	Short-form Description - All employers must:
10	s.209.3(1)(a)(i)	Be actively engaged in the business in which the offer of employment was made, unless the offer was made for employment as a live-in caregiver
11	s.209.3(1)(a)(ii)	Comply with the federal and provincial laws that regulate employment and the recruiting of employees in the province in which the foreign national works
12	s.209.3(1)(a)(iv)	Provide the foreign national with employment in the same occupation and substantially the same, but not less favourable, wages and working conditions as outlined in the foreign national's offer of employment
13	s.209.3(1)(a)(v)	Make reasonable efforts to provide a workplace that is free of abuse
14	s.209.3(1)(a)(vi)	Provide adequate accommodations to a foreign national employed to perform work under an international agreement between Canada and one or more countries concerning seasonal agricultural workers
15	s.209.3(1)(c)(i)	Be able to demonstrate that any information provided for the assessment was accurate during a period of six years, beginning on the first day of the foreign national's employment
16	s.209.3(1)(c)(ii)	Retain any document that relates to compliance with cited conditions during a period of six years, beginning on the first day of the foreign national's employment

<b>Supplemental Conditions for All Employers during a Health Emergency (COVID-19)</b>		
Item	Provision	Short-form Description - All employers must:
17	s.209.3(1)(a)(vii)	Not do anything that prevents the foreign national from complying with an order or regulation made under the <a href="#">Emergencies Act</a> or the <a href="#">Quarantine Act</a> .
18	s.209.3(1)(a)(viii)	Not do anything that prevents the foreign national from complying with a provincial law that governs public health in response to COVID-19
19	s.209.3(1)(a)(ix)	Provide the foreign national with accommodations that are separate from those provided to persons who are not in quarantine and that permit the foreign worker to remain at least two metres away from any other person
20	s.209.3(1)(a)(x)	Provide the foreign national with cleaning products for the purposes of cleaning and disinfecting the accommodations regularly
21	s.209.3(1)(a)(xi)	Provide a foreign national who develops any signs or symptoms of COVID-19, with accommodations that have a bedroom and a bathroom that are solely for the use of the foreign national while they isolate themselves
22	s.209.3(1)(a)(xii)	Provide, during the period the foreign national must isolate or quarantine themselves on entry into Canada, wages to the foreign national that are substantially the same as those set out in the offer of employment

<b>Additional Conditions for Employers of Live-In Caregivers</b>		
Item	Provision	Short-form Description - For employers of a live-in caregiver, the employer must:
23	s.209.3(1)(a)(iii)(A)	Ensure that foreign national resides in a private household in Canada and provides child care, senior home support care or care of a disabled person in that household without supervision
24	s.209.3(1)(a)(iii)(B)	Provide the foreign national with adequate furnished private accommodation in the household
25	s.209.3(1)(a)(iii)(C)	Have sufficient financial resources to pay wages that were offered

<b>Responsibilities during an Inspection</b>		
Item	Provision	Short-form Description - All employers must:
26	s.209.4(1)(a)	Report at any time and place specified to answer questions and provide documents
27	s.209.4(1)(b)	Provide required documents
28	s.209.4(1)(c)	Attend any inspection, unless the employer was not notified, give all reasonable assistance to the person conducting the inspection and provide that person with any required document or information