

Recognized Employer Pilot (REP)

In early August 2023, the government of Canada announced the Recognized Employer Pilot (REP) for the Temporary Foreign Worker Program (TFWP). The Recognized Employer Pilot (REP) will help to reduce the administrative burden and simplify the hiring process for repeat Temporary Foreign Worker Program (TFWP) employers who demonstrate a history of complying with program requirements.

The biggest issue we continued to hear regarding the TFWP is the amount of time it takes to process Labour Market Impact Assessments (LMIA) each year. An LMIA confirms that there is a need for a temporary foreign worker, that no Canadians or permanent residents are available to do the job, ensures that the employer's job offer is legitimate and that the employer has complied with Program requirements to protect workers.

The new pilot will help to alleviate the administrative workload for some and simplify the repeat hiring process of Temporary Foreign Workers for employers who demonstrate a history of complying with the program requirements. Recognized Employers will have access to LMIA validity for up to 36 months, and potentially simplified LMIA applications to hire additional workers in the future.

REP will be rolled out in two stages:

To participate, employers must have a minimum of three positive LMIA's for the same occupation over the past five years from a list of occupations that have been designated as in-shortage and supported using [Canadian Occupational Projection System \(COPS\)](#) data.

- Stage 1 begins in September 2023, when employers in the Primary Agriculture stream will be able to apply in time for the 2024 season.
 - Phase 1 Occupation List

NOC code 2011	NOC code 2021	Occupation
8431	85100	Livestock Labourers
8431, 8611	85101	Harvesting Labourers
8431	84120	Specialized Livestock workers and farm machinery operators
8432	85103	Nursery and Greenhouse labourers

- Stage 2 begins in January 2024 and opens intake to all other industry sectors.
 - Phase 2 Occupation List (this list is extensive so I have only listed the occupations relevant to our industry)

NOC code 2021	Occupation
21201	Landscape architects
64100	Retail salespersons and visual merchandisers
72429	Other small engine and small equipment repairers
85101	Harvesting labourers
85103	Nursery and greenhouse labourers

Applications for both streams will be accepted until September 2024.

The eligibility is based on occupations within program streams and not program streams specifically. For example, a general farm worker could be under SAWP and the low-wage stream, and this occupation is on the list of eligible REP occupations.

There are 4 occupations open to employers in primary agriculture starting in September. Employers hiring workers for work in primary agriculture, including those under the SAWP, can apply to become recognized employers at the same time they apply for their SAWP LMIA.

Eligibility:

When you apply for the Recognized Employer Pilot (REP), Service Canada will conduct a rigorous, upfront assessment of your LMIA application to determine your eligibility for the REP. You may be eligible for the REP if:

- you've received at least 3 positive Labour Market Impact Assessment (LMIA) decisions in the last 5 years to hire temporary foreign workers (TFWs) for positions on the REP occupations list
- you meet the highest standards for working conditions, living conditions and worker protection as demonstrated through your history with the TFW Program (TFWP), and
- you agree to adhere to the regular TFWP requirements

If you meet the eligibility criteria listed above, you may still be found ineligible for the REP if:

- you've received negative LMIA decisions
- you've been found non-compliant

- significant allegations have been made against you for putting the health and safety of TFWs at risk
- you've failed to meet requirements associated with inspection check-ins, or
- there's a change in the labour market that impacts the position you're trying to fill

You don't need to provide additional information to apply for the REP. When you submit your LMIA, you can choose to apply for REP at the same time. We'll determine whether you're eligible based on your history with the TFWP. If you're not approved for the REP, you'll still get an LMIA decision.

You must meet TFWP requirements, as well as those for the REP. You must also uphold the conditions and rules set out in the Immigration and Refugee Protection Regulations and the Immigration and Refugee Protection Act regarding hiring a TFW.

There are two ways to apply for an LMIA and REP:

- Through the LMIA Online Portal, a reliable and secure platform where employers can complete and submit an online application to ESDC;
<https://www.canada.ca/en/employment-social-development/services/foreign-workers/recognized-employer.html>
 - Or -
- If the employer has valid proof of valid exemption to the LMIA Online Portal, they can email a PDF application form to ESDC.

The assessment of a REP application will be based on the employer's history of compliance with the TFW Program and how often they use the Program to fill in-demand occupations.

Employers who are expected to meet REP eligibility criteria will be proactively invited to apply using a dual-purpose LMIA application which differs from the regular LMIA. Eligibility will be based on the employer's history with the TFW Program by Employment and Social Development Canada (ESDC). Employers can request that the application be used to apply for recognized status under REP and for the LMIA at the same time.

Industry occupations that have been designated as in-shortage and supported using Canadian Occupational Projection System (COPS) data. Relating to our Industry include:

Fees:

The fees stay consistent with the standard LMIA. You must pay \$1,000 for each position requested under the REP to cover the cost of processing your application.

- The processing fee won't be refunded if your application is withdrawn at your request, canceled or if your application receives a negative assessment. Refunds are issued only if a fee was collected in error
- The processing fee cannot be paid by nor be recovered from the TFWs
- The LMIA processing fee doesn't apply to occupations:

- related to primary agriculture, and
- positions under the National Occupational Classification (NOC) codes 80020, 80021, 82030, 82031, 84120, 85100, 85101 and 85103

There may be a variety of fees and costs incurred in the process of recruiting TFWs, including, but not limited to:

- cost of using a third-party representative
- advertising fees
- fees paid by a foreign national for assistance with finding or securing employment
- fees paid by an employer for assistance or advice in the hiring of foreign nationals

As an employer, you must confirm and ensure that you or anybody recruiting on your behalf doesn't charge or recover any recruitment fees, directly or indirectly, from the TFWs. Failure to do so will result in a negative LMIA decision.