

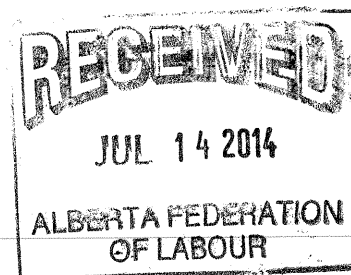


**Employment and
Social Development Canada**

Access to Information and Privacy
140 Promenade du Portage
Phase IV, Level 12, Mail stop 1203
Gatineau, Québec K1A 0J9

**Emploi et
Développement social Canada**

Accès à l'information et
Protection des renseignements personnels
140, promenade du Portage
Phase IV, niveau 12, arrêt postal 1203
Gatineau (Québec) K1A 0J9



JUL 07 2014

Our file - Notre référence
A-2014-00115 / CL

Ms. Shannon Phillips
Alberta Federation of Labour
#300, 10408-124 Street NW
Edmonton, Alberta
T5N 1R5

Dear Ms. Phillips:

This is in response to your request submitted under the *Access to Information Act*, received at Employment and Social Development Canada on May 21, 2014, and which reads as follows:

"A copy of any public documents advising that Labour Market Opinions (LMOs) may be issued for less than prevailing wage rates for the lower-skilled National Occupational Code (NOCs), and which Codes for which of these LMOs were issued."

Enclosed is a copy of the records you have requested. Please note that the documents are released in their entirety.

You are entitled to complain to the Information Commissioner concerning the processing of your request within 60 days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be sent to the following address:

Office of the Information Commissioner
30 Victoria Street, 7th Floor
Gatineau, Quebec
K1A 1H3

.../2

This completes the processing of your request. Should you have any questions, do not hesitate to contact Claire Lamonde at 819-654-7003.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "J Holden".

Jackie Holden
Director
Access to Information and Privacy

Encl.

Number of positive Labour Market Opinions (LMOs) where the stated wage was lower than the prevailing wages, by province, economic region, National Occupation Classification (NOC) codes, for Low Skill LMOs requested in 2013

Province Name	Economic Region	NOC	NOC Title	Number of LMOs	Number of Positions
Newfoundland and Labrador	Avalon Peninsula	6482	Estheticians, Electrologists and Related Occupations	1	3
		6641	Food Counter Attendants, Kitchen Helpers and Related Occupations	4	22
			1010 - Avalon Peninsula Total	5	25
		6641	Food Counter Attendants, Kitchen Helpers and Related Occupations	1	2
			1020 - South Coast-Burn Peninsula Total	1	2
		6641	Food Counter Attendants, Kitchen Helpers and Related Occupations	1	12
			1030 - West Coast-Northern Peninsula-Labrador	1	12
			1030 - West Coast-Northern Peninsula-Labrador Total	1	12
		9491	Boat Assemblers and Inspectors	1	4
			1040 - Notre Dame-Central Bonaville Bay Total	1	4
Prince Edward Island	Unspecified	6471	Waiting Homemakers, Housekeepers and Related Occupations	1	6
		7433	Deck Crew, Water Transport	5	30
		7434	Engine Room Crew, Water Transport	2	5
		8412	Oil and Gas Well Drilling Workers and Services Operators	1	1
		8441	Fishing Vessel Deckhands	1	1
			1099 - Unspecified Total	10	43
			Newfoundland and Labrador Total	18	86
		3413	Nurse Aides, Orderlies and Patient Service Associates	5	11
		9462	Industrial Butchers and Meat Cutters, Poultry Preparers and Related Workers	1	20
		9463	Fish Plant Workers	2	122
Nova Scotia	Cape Breton	9463	Fish Plant Workers	2	50
			1210 - Cape Breton Total	2	50
		9463	Fish Plant Workers	1	75
			1220 - North Shore Total	1	75
		7411	Truck Drivers	1	16
			1230 - Annapolis Valley Total	1	16
		7411	Truck Drivers	4	141
			1230 - Annapolis Valley Total	4	141
		7411	Truck Drivers	2	5
			1230 - Moncton-Richibucto Total	2	8
New Brunswick	Moncton-Richibucto	7411	Truck Drivers	1	3
		8611	Harvesting Labourers	1	3
		9463	Fish Plant Workers	1	8
			1320 - Moncton-Richibucto Total	4	16
		9618	Labourers in Fish Processing	1	42
			1330 - Saint John-St. Stephen Total	1	42
		7411	Truck Drivers	1	1
			1340 - Fredericton-Oromocto Total	1	1
		7411	Truck Drivers	15	23
			1350 - Edmundston-Woodstock Total	15	23
Quebec	Bas-Saint-Laurent	6431	Travel Counsellors	1	1
		6662	Specialized Cleaners	1	1
		9462	Industrial Butchers and Meat Cutters, Poultry Preparers and Related Workers	1	1
			2415 - Bas-Saint-Laurent Total	3	3
		3413	Nurse Aides, Orderlies and Patient Service Associates	1	1
		6661	Light Duty Cleaners	2	14
		7445	Other Repairs and Services	1	1
		7612	Other Trades Helpers and Labourers	1	2
		8431	General Farm Workers	2	18
			2420 - Capitale Nationale Total	7	36

Province Name	Economic Region	NOC	NOC Title	Number of LMOs	Number of Positions
Quebec		8432	Nursery and Greenhouse Workers	1	1
		8612	Landscape and Grounds Maintenance Labourers	2	16
		9496	Painters and Coaters - Industrial	1	1
		9619	Other Labourers in Processing, Manufacturing and Utilities	1	16
			2420 - Capitale-Nationale Total	12	70
		8612	Landscape and Grounds Maintenance Labourers	1	4
		9414	Concrete, Clay and Stone Forming Operators	1	4
			2425 - Chaudière-Appalaches Total	2	5
		8431	General Farm Workers	3	18
			2433 - Centre-du-Québec Total	3	18
		7611	Construction Trades Helpers and Labourers	1	1
		8431	General Farm Workers	2	10
		8612	Landscape and Grounds Maintenance Labourers	4	21
		9461	Process Control and Machine Operators, Food and Beverage Processing	2	2
		9617	Labourers in Food, Beverage and Tobacco Processing	8	309
		9619	Other Labourers in Processing, Manufacturing and Utilities	1	1
			2435 - Montérégie Total	18	344
		1431	Accounting and Related Clerks	1	1
		1472	Storekeepers and Parts Clerks	2	2
		1475	Dispatchers and Radio Operators	1	1
		6482	Estheticians, Electrologists and Related Occupations	1	1
		7441	Residential and Commercial Installers and Servicers	2	2
		8612	Landscape and Grounds Maintenance Labourers	2	12
		9413	Glass Forming and Finishing Machine Operators and Glass Cutters	1	1
		9461	Process Control and Machine Operators, Food and Beverage Processing	1	1
		9463	Fish Plant Workers	1	1
		9481	Aircraft Assemblers and Aircraft Assembly Inspectors	11	13
			2440 - Montérégie Total	23	35
		7441	Residential and Commercial Installers and Servicers	1	1
		7612	Other Trades Helpers and Labourers	1	1
			2445 - Laval Total	2	2
		8611	Harvesting Labourers	3	31
		8612	Landscape and Grounds Maintenance Labourers	2	18
			2450 - Lanaudière Total	5	49
		1431	Accounting and Related Clerks	1	1
		3413	Nurse Aides, Orderlies and Patient Service Associates	1	1
		8422	Stiviculture and Forestry Workers	1	1
		8432	Nursery and Greenhouse Workers	2	2
		8612	Landscape and Grounds Maintenance Labourers	2	2
		9513	Woodworking Machine Operators	1	1
			2455 - Laurentides Total	8	8
		8612	Landscape and Grounds Maintenance Labourers	2	16
			2460 - Outaouais Total	2	16
		6661	Light Duty Cleaners	1	1
			2465 - Abitibi-Témiscamingue Total	1	1
		8612	Landscape and Grounds Maintenance Labourers	1	4
		9611	Labourers in Mineral and Metal Processing	1	6
			2480 - Côte-Nord Total	2	10
		6442	Outdoor Sport and Recreational Guides	1	1
			2490 - Nord-du-Québec Total	1	1

Province Name	Economic Region	NOC	NOC Title	Number of LMOs	Number of Positions
Quebec	2499 - Unspecified	6411	Sales Representatives - Wholesale Trade (Non-Technical)	1	1
		7411	Truck Drivers	1	1
		7432	Railway Track Maintenance Workers	2	3
		7611	Construction Trades Helpers and Labourers	1	1
		7612	Other Trades Helpers and Labourers	2	10
		8431	General Farm Workers	3	14
		9617	Labourers in Food, Beverage and Tobacco Processing	1	10
			2499 - Unspecified Total	11	40
			Quebec Total	93	602
Ontario	3510 - Ottawa	1474	Purchasing and Inventory Clerks	1	1
		6471	Waiting Homemakers, Housekeepers and Related Occupations	1	1
	3520 - Muskoka-Kawartha	3414	Other Assisting Occupations in Support of Health Services	2	2
		6471	Waiting Homemakers, Housekeepers and Related Occupations	1	1
	3530 - Toronto		3520 - Muskoka-Kawartha Total	3	3
		6661	Light Duty Cleaners	2	7
		7411	Truck Drivers	1	2
		7412	Bus Drivers, Subway Operators and Other Transit Operators	1	1
		7421	Heavy Equipment Operators (Except Crane)	1	1
		7612	Other Trades Helpers and Labourers	1	1
		8431	General Farm Workers	1	26
		9461	Process Control and Machine Operators, Food and Beverage Processing	1	1
		9482	Motor Vehicle Assemblers, Inspectors and Testers	1	1
			3530 - Toronto Total	8	34
	3540 - Kitchener-Waterloo-Barrie	9619	Other Labourers in Processing, Manufacturing and Utilities	1	12
			3540 - Kitchener-Waterloo-Barrie Total	1	12
	3550 - Hamilton-Niagara Peninsula	6421	Retail Salespersons and Sales Clerks	1	1
		6661	Light Duty Cleaners	1	6
	3560 - London	8431	General Farm Workers	1	6
		8611	Harvesting Labourers	3	13
	3570 - Windsor-Sarnia		3550 - Hamilton-Niagara Peninsula Total	2	7
		9463	Fish Plant Workers	1	1
	3580 - Stratford-Bruce Peninsula		3560 - London Total	1	15
		6661	Light Duty Cleaners	1	15
	3590 - Northeast	9462	Industrial Butchers and Meat Cutters, Poultry Preparers and Related Workers	1	15
		9614	Labourers in Wood, Pulp and Paper Processing	1	7
	3595 - Northwest		3580 - Stratford-Bruce Peninsula Total	3	23
		6661	Light Duty Cleaners	3	5
	3599 - Unspecified	7432	Railway Track Maintenance Workers	1	1
		6663	Janitors, Caretakers and Building Superintendents	4	6
Manitoba	4630 - Southwest		3595 - Northwest Total	1	1
		7433	Deck Crew Water Transport	1	1
	4640 - North Central		3599 - Unspecified Total	8	13
		9462	Industrial Butchers and Meat Cutters, Poultry Preparers and Related Workers	8	13
			Ontario Total	34	127
			Manitoba Total	1	70
	4640 - North Central Total	8431	General Farm Workers	1	1
			4640 - North Central Total	1	1

Province Name	Economic Region	NOC	NOC Title	Number of LMOs	Number of Positions
Saskatchewan	Regina-Moose Mountain	7411	Truck Drivers	2	7
		7452	Material Handlers	1	19
		6641	Food Counter Attendants, Kitchen Helpers and Related Occupations	3	26
		4740 - Yorkton-Melville	4740 - Yorkton-Melville Total	10	49
		4750 - Prince Albert	4750 - Prince Albert Total	2	5
		4799 - Unspecified	4799 - Unspecified Total	4	42
		7611	Construction Trades Helpers and Labourers	1	12
			4799 - Unspecified Total	5	54
			Saskatchewan Total	20	134
			4810 - Lethbridge-Medicine Hat	20	134
Alberta	Lethbridge-Medicine Hat	7411	Truck Drivers	13	193
		9462	Industrial Butchers and Meat Cutters, Poultry Preparers and Related Workers	3	135
		9617	Labourers in Food, Beverage and Tobacco Processing	5	240
			4810 - Lethbridge-Medicine Hat Total	21	568
	Camrose-Drumheller	7411	Truck Drivers	1	10
		8431	General Farm Workers	16	55
		9493	Other Wood Products Assemblers and Inspectors	2	16
			4820 - Camrose-Drumheller Total	19	81
	Calgary	1423	Desktop Publishing Operators and Related Occupations	1	1
		1471	Shippers and Receivers	1	5
		6453	Food and Beverage Servers	2	2
		6474	Babysitters, Nannies and Parents' Helpers	1	1
		6611	Cashiers	1	10
		6641	Food Counter Attendants, Kitchen Helpers and Related Occupations	10	37
		6661	Light Duty Cleaners	7	28
		7411	Truck Drivers	11	89
		8432	Nursery and Greenhouse Workers	1	2
		9617	Labourers in Food, Beverage and Tobacco Processing	2	24
			4830 - Calgary Total	37	199
Banff-Jasper-Rocky Mountain House	Banff-Jasper-Rocky Mountain House	6421	Retail Salespersons and Sales Clerks	1	1
		6453	Food and Beverage Servers	2	2
		6611	Cashiers	1	2
		6641	Food Counter Attendants, Kitchen Helpers and Related Occupations	4	7
		6661	Light Duty Cleaners	3	6
		8431	General Farm Workers	1	4
			4840 - Banff-Jasper-Rocky Mountain House Total	12	22
	Red Deer	3413	Nurse Aides, Orderlies and Patient Service Associates	1	10
		6641	Food Counter Attendants, Kitchen Helpers and Related Occupations	1	2
		6661	Light Duty Cleaners	1	2
		9617	Labourers in Food, Beverage and Tobacco Processing	2	200
			4850 - Red Deer Total	5	214
Edmonton	Edmonton	3414	Other Assisting Occupations in Support of Health Services	1	1
		6435	Hotel Front Desk Clerks	1	1
		6471	Visiting Homemakers, Housekeepers and Related Occupations	1	9
		6621	Service Station Attendants	1	5
		6641	Food Counter Attendants, Kitchen Helpers and Related Occupations	1	2
		6661	Light Duty Cleaners	1	5
		7411	Truck Drivers	1	171
			4860 - Edmonton Total	6	24
			4870 - Edmonton Total	6	24
			4880 - Edmonton Total	6	24

Province Name	Economic Region	NOC	NOC Title	Number of LMOs	Number of Positions
Alberta		7421	Heavy Equipment Operators (Except Crane)	1	1
		7441	Residential and Commercial Installers and Servicers	1	9
		7443	Automotive Mechanical Installers and Servicers	34	59
		7611	Construction Trades Helpers and Labourers	3	7
		9511	Machining Tool Operators	1	10
		9612	Labourers in Metal Fabrication	1	2
			4860 - Edmonton Total	66	282
		4870 - Athabasca-Grande Prairie-Peace River			
		6421	Retail Salespersons and Sales Clerks	1	4
		6435	Hotel Front Desk Clerks	1	2
		6611	Cashiers	2	4
		6661	Light Duty Cleaners	6	20
		7411	Truck Drivers	8	102
		8431	General Farm Workers	1	2
		9619	Other Labourers in Processing, Manufacturing and Utilities	1	10
			4870 - Athabasca-Grande Prairie-Peace River Total	20	144
		4880 - Wood Buffalo-Cold Lake			
		6435	Hotel Front Desk Clerks	14	34
		6453	Food and Beverage Servers	7	21
		6611	Cashiers	2	4
		6641	Food Counter Attendants, Kitchen Helpers and Related Occupations	26	135
		6662	Specialized Cleaners	6	18
		7411	Truck Drivers	1	5
		7421	Heavy Equipment Operators (Except Crane)	3	4
		7452	Material Handlers	1	1
		7611	Construction Trades Helpers and Labourers	1	19
			4880 - Wood Buffalo-Cold Lake Total	66	241
		4899 - Unspecified			
		6611	Cashiers	3	18
		6641	Food Counter Attendants, Kitchen Helpers and Related Occupations	2	15
		6661	Light Duty Cleaners	2	8
		6663	Janitors, Caretakers and Building Superintendents	1	10
		7411	Truck Drivers	23	238
		7414	Delivery and Courier Service Drivers	1	1
		7421	Heavy Equipment Operators (Except Crane)	1	1
		7441	Residential and Commercial Installers and Servicers	1	9
		7452	Material Handlers	1	3
		7611	Construction Trades Helpers and Labourers	8	19
		8612	Landscape and Grounds Maintenance Labourers	1	6
		8614	Wine Labourers	1	3
		9414	Concrete, Clay and Stone Forming Operators	1	10
		9513	Woodworking Machine Operators	1	10
			4899 - Unspecified Total	48	321
			Alberta Total	294	2,122
British Columbia	5920 - Lower Mainland-Southwest	1441	Administrative Clerks	1	1
		6421	Retail Salespersons and Sales Clerks	1	1
		6661	Light Duty Cleaners	1	1
		7411	Truck Drivers	2	14
		7421	Heavy Equipment Operators (Except Crane)	1	3
		7432	Railway Track Maintenance Workers	6	35
		8431	General Farm Workers	2	16
			5920 - Lower Mainland-Southwest Total	14	71

Province Name	Economic Region	NOC	NOC Title	Number of LMOs	Number of Positions
British Columbia	5930 - Thompson-Okanagan	5930	Other Attendants in Accommodation and Travel	1	3
		6672	Truck Drivers	1	6
		7411	Boat Operators	1	1
		7436	Food Counter Attendants, Kitchen Helpers and Related Occupations	3	10
		5940	Food Counter Attendants, Kitchen Helpers and Related Occupations	7	33
		6661	Light Duty Cleaners	1	1
		5950	Nurse Aides, Orderlies and Patient Service Associates	8	34
		9462	Industrial Butchers and Meat Cutters, Poultry Preparers and Related Workers	1	1
		5970	Truck Drivers	2	2
		5970	Truck Drivers	1	10
		5980	Cashiers	1	1
		5980	Cashiers	1	1
		5999	Unspecified	1	1
		7411	Truck Drivers	6	40
		7452	Material Handlers	1	8
8612	Landscaping and Grounds Maintenance Labourers	1	10		
Nunavut	6210 - Nunavut	6471	Visiting Homemakers, Housekeepers and Related Occupations	37	186
		6210 - Nunavut Total	1	2	
		6210 - Nunavut Total	1	2	
Northwest Territories	6110 - Northwest Territories	6471	Visiting Homemakers, Housekeepers and Related Occupations	1	3
		6641	Food Counter Attendants, Kitchen Helpers and Related Occupations	7	7
		7411	Truck Drivers	1	2
				6210 - Northwest Territories Total	12
				Northwest Territories Total	12
				Grand Total	535

Notes:

1. Source: Foreign Worker System (FWS).

2. The table shows the number of positive Labour Market Opinions (LMOs) where the stated wage was lower than the prevailing wages, by province, economic region, National Occupation Classification (NOC) codes, for Low Skill LMOs requested in 2013.

3. The appropriate TPW program stream is recorded in the FWS at the time of processing the LMO application.

4. Approximately 4.8% of entries have been omitted due to keying errors.

5. One LMO application may be submitted by an employer for any number of TPW positions for a particular occupation (ie Welder).

6. Not all TPWs require an LMO to apply for a work permit. A number of exemptions exist, including those provided in the General Agreement on Trade in Services and the North American Free Trade Agreement.

7. The information appearing in this table may differ from those reported in previous ESCC releases. These differences are adjustments to administrative data files as normally occur over time and reflect refinement in methods of calculation for the purpose of increasing accuracy in the way the information is presented.

Notes:

1. Source: Foreign Worker System (FWS).
2. The table shows the number of positive Labour Market Opinions (LMOs) where the stated wage was lower than the prevailing wages, by province, economic region, National Occupation Classification (NOC) codes, for Low Skill LMOs requested in 2013.
3. The appropriate TRW program stream is recorded in the FWS at the time of processing the LMO application.
4. Approximately 4.8% of entries have been omitted due to keying errors.
5. One LMO application may be submitted by an employer for any number of TRW positions for a particular occupation (e.g. welder).
6. Not all TRWs require an LMO to apply for a work permit. A number of exemptions exist, including those provided in the General Agreement on Trade in Services and the North American Free Trade Agreement.
7. The information appearing in this table may differ from those reported in previous ESDC releases. These differences are adjustments to administrative data files as normally occur over time and reflect refinement in methods of calculation for the purpose of increasing accuracy in the way the information is presented.

Temporary Foreign Worker Program Manual

Directive: Assessment of the Wage Factor on Labour Market Opinion Applications

Purpose:

The purpose of this directive is to provide guidance on assessing the wage factor when processing labour market opinion (LMO) applications for:

- Higher-skilled occupations
(National Occupational Classification (NOC) skill type 0 and skill levels A and B)
- Lower-skilled occupations
(NOC skill levels C and D, excluding positions under the Live-in Caregiver Program (LCP), the Seasonal Agricultural Worker Program (SAWP) and the Agricultural Stream)

NOTE:

This directive does not apply to the Quebec region.

Authority:

The Temporary Foreign Worker Program (TFWP) operates under the authority of the *Immigration and Refugee Protection Act* (IRPA) and the *Immigration and Refugee Protection Regulations* (IRPR). The authority relevant to this directive is found in Section 203(3)d of the IRPR:

[203(3) An opinion provided by the Department of Human Resources and Skills Development with respect to the matters referred to in subsection (1)(b) shall be based on the following factors:

(d) whether the wages offered to the foreign national are consistent with the prevailing wage rate for the occupation and whether the working conditions meet generally accepted Canadian standards.

Background:

The following information is intended to provide Human Resources and Skills Development Canada (HRSDC)/Service Canada staff with a standard process to follow when assessing prevailing wages in accordance with the available labour market information. This process will help ensure that a consistent and transparent approach is applied when establishing the wage rate for temporary foreign workers (TFW). It will also ensure that the wage offered to TFWs reflects the standards by which Canadian and permanent resident employees working in the same occupation and geographic area are paid. The following three situations must be considered when determining the prevailing wage:

1. Collective bargaining agreements
2. Wage offers – equal to or above the posted median wage
3. Wage offers – below the posted median wage

NOTE:

Not every situation will be captured within these scenarios. However, regional staff can address any new scenario that may arise on an ad hoc basis in consultation with NHQ.

Temporary Foreign Worker Program Manual

Guidelines:

Employers are required to pay TFWs the same wage as Canadian and permanent resident employees doing the same job in the same geographic area. The wage rate should be assessed according to:

1 – Collective Bargaining Agreements

For unionized positions, employers must offer their TFWs the same wage rate, as established under the collective bargaining agreement.

If the wage offered to a TFW is below the posted median wage, HRSDC/Service Canada staff must request a copy of the collective bargaining agreement from the employer. If the wage meets the collective bargaining agreement pay scale for the occupation and location, the wage offered should be accepted.

2 – Wage offers - equal to or above the posted median wage

Higher-skilled and lower-skilled occupations:

- Wages offered to TFWs that are equal to or above the posted median wage will be accepted.
- Employers must offer TFWs a wage rate that is above the posted median wage if their Canadian and permanent resident employees working in the same occupation and geographic area are paid this wage

3 – Wage offers - below the posted median wage

Higher-skilled occupations:

Employers who offer TFWs a wage that is:

- not more than 15% below the posted median wage will be accepted. However, these employers must demonstrate that they pay the same wage to their Canadian and permanent resident employees working in the same occupation and geographic area. (Refer to Annex A)
- more than 15% below the posted median wage will have the wage rejected, which will result in a negative LMO.

Lower-skilled occupations:

Employers who offer TFWs a wage that is:

- not more than 5% below the posted median wage will be accepted. However, these employers must demonstrate that they pay the same wage to their Canadian and permanent resident employees working in the same occupation and geographic area. (Refer to Annex B)
- more than 5% below the posted median wage will have the wage rejected, which will result in a negative LMO.

When an employer's wage offer is within a range of 15% below the posted median wage for a higher-skilled occupation, and within a range of 5% for a lower-skilled occupation, the employer must demonstrate that their Canadian and permanent resident employees working in the same occupation and geographic area are being paid the same wage. Employers will be required to provide this information at the time of application using the payroll template. (Refer to Annex C)

Temporary Foreign Worker Program Manual

Payroll

Employers must refer to their payroll records to complete the payroll template. This document must then be forwarded, along with the LMO application, to HRSDC/Service Canada for assessment. By requesting employers to complete the payroll template, the TFWP minimizes the risk of collecting personal information related to the employers' current workforce (e.g. social insurance numbers).

Only employers who currently employ a full-time Canadian or permanent resident employee working in the same occupation and geographic area as described in the LMO application can use the payroll template to support a variation from the posted median wage. **Employers, who do not currently employ a Canadian or permanent resident employee, will be required to pay their TFWs the posted wage or HRSDC/Service Canada will issue a negative LMO.**

Payroll Process

Employers must complete the payroll template and include the wage information for at least one Canadian or permanent resident employee currently working in the same occupation and geographic area as requested on the LMO application. The payroll information must be provided for a minimum of three pay periods. If there are any irregularities within the information provided, HRSDC/Service Canada staff may request additional payroll information.

If HRSDC/Service Canada staff is not satisfied with the information provided in the payroll template, the employer may be asked to submit proof of payment to the worker to substantiate the information. When requesting this information, HRSDC/Service Canada staff should inform the employer not to submit any personal information pertaining to the worker (e.g. request only the first three digits of the social insurance number or the employee's first name).

Wage Assessment Considerations:

Determining the median wage:

- HRSDC/Service Canada staff must refer to the median wage as determined by the LMI Service for the occupation and sub-geographic region where the work is scheduled to take place in order to determine the prevailing wage rate. For additional information on LMI wages, visit the Working in Canada (WiC) Web site at: <http://www.workingincanada.gc.ca>

When wages are not available:

- In some instances, wage information may not be available on the WiC Web site. In these cases, HRSDC/Service Canada staff should request that the LMI Service generates a median wage rate for the specified position and location.

Provincial/territorial wages other than minimum wage:

- In instances where provincial/territorial governments have established wage schedules (e.g. *Construction Industry Wages Act* in Manitoba), the LMO applications will be assessed using the greater of:
 - Up to 15% below the median posted wage for the occupation; or
 - The wages set by the province/territorial legislation.

Provincial/territorial minimum wage:

- When taking into account the 15% range for higher-skilled occupations and the 5% range for lower-skilled occupations, the wage cannot go below the provincial/territorial minimum wage. This applies to all wage assessments.

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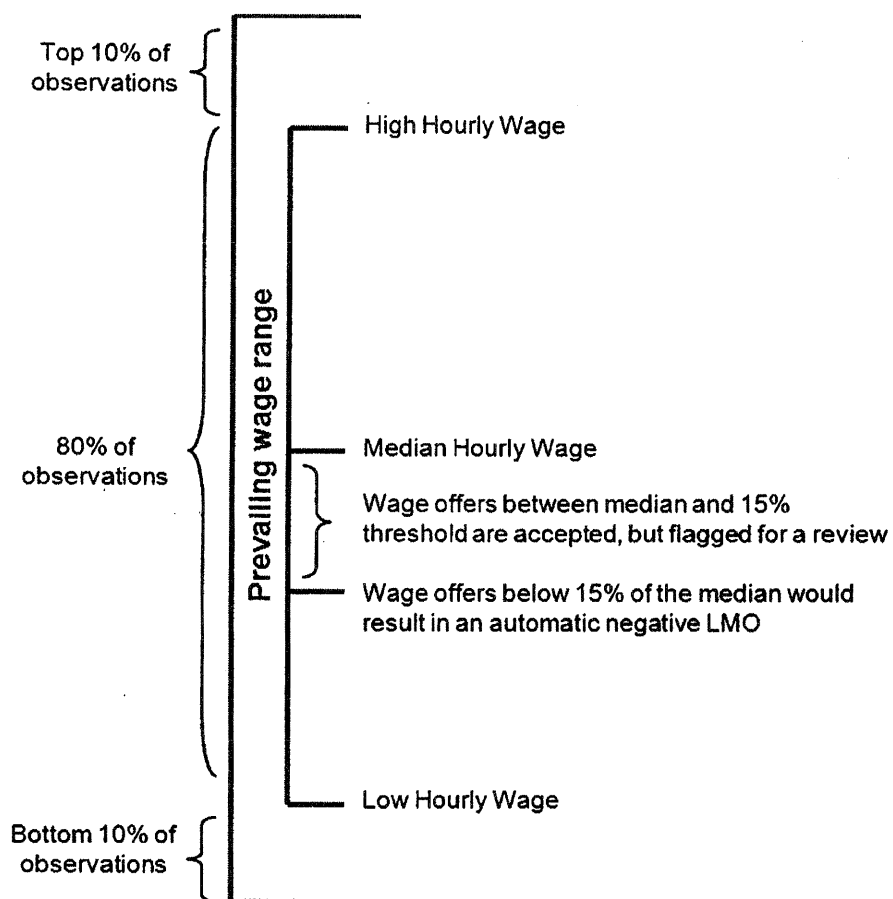
General:

- Employer must offer at least a minimum of 30 hours of work per week.
- More information can be found under the sections for the:
 - LCP;
 - SAWP; and
 - Agricultural stream.

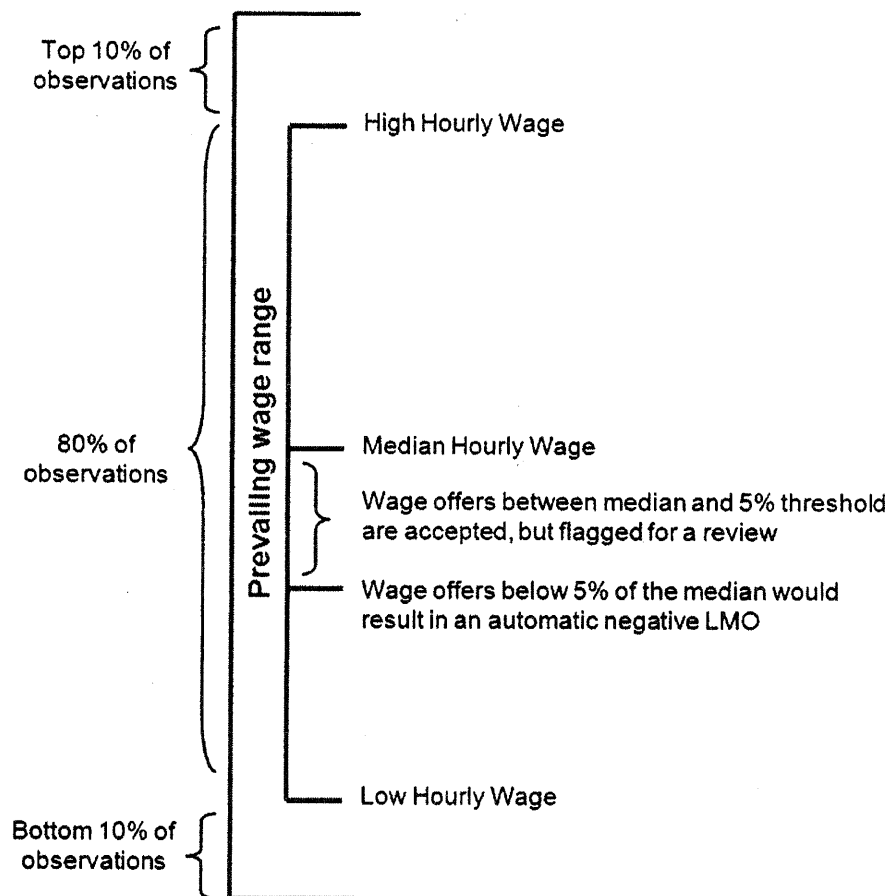
NOTE:

Refer to Annex D for scenarios that illustrate this policy.

**Prevailing Hourly Wage Range Diagram
for Higher-skilled Occupations**



**Prevailing Hourly Wage Range Diagram
for Lower-skilled Occupations**



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ANNEX C

Payroll Template

Employers must complete and submit this payroll template along with their labour market opinion application if they are:

- not offering their temporary foreign workers (TFW) the posted median wage; or
- offering TFWs the wage currently paid to their Canadian and permanent resident employees working in the same occupation and geographic area

Employer Name: _____

Date Completed: _____

Payroll Information				
Canadian citizen or permanent resident employee name (first name only)		Social insurance number (first 3 digits only)		Pay period 1 of 3 consecutive pay periods (for 1 employee)
Earnings and hours	Number of hours	Rate per hour	Current amount for specific pay period	YTD amount
Hourly, regular rate				
Stat holidays				
Overtime				
TOTALS:				
Deductions				
CPP, EI, tax, etc.				
Other deductions				
Union dues, accommodation, etc.				
TOTALS:				
Comments:				

Pay period 2 of 3 consecutive pay periods (for same TFW)				
Earnings and hours	Number of hours	Rate per hour	Current amount for specific pay period	YTD amount
Hourly, regular rate				
Stat holidays				
Overtime				
TOTALS:				
Deductions				
CPP, EI, tax, etc.				
Other deductions				
Union dues, accommodation, etc.				
TOTALS:				
Comments:				

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Pay period 3 of 3 consecutive pay periods (for same TFW)				
Earnings and hours	Number of hours	Rate per hour	Current amount for specific pay period	YTD amount
Hourly, regular rate				
Stat holidays				
Overtime				
TOTALS:				
Deductions				
CPP, EI, tax, etc.				
Other deductions				
Union dues, accommodation, etc.				
TOTALS:				
Comments:				

Prevailing Wage Policy – Scenarios

These scenarios are fictitious for the purposes of illustration.

Higher-skilled occupations:

National Occupational Classification (NOC) skill type 0, and skill levels A and B

The median wage (prevailing wage) for welders, a higher-skilled occupation, in Fort McMurray is \$35/hour.

1. I employ 10 Canadian welders at \$35/hour. Can I pay my foreign welders 15% less (\$29.75/hour)? If no, why not?
 - No, you are required to pay your temporary foreign worker welders a minimum of \$35/hour because this is what you pay your Canadian and permanent resident welders.
2. I employ 10 Canadian welders at \$40/hour. How much do I have to pay my foreign welders, and why?
 - You are required to pay your temporary foreign worker welders \$40/hour because you must pay temporary foreign workers the same wage that you pay your Canadian and permanent resident workers.
3. I do not employ Canadian welders. Can I pay my foreign welders 15% less than the median wage (\$35/hour)? If so, how?
 - No, you are required to pay the temporary foreign worker welders at least the median wage of \$35/hour because you do not employ any Canadian or permanent resident welders and, therefore, cannot demonstrate that you pay Canadian and permanent resident welders \$29.75/hour.
4. I employ Canadian welders at \$25/hour. Can I pay my foreign welders the same wage? If no, why not?
 - No, you cannot pay higher-skilled temporary foreign workers more than 15% below the median wage (\$35/hour).
5. I employ 10 Canadian welders at \$40/hour under a collective bargaining agreement. How much do I have to pay my foreign welders, and why?
 - For unionized positions, you are required to pay your temporary foreign worker welders the same wage rate, as established under the collective bargaining agreement, that is paid to your Canadian and permanent resident employees working in the same occupation and geographic area. The wage paid to temporary foreign workers will depend on the provisions of the collective bargaining agreement with respect to experience, etc.

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Lower-skilled occupations:

National Occupational Classification (NOC) skill levels C and D (excluding occupations under the Live-in Caregiver Program, the Seasonal Agricultural Worker Program, and the Agricultural Stream)

The median wage (prevailing wage) for a food counter attendant, a lower-skilled occupation, in the Athabasca–Grande Prairie–Peace River area in Alberta is \$11.71/hour.

1. I employ 10 Canadian food counter attendants at \$11.71/hour. Can I pay my foreign food counter attendants 15% less (\$9.95/hour)? If no, why not?
 - No, you are required to pay your temporary foreign worker food counter attendants a minimum of \$11.71/hour because that is what you pay your Canadian and permanent resident food counter attendants.
2. I employ Canadian food counter attendants at \$10.50/hour. Can I pay my temporary foreign worker food counter attendants the same? If no, why not?
 - No, you cannot pay lower-skilled temporary foreign workers more than 5% below the median wage.