

# Canadian Employee Relocation Council

## Trusted Employer Program (TEP) First Principles & Objectives

**Principle:** To establish an efficient and predictable program, which aims to streamline various work permit applications to facilitate the movement of necessary foreign talent both overseas and within Canada.

**Objectives:**

- ✓ To alleviate labour shortages within Canada;
- ✓ To facilitate the relocation of foreign talent, which will improve Canada's competitiveness;
- ✓ To increase business productivity due to greater predictability;
- ✓ To avoid unpredictable and inconsistent outcomes;
- ✓ To automate as much pre-certified information as possible to render the process less document-oriented;
- ✓ To prevent duplication of required documentation and information;
- ✓ To streamline and integrate the decision-making processes of Service Canada and IRCC for efficiency while maintaining program integrity; and
- ✓ To assist IRCC relocate their resources efficiently.

**What TEP would look like from a high level**

TEP enrollment:

The TEP will require employers to apply separately from and preceding any LMIA or LMIA-exempt applications to be considered under the program. Applications will be received via an online portal that will require the employer to enroll by CRA business number.

In addition to a depository of documents to be uploaded by the employer for application (below), the portal will confirm enrollment validity, communicate compliance audits (below) or document requests, etc. and serve as a shared platform for identification of trusted employers whether they are using the Temporary Foreign Worker Program ("TFWP") or International Mobility Program ("IMP"). Once enrolled, the employer will be provided with a TEP identification number unique to the employer and its recognised entities.

In an ideal scenario, the TEP identification number can be "ported" throughout the immigration process to provide benefits. Some scenarios where this could be used:

- Provide expedited processing of work permit applications with IRCC

- Provide an expedited processing lane at ports of entry in cases where work permit applications are being filed upon entry to Canada with CBSA (similar to what NEXUS does for entry into Canada)
- Provide expedited processing for permanent residence applications with IRCC in cases where employer supported applications such as provincial nominations are filed at the federal level

#### Documentary requirements:

The employer will submit the following for Service Canada's consideration:

- High level description of company to give context to forecast of number of foreign nationals ("FN") requested
- Attestation that it will maintain active business in Canada and remain financially capable of supporting the employment of FNs forecasted
- Documents demonstrating the above, which will be used for business legitimacy documents of the TFWP with added flexibility for different kinds of employers – e.g. publicly traded companies to provide annual report; start-up companies to provide 3-year business plan or evidence of venture/angel capital funding
- (optional) History of use of TFWP and IMP, if any – e.g. 3+ years of use of either program without finding of non-compliance to facilitate approval; lack of use to be a neutral factor
- Enrollment fee – a TEP enrollment fee to be paid within an annual deadline to continue enrollment for the subsequent year.

#### Compliance and Renewal:

Upon approval, the employer is enrolled for a prescribed period (e.g. 3 years). There will be a defined annual deadline to pay the enrollment fees to continue enrollment. Service Canada will conduct audits on a regular basis during the enrollment period for updated corporate documents or other information in order to confirm continued compliance with TEP.

#### **What if we used the LMIA process as an example?**

In comparison to the current Labour Market Impact Assessment (LMIA) process, the TEP will adopt a more flexible approach and reduce cumbersome requirements. Some of the key highlights we recommend for the new TEP would be:

#### Streamlined application submission mechanism:

- Introduction of a dedicated TEP online submission portal under existing LMIA application portal and e-forms
- Simplification of application form which should be summed up in 3-4 pages as much of the existing application form materials would be already captured through the initial TEP submission

#### Alternative recruitment options for trusted employers in lieu of regular 4-week recruitment:

- **Shorter advertising period of 2 weeks that does not use the Canadian government's Job Bank:** A 4-week recruitment period does not reflect the reality that most applicants will have applied to a posting within the first week of a posting going up, and due to the large number of online postings available, most online postings are not readily visible (i.e. "bumped up" where job applicants can see them) after a 2-week period. The feedback we have received from employers is that the Job Bank is not a useful tool to attract Canadian or PR candidates.
- **Provide commitments to create employment opportunities for Canadians in lieu of recruitment efforts similar to what exists in the Global Talent Stream Category B program:** Some employers are already heavily invested in developing the Canadian labour market and would readily choose this option rather than recruit in a labour market that they know is facing labour shortages.
- **Employer to pay a premium in lieu of recruitment or commitments:** We have had feedback from many employers that they would be amenable to paying a premium in lieu of recruitment if it meant being able to get the right talent they need as quickly as possible

#### Flexibility with a "Transition Plan":

- Trusted employers may briefly explain how the introduction of foreign talent will have an overall positive impact on the Canadian market, as well as provide a description of long-term goals and activities
- This can also be in the form of a declaration made by the trusted employer

#### Expedited processing and dedicated concierge service:

- 2-week processing for the LMIA and subsequent 2-week processing for consular work permit applications (similar to what is currently provided under the Global Talent Stream)
- Assign a senior officer to the program and include designated escalations points as the traditional LMIA process does not have this built in
- CBSA would apply a "light touch" to applications that have been approved for a trusted employer, e.g. examination upon entry limited to inadmissibility/personal background issues

#### **Are there other models for work permit applications under the Trusted Employer Program?**

We would recommend in light of acute labour shortages across Canada in various different occupations, that the following model also be considered:

1. Employer receives accreditation under the Trusted Employer Program as above
2. Employer is eligible for the expedited processing and dedicated concierge service as described above if:

- a. The foreign national who will be applying for the work permit is in an occupation that presently falls National Occupational Classification code band 0, A, or B (commonly referred to as “high skilled occupations”)
- b. The foreign national’s occupation does not fall under a list of ineligible occupations publicly published on IRCC’s website.
- c. The foreign national’s salary in Canada is above the median (or “prevailing”) wage as identified at the [jobbank.gc.ca](https://www.jobbank.gc.ca) website at the time of application
- d. The foreign national does not have any present inadmissibility issues.

The model suggested here has precedent in other “competitor” countries such as Ireland and Australia. These countries have introduced extraordinary/critical skills programs similar to the model above in an effort to be able to meet skills shortages within their respective countries.

Furthermore, the concepts introduced in this model are not foreign to IRCC or the Canadian immigration system. There are several work permit categories that are for public policy purposes already open to NOC 0, A, B categories (eg. the Francophone mobility program), and a wide variety of work permit categories already have a prevailing wage requirement in Canada.

Ultimately, if this type of model is introduced in Canada, we foresee the following outcomes:

- More predictable processing due to objective processing criteria;
- The use of familiar concepts within IRCC in turn causing minimal training issues within IRCC;
- A processing stream where due to the objectivity of the criteria machine learning/AI concepts can potentially be leveraged for even quicker processing times; and
- Fewer applications for Service Canada/IRCC that require an officer’s discretionary decision making (eg. LMIA/intra-company transfer specialized knowledge applications) that would in turn free up resourcing for Service Canada/IRCC.