



SCHEDULE D
SKILLED TRADES JOB OFFER – EMPLOYER #2
(This program is not applicable to jobs located in Quebec)

Employers must consult the website of [Citizenship and Immigration Canada \(CIC\)](https://www.cic.gc.ca) to ensure they are aware of requirements for job offers to support an application to a permanent resident economic immigration program.

Should employers make a job offer that does not meet requirements, the LMIA processing fee (if paid) will not be refunded regardless of the LMIA outcome.

Personal Information Collection Statement

The information you provide on this form is collected by Employment and Social Development Canada (ESDC) under the authority of the *Immigration and Refugee Protection Act (IRPA)* and *Immigration and Refugee Protection Regulations (IRPR)*, for the purpose of providing a Labour Market Impact Assessment (LMIA) in accordance with these statutes. Completion is voluntary; however, failure to complete this form will result in your LMIA application not being processed.

The information you provide may be shared with Citizenship and Immigration Canada (CIC) for the administration and enforcement of the IRPA and IRPR as permitted by the *Department of Employment and Social Development Act (DESD Act)*, and may be accessed by the Canada Border Services Agency (CBSA) for the purpose of issuing work permits at Ports of Entry. ESDC may also provide information to CBSA in order for that agency to investigate and enforce the IRPA and IRPR in relation to an LMIA.

The information may also be shared with provincial/territorial governments for the purpose of administration and enforcement of provincial/territorial legislation, including employment standards and occupational health and safety legislation, as permitted by the DESD Act. The information may also be used by ESDC for inspections, policy analysis, research and evaluation in relation to the entry and hiring of foreign workers to Canada or the IRPA.

The information you provide is administered under Part 4 of the DESD Act and the *Privacy Act*. You have the right to access and request correction of your personal information, which is described in Personal Information Bank PPU 440 and PPU 171 of Info Source. Instructions for making formal requests are outlined in the Info Source publication available online at infosource.gc.ca.

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 period of two years.

PURPOSE OF SCHEDULE

If two employers agree to share the services of a foreign skilled tradesperson, the first employer must complete and sign the LMIA application form EMP5593 and the second employer must complete and sign this form (Schedule D). The LMIA application form, Schedule D and all supporting documents must be submitted together in order to ensure the application is efficiently and appropriately processed.

BUSINESS INFORMATION

1. Canada Revenue Agency Payroll deductions program account number (15 digits): RP		2. Business Legal Name:	
3. Business Operating Name:	4. Business Mailing Address:	5. City:	6. Province/State:
7. Country:	8. Postal/Zip Code:	9. Business Telephone Number:	10. Business Address (if different than mailing address):
11. City:	12. Province/State:	13. Country:	14. Postal/Zip Code:
15. Type of business (select all that apply): ☐ incorporated/limited ☐ partnership ☐ sole proprietor ☐ Other, specify: _____			
16. Is the business a franchise? ☐ No ☐ Yes If yes, provide the name of the corporation: _____			

17. If the business is a franchise, is the corporate head office aware of this application for foreign workers? ☐ Yes ☐ No ☐ Not applicable			
18. Website Address:			19. Date Business Started (yyyy-mm-dd):
20. Describe the principal business activity:			
21. Primary Contact Name: First Middle Last			
22. Job Title:		23. Contact Telephone Number Ext:	
24. Fax Number:	25. E-mail:		
26. Preferred Official Language of Correspondence: ☐ English ☐ French			
THIRD-PARTY, RECRUITER OR EMPLOYMENT AGENCY INFORMATION			
1. Are you using the services of a third-party, recruiter or employment agency for the purpose of hiring a foreign worker? ☐ No ☐ Yes If yes, complete the boxes on the right Note: In some provinces/territories it is mandatory to be registered in order to recruit foreign workers on behalf of an employer. For more information visit: https://www.canada.ca/en/employment-social-development/services/foreign-workers.html		2. Name of third-party, recruiter or employment agency: 3. Registration, license or certificate number:	
4. Are you appointing a third-party to represent you in completing this LMIA application form or to provide advice in an immigration process? ☐ No ☐ Yes If yes, complete Schedule A - Third-party representative		5. Name of third-party representative:	
6. A number of provinces/territories prohibit the charging of recruitment fees to foreign workers for the purpose of securing a job offer. Have you the employer or any other third-party in connection to this job offer received payment from the foreign worker to secure this offer of employment? ☐ Yes ☐ No			
BUSINESS DETAILS			
1. Number of employees currently employed nationally under this Canada Revenue Agency Business number (e.g. 5 franchises are covered by the business number and there are a total of 100 employees):			
2. Total number of employees currently employed at the work location specified on this form:			

3. Total number of Canadian/permanent resident employees at the work location specified on this form:

4. Total number of employees (including Canadians/permanent residents and TFWs) working in this occupation at this work location:

5. Total number of foreign workers (as a result of receiving a positive LMIA) at the work location specified on this form:

6. Did you employ a foreign worker (as the result of receiving a positive LMIA) in the last two years, prior to December 31, 2013?

☐ No ☐ Yes

If YES – did you provide all foreign workers employed by you in the last two years with wages, working conditions and employment in an occupation that were substantially the same as those that were described in the offer(s) of employment (and confirmed in the LMIA letter(s) and annexe(s))?

☐ Yes ☐ No

7. Have you applied for and received a positive LMIA on or after December 31, 2013, and employed a foreign worker in that position?

☐ No ☐ Yes

If YES – did you provide all foreign workers employed by you, on LMIAs received on or after December 31, 2013, with employment in the same occupation as described in the offer(s) of employment (and confirmed in the LMIA letter(s) and annexe(s)) and with substantially the same wages and working conditions - but not less favourable than - those set out in that offer(s) of employment (and confirmed in the LMIA letter(s) and annexe(s))?

☐ Yes ☐ No

Note:

Employers should be aware that with recent changes to the *Immigration and Refugee Protection Regulations*, the look back period has changed from 2 to 6 years. However, this change is not retroactive and, therefore will not be fully implemented until January 2020.

8. Have you had an LMIA (formerly known as a labour market opinion or LMO) revoked within the previous 2 years from the date you submitted this application?

☐ No

☐ Yes

If YES – was the LMIA revoked because you had provided false, misleading or inaccurate information in the context of a request for an opinion?

☐ No ☐ Yes If yes, please provide the following details regarding this revocation:

Date (yyyy-mm-dd): _____ System File Number: _____

If the public policy considerations that justified the revocation are no longer relevant, please provide a detailed explanation:

9. Were any employees laid off in the past 12 months?

☐ No

☐ Yes If yes, how many Canadians/permanent residents? _____ How many foreign workers? _____

Reason(s) for layoff(s) and occupations affected: _____

10. Does your business receive support through any Government of Canada program (e.g. Work-Sharing Program)?

☐ No

☐ Yes If yes, name the program(s): _____

SUMMARY OF RESULTS TO MEET MINIMUM RECRUITMENT AND ADVERTISEMENT REQUIREMENT

You must provide a brief summary of the results of the activities you conducted to meet the minimum recruitment and advertisement requirements to apply for an LMIA.

1. Number of applications/resumes received from Canadians/permanent residents:	2. Number of Canadian/permanent resident applicants interviewed:
3. Number of Canadians/permanent residents offered the position:	4. Number of Canadians/permanent residents hired:
5. Number of job offers declined by Canadian/permanent resident applicants:	6. Number of Canadian/permanent resident applicants who were not qualified for the job:
7. For each unsuitable Canadian/permanent resident applicant, provide an 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 journey person, applicant #2 – unable to communicate in English to the level required for technical salesperson of medical equipment).	

IMPACTS ON THE CANADIAN LABOUR MARKET

The questions in this section are to be completed by all employers. The response to these questions will assist the Program to determine the impact the employment of temporary foreign workers will have on the Canadian labour market.

For the purpose of the Program:

Offshoring - is the relocation by a company of a business process from Canada to another country. This would include an operational process, such as manufacturing, or supporting processes (e.g. accounting or IT services). More recently, offshoring has been associated with technical and administrative services supporting domestic and global operations from outside Canada.

Outsourcing - is the contracting out of a Canadian business process to a foreign or Canadian third party organization resulting in the entry of temporary foreign workers into Canada.

1. Will the entry of these foreign workers lead to job losses, now or in the foreseeable future, for Canadians / permanent residents as a result of lay-offs, outsourcing, offshoring or other factors related to utilizing foreign workers?

- ☐ No
- ☐ Yes If yes, provide a summary of the impact of hiring these foreign workers, on your workforce (e.g. lay-offs, relocations) and the Canadian workforce more generally

2. Is this job offer related to an activity, contract or a subcontract that will facilitate outsourcing or offshoring?

- ☐ No If no, go to the next section, under the heading (DECLARATION OF EMPLOYER)
- ☐ Yes If yes, you must:
- complete the following questions (a to c) and
 - have each employer with whom you have a contractual arrangement to provide services, complete a separate **Schedule B – Impacts on the Canadian Labour Market.**

a.) Provide a summary of the contractual arrangement between the employer of record and the company receiving services including (but not limited to) information on: the purpose and scope of the project, the project timelines, the expertise required, and the number of Canadians and permanent residents working on the project.

b.) Provide details on how Canadians or permanent residents with whom you have a contractual arrangement for services will be positively and/or negatively affected by this arrangement? (e.g. lay-offs, relocation, displacement, promotions, restructuring, transfer of skills and/or knowledge).

c.) As part of this contractual arrangement, have you hired any foreign nationals through any work permit-exempt or Labour Market Impact Assessment-exempt processing stream?

☐ No

☐ Yes If yes, complete the following two questions (i) and (ii.)

c-i) Provide details on efforts in the past two years to hire and/or train Canadians or permanent residents for positions where a foreign national has entered under a work permit-exemption or Labour Market Impact Assessment-exemption.

c-ii) Provide a summary of the impact of hiring these foreign nationals on Canadians or permanent resident workers within the company receiving services under this contractual arrangement (e.g. lay-offs, relocation).

DECLARATION OF EMPLOYER

I am an unincorporated employer, sole proprietor or partnership.

☐ Yes

☐ No

If you answered "YES" to the above:

I understand that some provinces and territories operate, pursuant to agreements with the federal Department of Citizenship and Immigration, Provincial Nominee Programs. I hereby consent to ESDC providing the personal information contained in this request for a Labour Market Impact Assessment to the provincial/territorial government(s) of the province(s) or territory(ies) where I carry on business to be used by the province(s) or territory(ies) for the administration of their Provincial Nominee Programs.

☐ Yes

☐ No

Check each box to declare that you comply (or will comply) with the statements below. If you are unable to check a statement, Service Canada staff will request additional information, prior to issuing an opinion.

☐ I certify that I am an employer who does not, on a regular basis, offer strip tease, erotic dance, escort services or erotic massages. I understand that any LMIA application from an employer, who offers these services on a regular basis, will not be processed.

☐ I certify that I am actively engaged in the business in respect of which the offer of employment is made and understand that I must remain so during the period of employment for which the work permit is issued to the foreign worker(s).

☐ I certify that the offer is consistent with my reasonable employment needs

☐ I certify that I am reasonably able to fulfill the terms of the employment offer

☐ I certify that I am compliant with, and will comply with the federal/provincial/territorial laws that regulate employment and the recruitment of employees, in the province/territory in which it is intended that the foreign worker(s) work and, if applicable, with the terms and conditions of any collective agreement.

☐ I certify that all recruitment done, or that may be done on my behalf, by a third-party was, and will be, in compliance with federal/provincial/territorial laws governing recruitment. I acknowledge and understand that I will be held accountable for the actions of any third-party recruiting foreign workers on my behalf.

☐ I certify that I am aware of the published recruitment and advertising requirements of the Temporary Foreign Worker Program. I am, and will continue to be, compliant with these requirements and I can provide proof upon request.

☐ I certify that the employment of a foreign worker will not adversely affect the settlement of any labour dispute in progress or the employment of any person involved in the dispute, should there be an ongoing or pending labour dispute at my business. I will inform Service Canada in the case one should develop.

☐ I will comply with the prevailing wage requirements and I agree to review and adjust, when applicable, the foreign worker(s) wages, at least annually, to ensure he/she continues to receive the prevailing wage for the occupation and region where he/she is employed.

☐ I am in good standing with the applicable workers' compensation program and I will register the TFW(s) under the appropriate provincial/territorial workers' compensation/workplace safety insurance plan where required by law, or purchase on-the-job-injury or illness insurance that provides the TFW(s) with the same or better coverage as that offered by the applicable provincial/territorial plan. I will not recover these costs from the TFW(s).

☐ I certify that I will make reasonable efforts to provide a workplace that is free of abuse which includes physical, sexual, psychological or financial abuse.

☐ I certify that I will provide the foreign worker(s) with employment in the same occupation as that set out in the foreign worker's offer of employment and with wages and working conditions that are substantially the same as — but not less favourable than — those set out in the LMIA letter and annex A.

- ☐ I agree that I will not recover any costs, directly or indirectly, associated with seeking an LMIA from any foreign worker(s).
- ☐ I acknowledge and understand that for a period of six years from the first day of employment of the foreign worker(s), I may be subject to an inspection and I will retain any documents that relate to the LMIA application and the terms and conditions of the LMIA letter and annexes.
- ☐ If required, I will give all reasonable assistance to the officer conducting the inspection. I will attend interviews and on-site inspections, answer questions, provide information and documentation that relate to the conditions I have agreed to, pertaining to the LMIA letter and annexes.
- ☐ I understand that should an on-site inspection be required for verification of compliance with the conditions stated on the LMIA letter and annexes, that the inspections may take place at any premises or location where the foreign worker(s) perform(s) work.
- ☐ I declare that the employment of the foreign worker(s) is likely to have a positive or neutral effect on the Canadian labour market and will not lead to job loss or reduction in work hours for any Canadian or permanent resident during the period of employment for which the work permit is issued.
- I agree to pay the total fee indicated in the Labour Market Impact Assessment - Processing Fee Payment section, either by credit card or certified cheque/money order. I also acknowledge that if I do not submit my payment, my LMIA application will not be processed. **NOTE:** This attestation and the requirement to pay the processing fee do NOT apply to employers who choose to support a foreign national's permanent resident visa application only and will not be hiring the foreign national before their permanent resident visa application is processed. If the employer wants to hire the foreign national as a temporary foreign worker before the permanent resident visa application process is completed, then the LMIA processing fee must be paid.

SIGNATURE OF EMPLOYER

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

I have read and I understand the Personal Information Collection Statement found at the beginning of this application. I declare that the information provided in this Labour Market Impact Assessment application is true, accurate and complete.

- ☐ I commit to hire the worker(s) covered by this application on a full-time basis as per the terms of the job offer described in this application and in the LMIA letter and annex upon issuance of the work permit and/or permanent resident visa.

OR

- ☐ I commit to hire the worker(s) covered by this application on a full-time basis as per the terms of the job offer described in this application and in the LMIA letter and annex upon issuance of the permanent resident visa.

Signature of Employer

Printed Name of Employer

Title of Employer

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 period of two years.

You must immediately contact Service Canada Centre where you submitted this application, and the affected foreign national, if you decide to cancel your offer of employment prior to the entry of the foreign national to Canada or if you no longer need to hire a foreign national. Failure to do so could impact the outcome of future LMIA applications.

DOCUMENTATION REQUIRED

The check boxes indicate the required documents that must be included with the LMIA application. In cases where there are 2 employers making a joint job offer for a skilled trades position both employers must submit the necessary documentation with the LMIA application.

If a required document is not attached, please explain:

Job offer (signed by the employer and the foreign worker)	☐
Proof of recruitment (e.g. copy of advertisement and information to support where, when and for how long the position was advertised)	☐
Business registration or legal incorporation documents (if first LMIA application)	☐
Provincial/municipal business license (where applicable and if first LMIA application)	☐

Canada Revenue Agency - Documentation

PD7A Statement of Account for Current Source Deductions (for the 12-month period preceding the application)	☐
T4 Summary of Remuneration Paid (most current year ending)	☐
- T2 Schedule 100 Balance Sheet Information (for corporations only - 2 most recent returns filed) - T2 Schedule 125 Income Statement Information (for corporations only - 2 most recent returns filed)	☐
T2 125 Statement of Business or Professional Activities (for sole proprietorships/partnerships - 2 most recent returns filed)	☐
Commercial lease agreement (where applicable and if first LMIA)	☐

Provincial documentation requirements (for the provinces noted below):

ALBERTA - Employment Agency Business Licence (*Alberta's Fair Trading Act*) if applicable
BRITISH COLUMBIA - Employment Agency License (*British Columbia's Employment Standards Act*) if applicable
MANITOBA - Certificate of Registration (*Manitoba's Worker Recruitment and Protection Act*)
NOVA SCOTIA - Employer Registration Certificate (*Labour Standards Code*)
SASKATCHEWAN - Employer Registration Certificate (*The Foreign Worker Recruitment and Immigration Services Act*) (no documents required, however employers must be registered).

Note:

In some cases the province may not provide a physical document but rather post the names of registered/certified employers on a website.

☐

Send Application and all Supporting Documentation:

Employers must complete, sign, and send the completed application and all required documentation to:

Temporary Foreign Worker Program
Service Canada - Centre of Specialization
1 Agar Place, PO Box 7000
Saint John NB E2L 4V4

Fax: 1-866-585-7524 (toll free)

For assistance call the Employer Contact Centre:

Within Canada and the United States: 1-800-367-5693 (toll free)

Outside Canada and the United States: 506-546-7569

Note:

A complete application means that employers have:

- filled out all of the fields in all of the necessary forms;
- included all of the required documentation;
- signed the forms where required; and
- submitted the fee payment with the application (if applicable).

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