



# GMS Flash Alert

## Immigration Edition

2017-147 | October 6, 2017



# Canada – New Obligations, Processes with Labour Market Impact Assessment

Effective August 28, 2017, employers in Canada hiring temporary foreign workers through the Labour Market Impact Assessment (LMIA) process will need to comply with new recruitment requirements. One thing to highlight is that the new recruitment requirement applicable to the “regular” LMIA process will apply to both the high-wage and low-wage streams.<sup>1</sup> Special LMIA streams such as the Global Talent Scheme (GTS) and the Agriculture Stream continue to have their own recruitment requirements.

It appears that Employment and Social Development Canada (ESDC) implemented changes tied to hiring through LMIA and enforcement processes in response to the observations and recommendations contained in the 2017 Spring Reports of the Auditor General of Canada. Given the new requirements, ESDC will exercise greater scrutiny in its review process and employers should also be prepared for additional compliance obligations.

---

## WHY THIS MATTERS

The changes will mean:

- Increased scrutiny in assessing employer recruitment efforts: Employers should be prepared for a higher evidentiary burden when submitting an LMIA application.
- Expanded inspection scope and enforcement mechanisms: Employers can anticipate an increased likelihood of on-site inspections by ESDC, particularly if there are any perceived possibilities of non-compliance – for instance, a whistleblower complaint by a foreign worker or other employees.
- Additional documentary retention obligations: Employers must retain records of their recruitment and advertising efforts for a minimum of six years.

---

© 2017 KPMG Law LLP, a tax and immigration law firm affiliated with KPMG LLP, each of which is a Canadian limited liability partnership. KPMG LLP is a Canadian limited liability partnership and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative (“KPMG International”), a Swiss entity. All rights reserved. Printed in the U.S.A. NDPPS 530159

2017-147 | October 5, 2017

## To Learn More ....

Read the full report, "[Labour Market Impact Assessment: New Recruitment Requirements; Stricter Review Process](#)," in *e-Alert* (08/2017), a publication of KPMG Law LLP in Canada (a KPMG International member firm in Canada).

## FOOTNOTE:

1 From ESDC, see "[Program requirements for low-wage positions](#)" and "[Program requirements for high-wage positions](#)."

\* \* \* \*

## Contact us

For additional information or assistance, please contact your local GMS or People Services professional\* or the following professional with the KPMG International member firm in Canada:



**Howard Greenberg**  
**National Practice Leader -**  
**Immigration**

Tel. +1 416-777-8583

[hgreenberg@kpmglaw.ca](mailto:hgreenberg@kpmglaw.ca)

*\* Please note that KPMG LLP (U.S.) does not provide any immigration services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

**The information contained in this newsletter was submitted by the KPMG International member firm in Canada.**

© 2017 KPMG Law LLP, a tax and immigration law firm affiliated with KPMG LLP, each of which is a Canadian limited liability partnership. KPMG LLP is a Canadian limited liability partnership and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. All rights reserved.

[www.kpmg.com](http://www.kpmg.com)

[kpmg.com/socialmedia](http://kpmg.com/socialmedia)



© 2017 KPMG LLP, a Delaware limited liability partnership and the U.S. member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. All rights reserved. Printed in the U.S.A. NDPPS 530159

The KPMG name and logo are registered trademarks or trademarks of KPMG International.

The KPMG logo and name are trademarks of KPMG International. KPMG International is a Swiss cooperative that serves as a coordinating entity for a network of independent member firms. KPMG International provides no audit or other client services. Such services are provided solely by member firms in their respective geographic areas. KPMG International and its member firms are legally distinct and separate entities. They are not and nothing contained herein shall be construed to place these entities in the relationship of parents, subsidiaries, agents, partners, or joint venturers. No member firm has any authority (actual, apparent, implied or otherwise) to obligate or bind KPMG International or any member firm in any manner whatsoever. The information contained in herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

Flash Alert is a GMS publication of KPMG LLP's Washington National Tax practice. To view this publication or recent prior issues online, please click [here](#). To learn more about our GMS practice, please visit us on the Internet: click [here](#) or go to <http://www.kpmg.com>.