



The Honourable Patty Hajdu
Minister of Employment and Social Development Canada (ESDC)
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29 October 2025

RE: Practical Non-Policy Fixes for the Foreign Worker Program

ESDC's focus on aligning the Foreign Worker Program with public expectations and media transparency has, at times, limited its responsiveness to practical labour market realities. There are straightforward, practical measures that can realign this program to better serve both employers and workers. With the support of the Minister's office, these adjustments can be directed to the regions as follows:

- 1. Direct staff to stop applying new guidance to files already in process (freeze retroactive application).**

Rationale: Prevents refusals based on requirements that did not exist when applications were filed.

Proposed Outcome: Publish a brief portal notice confirming that new guidance will not apply to in-process files; communicate this to affected applicants and representatives.

- 2. Mandate that every officer must copy the authorized representative on all communications when an RCIC, lawyer, or other representative is on file.**

Rationale: Reinforces procedural fairness and ensures transparent communication.

Proposed Outcome: Implement a portal and email rule mandating representative inclusion; audit a sample of 30 recent files to confirm compliance.

- 3. Create a checklist of required documents for all LMIA streams that form part of the submission.**

Rationale: Prevents refusals based on purely discretionary decisions made by an officer.

Proposed Outcome: Post checklists online and update them as program rules evolve.

4. **Establish consistent document-request timelines: seven (7) calendar days as the default; any “urgent” requests require managerial approval and written justification.**

Rationale: Prevents unreasonable 24-hour demands and ensures transparent procedural timelines.

Proposed Outcome: Portal request template enforces seven-day default; “urgent” tags require a manager’s ID and rationale.

5. **Introduce a two-tier internal review mechanism (48-hour acknowledgment / seven-business-day review) for contested files (second-opinion desk).**

Rationale: Provides timely internal redress and reduces external escalation and litigation.

Proposed Outcome: Escalations acknowledged within 48 hours; substantive review completed and communicated within seven business days.

6. **Direct officers to apply sound judgment and proportionality in file assessments. Where discretion is exercised to refuse an application, similar discretion should be applied to approve cases that clearly demonstrate a legitimate labour market need.**

Rationale: *Files are increasingly refused for minor technicalities, with discretion used primarily to deny rather than to approve. A balanced approach would better support genuine labour market needs.*

Proposed Outcome: An internal memo directing officers to view the application holistically. Reference should be made to *Marcom Resources Ltd. v. Canada (Employment, Workforce Development and Labour)*, 2020 FC 182, Associate Chief Justice Gagné reiterates that officers must consider all the information provided by the applicant, and provide a rationale whenever submitted evidence is set aside, if such evidence would impact the outcome of the application. She also concluded that the officer fettered her discretion by relying too narrowly on policies without considering the relevant information provided in the application.

7. **Direct officers to review files carefully and not request documents already filed with the original application**

Rationale: Causes unnecessary delay with officers having to email the client for the documents when they can easily locate the document(s) in the portal.



Proposed Outcome: Add a portal prompt reminding officers to check existing submissions before issuing document requests and include a system flag when duplicate requests are initiated.

Yours truly,

A handwritten signature in black ink, appearing to read "D. Jade".

Dory Jade, C.Dir.
Chief Executive Officer
CAPIC-ACCPI

Additional Signatories:

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Jim Bence
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