

HIRING TEMPORARY FOREIGN WORKERS IN THE ENTERTAINMENT INDUSTRY

Hiring foreign workers in film and entertainment can be an important part of making a production or holding a cultural or entertainment event in Canada. The entry of foreign workers in film and entertainment can also bring unique international talent to Canada and support cultural exchange.

In most cases, Canadian employers hiring foreign workers in “Film and Entertainment” category must get a “labour market opinion” (LMO) from Service Canada/Human Resources and Social Development Canada (HRSDC).

Once the foreign worker has attained a “positive LMO”, they will then require a “Citizenship and Immigration” (CIC) “Work Permit” to work in Canada. This will be issued at the Port of Entry (POE) if all requirements are met.

Step One: Employer recruits foreign worker and makes job offer

- Job offer must include: Job title, a concise description of the job, a list of required education, skills and experience, details of when the job will start and end, salary details, location where employee will be working.
- Wages: Wages and working conditions must be consistent with the Canadian labour market.

Step Two: Employer applies for a Labour Market Opinion from Service Canada

- The Employer must complete ALL boxes of the Foreign Worker Application for Labour Market Opinion (LMO).
- Employer then must submit LMO application for each Foreign Worker to Service Canada’s BC/Yukon Foreign Worker Unit **by FAX** to: (604) 666-7731
- The job offer is assessed on:
 - The occupation that the foreign worker will be employed in;
 - The wages and working conditions offered;
 - The employer’s advertisement and recruitment efforts;
 - The labour market benefits related to the entry of the foreign worker;
 - Consultations if any, with the appropriate union
 - Whether the entry of the foreign worker is likely to affect the settlement of a labour dispute.
- Service Canada makes decision:
 - Service Canada officer will correspond with the employer of the LMO decision. Once a positive LMO is issued, it will be sent to the employer by Fax.
 - The employer should also forward a copy of the confirmation letter to the foreign worker to present at the Port of Entry (POE).

Step Three: Foreign worker applies for a Work Permit

- Most foreign workers must apply for a work permit at a port of entry (POE) (i.e. airport or border crossing) from the Canada Border Services Agency (CBSA) upon arrival.
- When the foreign workers enter Canada, they must explain to the immigration officer that they have come to Canada to work. The foreign worker must provide documentation to support reason for entry, such as their letter of ‘offer of employment’ and the positive

'Labour Market Opinion' (LMO). If a confirmation number is available, it should be presented to the Immigration Officer

- There is an immigration processing fee of \$150 (Canadian) for a work permit, payable upon the issuance of the work permit to the foreign worker. Payment can be made in cash (Canadian or US), Visa or Mastercard.
- If the requirements are met, the Officer will then issue the foreign worker a work permit.

LABOUR MARKET EXEMPTIONS

Under the Immigration and Refugee Protection Act (IRPA), there are specific cases where employers in the film and entertainment industries do not need an HRSDC job offer confirmation, or the foreign workers do not need a Citizenship and Immigration Canada (CIC) work permit. Foreign Workers who do not need a CIC work permit or an HRSDC labour market opinion include:

- Producers of film, television, video and documentary projects funded entirely from outside of Canada. It is essential that producers submit correspondence from their company providing information pertaining to the film production and the length of time the producer will be required to stay in Canada.
- All foreign workers entering Canada to take employment under the terms of a film co-production agreement between Canada and any other country are exempt from the LMO.
- Individuals and groups who purchase services or rent equipment furnished by recording and film studios in Canada may be admitted without work permits if they meet the criteria of R187.

Foreign workers exempted from a CIC work permit and HRSDC labour market opinion can apply for a visitor visa directly at a CIC visa office or at a Canadian Port of Entry.

For the latest information on positions exempt from Work Permits and/or LMO, please consult http://www.hrsdc.gc.ca/en/workplaceskills/foreign_workers/entertexem.shtml.