

Directive on Wage Assessment

New information is highlighted

Effective Date: 2018-11-09

Modified Date: 2025-01-13

Note: As of January 1, 2024, employers are required to update the wages of temporary foreign workers to reflect increases to the prevailing wage under the factor for working conditions R.203(3)(d). Refer to Directive on Working Conditions for Prevailing Wage Reviews guidance.

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1. Application

This directive applies to all program streams.

2. Exemptions

- The assessment of wages for LMIA applications with a Quebec work location and a duration of more than 30 days is evaluated by the ministère de l'Immigration, de la Francisation et de l'Intégration (MIFI).

3. Regulatory Authority

203(1.1) For the purposes of paragraph (1)(b), the employment of the foreign national is unlikely to have a positive or neutral effect on the labour market in Canada if

- (a) the wages set out in the offer of employment are not consistent with the prevailing wage rate for the occupation;*

4. Guidelines

The job offer wages should be substantially the same as, but not less favourable than, wages paid to Canadians and permanent residents in the same economic region, for the same occupation with same skills and years of experience.

The job offer must provide the minimum hourly wage that will be paid to the temporary foreign worker. (Exception: An annual wage is acceptable if consistent with the prevailing wage source.)

- If the position will receive an annual salary, the employer should convert the annual income into an hourly wage.
- If the position includes pay based on piecework, mileage, commission, bonuses, predictable overtime, the employer should include the details of the compensation in the LMIA application. The monetary value of benefits should not be included in the hourly wage calculation. (i.e. living and lodging allowances, stock options, pension, extended health benefits, use of company vehicle, etc.).
- If the position will receive a pay in a foreign currency, the employer must convert it into hourly wage rate in Canadian dollars on the LMIA application. The LMIA Online questionnaire and the paper form provide instructions to employers on how to convert from foreign currency to Canadian dollars. During wage assessment, there is no expectation or requirement to validate the foreign currency conversion.

Job offers below the prevailing wage must be assessed as having a **negative** effect on the Canadian labour market. If this labour market factor is assessed negatively, a **negative LMIA application decision** must be issued.

For the purposes of the TFW Program, employers must pay, as a minimum, the prevailing wage for the occupation. There are four sources of information that can be used to determine whether the job offer meets the prevailing wage requirement. The details of the job offer must be considered when determining which of the four prevailing wage rate sources should be used to assess the LMIA application. See [Annex C](#) for assistance on how to select a prevailing wage information source.

i. Collective Bargaining Agreement (CBA)

If the position is part of a union then the CBA must be used to determine the prevailing wage. The CBA supersedes all other prevailing wage information.

Positions which are part of a union must offer the same wage rates and other forms of compensation as those established under the collective agreement. If the prevailing wage posted on Job Bank is higher than the wage stipulated in the CBA, the employer must pay the CBA rate, as this has been negotiated and agreed upon by all members of the bargaining unit. The LMIA application directs the employer to provide a copy of the CBA wage schedule.

ii. ESDC Wage Variation

ESDC has established the prevailing wage rate for specific occupations and in particular provinces/territories. Employers must offer a wage equal to or higher than the ESDC wage variation when hiring for these positions and work locations. The ESDC wage variation

supersedes iii, iv and v prevailing wage sources listed below. See [Annex A](#) or the positions linked below for details.

Positions in Cold Lake, AB

Physicians

Ski and Snowboard Instructor Positions

Seasonal Agricultural Worker Program (SAWP) and Agricultural Stream

Global Talent Stream (GTS)

Maritime Sector – Coasting Trade

Quebec – International Medical Graduates

iii. Employers current pay structure for employees in the same occupation and the same work location with the same skills and years of experience

If there are other employees currently employed in the same occupation and the same work location with the same skills and years of experience then prevailing wage is determined as the higher of:

- Median hourly wage paid to Canadians and permanent residents in the same economic region, for the same occupation as posted on Job Bank's Wage report *
- OR –
- A wage that is within the wage range that the employer is currently paying other employees working in the same occupation and the same work location with the same skills and years of experience.

iv. Job Bank Wage Report

If there are no other employees current¹ly employed in the same occupation and the same work location with the same skills and years of experience then prevailing wage is determined using the median hourly wage paid to Canadians and permanent residents in the same economic region, for the same occupation as posted on Job Bank's Wage report*.

***Notes:**

- In cases where the position requires that the TFW work for the same employer in more than one economic region, then the prevailing wage is deemed the highest of the Job Bank median hourly wages among all economic regions where the TFW will work.
- Refer to the [Classification of Occupation directive](#) for guidance on determining the NOC.
- See [Annex B](#) for more information about the Job Bank Wage Report.

5. Procedures

5.1 Determine the job offer hourly or annual wage rate

The employer must provide an hourly wage rate unless the prevailing wage source uses an annual salary. Review the LMIA application job offer.

- If the wage rate format is consistent with the prevailing wage source then proceed to step 5.2.

1

- Proceed to the table below if the wage offer includes contingent wages or a wage format inconsistent with the source of prevailing wage information.

If the wage offered	then
<p>includes contingent wages such as:</p> <ul style="list-style-type: none"> • piecework • mileage • commissions • guaranteed bonuses • predictable overtime 	<p>the contingent wages will generally not be accepted as part of the wage assessment and the officer should ask for a 'guaranteed wage' from the employer before proceeding with the assessment.</p> <p>However, in specific industries, where the contingent wages are an industry standard, the officer can request a wage range from the employer which incorporates the average hourly compensation including the contingent wages of the existing workforce, in the same position and the same workplace. For the wage to be considered satisfactory, the bottom end of the wage range must meet the prevailing wage of the occupation/NOC.</p> <p>Ensure that contingent wages are applied to the foreign worker in the same way that it is applied to Canadians and permanent residents in the workplace.</p> <p>Note: It is incumbent on the employer to demonstrate that contingent wages is the industry standard. All contingent wages should be clearly outlined in the advertising (see Recruitment and Advertising directive).</p> <p>Only the guaranteed portion or low end of any wage range should be captured in the LMIA System as salary, any contingent wages should be noted.</p> <p>Once the guaranteed wage or the wage range has been confirmed, proceed to next step. .</p>
<p>is in a different format than the prevailing wage source (hourly or annual)</p>	<p>contact the employer to request that they provide the wage in the same format as the prevailing wage source, then proceed to next step. i.e. Job Bank (hourly or annual depending on the NOC)</p>

5.2 Determine which of the four sources of prevailing wage information will be used to assess this LMIA application

Review the LMIA application and use the four prevailing wage sources found in section four, Guidelines, to determine which source to use to assess this LMIA application. Use the information below to determine if the employer's job offer wage rate is consistent with the prevailing wage requirement. If required, see Annex C for additional information about selecting a prevailing wage rate source.

i. Collective Bargaining Agreement (CBA)

Compare the job offer wage to the wage schedule set out in the collective agreement.

- If the wage offer is not consistent with the CBA then employer has not met the prevailing rate requirement proceed to step 5.3.
- If the wage offer is the same as the CBA then the employer has met the prevailing rate requirement. Proceed to step 5.4

ii. **ESDC Wage Variation**

Compare the job offer wage to the applicable Annex A position.

- If the wage offer is less than the ESDC variation then the employer has not met the prevailing rate requirement. Proceed to step 5.3
- If the wage offer is equal to or greater than the ESDC variation then the employer has met the prevailing rate requirement. Proceed to step 5.4

iii. **Employers current pay structure for employees in the same occupation and the same work location with the same skills and years of experience**

Review the LMIA application job offer wage and pay structure information and determine which is higher:

- a) Median hourly wage paid to Canadians and permanent residents in the same economic region, for the same occupation as posted on Job Bank's Wage report.
-OR-
 - b) A wage that is within the wage range that the employer is currently paying other employees working in the same occupation and the same work location with the same skills and years of experience.
- If the job offer wage is less than the higher of the two wage sources above, then the employer has not met the prevailing rate requirement. Proceed to step 5.3.
 - If the job offer wage is equal to or greater than the higher of the two wage sources above (a or b), then the employer has met the prevailing rate requirement. Proceed to step 5.4.

See the Guidelines Note for information about multiple work locations

iv. **Job Bank Wage Report**

Review the LMIA application job offer wage and pay structure information. If the employer does not employ any employees in the same occupation and the same work location with the same skills and years of experience then use the Job Bank median hourly wage paid in the same economic region, for the same occupation to determine the prevailing rate.

Compare the job offer wage to the Job Bank median wage.

- If the wage offer is less than the Job Bank median wage then the employer has not met the prevailing rate requirement. Proceed to step 5.3
- If the wage offer is equal to or greater than the Job Bank median wage then the employer has met the prevailing rate requirement. Proceed to step 5.4

See the Guidelines Note for information about multiple work locations

5.3 The employer has not met the prevailing rate requirement

Contact the employer to advise of the prevailing wage requirement and provide the employer with an opportunity to clarify or provide additional information.

- Consider the employer's clarification and/or new information and determine whether the employer has:
 - met the prevailing rate requirement. Proceed to step 5.4.
 - not met the prevailing rate requirement. The wage set out in the offer of employment **is not consistent** with the prevailing wage rate for the occupation. The effect on the Canadian labour market is negative.

When this factor is assessed negatively, a negative LMIA application decision must be issued. When completing the summary of assessment detail the reasons for the decision in a logical progression that anyone can follow. (i.e the issues considered, the information gathered, findings of fact, the analysis of the information and how the applicable rules were applied to reach the conclusion.)

Proceed to step 6.

5.4 The employer has met the prevailing rate requirement

The employer has met the prevailing rate requirement. The wage set out in the offer of employment **is consistent** with the prevailing wage rate for the occupation. The effect on the Canadian labour market is positive or neutral. Proceed to step 6.

6. Proceed to the Desk-aid to document the LMIA System

7. Annex A – ESDC Wage Variations

Cold Lake

Maritime Sector – Coasting Trade

Fee for Service Physicians

Quebec – International Medical Graduates

Ski and Snowboard Instructor Positions in Western Provinces

Seasonal Agricultural Worker Program (SAWP) and Agricultural Stream

Global Talent Stream (GTS)

Cold Lake	
Description	Prevailing wages for Cold Lake and the surrounding communities increased as a consequence of being in the same economic region as Fort McMurray, which generally has higher wages.
Requirement	<ul style="list-style-type: none"> • To address the discrepancy, officers assess wages for: <ul style="list-style-type: none"> ○ Fort McMurray according to the posted wage for Wood Buffalo-Cold Lake economic region; and ○ Cold Lake and surrounding communities according to the Alberta provincial wage. • See the Notice on Assessing Wages in Cold Lake Region, Alberta for guidance.
Applicability	Alberta

Maritime Sector – Coasting Trade	
Description	Employers hiring foreign nationals to fill positions onboard a foreign-flagged vessel undertaking coasting trade in Canadian waters must ensure that the wage offer is equal to or greater than the prevailing wage rate for the entire employment duration, including when the vessel may enter international waters as part of the coasting trade activities.
Requirement	<p>The employer may pay what is known as “uplift”, an industry accepted practice whereby the worker is paid an additional amount on top of their international wage to meet TFW Program wage requirements. If “uplift” is paid then the LMIA rate must be supported with the details of the international wage and the “uplift”. The international wage and “uplift” details are collected to support integrity activities. The employer must pay a wage rate that is equal to or greater than the prevailing wage rate for the duration of the LMIA.</p> <ul style="list-style-type: none"> • If “uplift” is not paid then no international wage rate details are required. <p>Note: The economic region selection is dependent on where the work will occur, if the vessel is:</p> <ul style="list-style-type: none"> • transporting a product to or from a Canadian port, the economic region where the port is located should be used to determine the median wage rate; or • picking up and transporting a product between Canadian ports (i.e. transporting oil from port A to a refinery in port B), proceed with the prevailing wage assessment and refer to the Guidelines note about <u>multiple work locations</u> to determine the median wage rate; or

	<ul style="list-style-type: none"> performing work at sea and the work location cannot reasonably be associated with a specific port then use the provincial/territorial economic region to determine the median wage rate.
Applicability	All provinces and territories, where appropriate

Physicians	
Description	Specialists in clinical and laboratory medicine (NOC 31100), Specialists in surgery (NOC 31101) and General Practitioners and Family Physicians (NOC 31102) can work in the public or private health care system and are compensated in a variety of different ways including provincial government fee for service schedules or salaried compensation scales, or a combination of fee for service and salaried compensation scales;
Requirement	<p>The prevailing wage for all Physicians should be the higher of the:</p> <ul style="list-style-type: none"> rates established by the provincial government for fee for service schedules, salaried compensation scales, or a combination of fee for service and salaried compensation scales; or wages paid by the employer to currently employed Canadians or permanent residents at the same location, with the same specialty and level of service. <p>At the time of application, employers do not need to provide documentation (e.g. copy of the fee schedule or salary scale) to substantiate that the wages offered are aligned with the wages being paid to Canadians and permanent residents, for the same occupation with same skills and years of experience.</p> <p>NOTE: Employers must keep all documentation used to support their application for a minimum of six years, which begins on the TFW's first day of work. These documents could be requested at any time to verify the employers' compliance with the Program requirements.</p>
Applicability	All provinces and territories

Quebec – International Medical Graduates	
Description	International medical graduates must complete a 13-week unpaid on-the-job assessment in a provincial health care facility for foreign credential recognition purposes. Successful completion of this assessment determines the graduate's ability to practice medicine in Québec.
Requirement	The prevailing wage is determined to be \$0/hr.
Applicability	Quebec

Ski and Snowboard Instructor Positions in Western Provinces NOC 54100 Program Leaders and Instructors in Recreation, Sport and Fitness	
Description	<p>Ski and snowboard instructors are part of the occupational group NOC 54100 – Program Leaders and Instructors in Recreation, Sport and Fitness. This group encompasses many different positions employed by community centres, sports and fitness clubs, outdoor centres, resorts, recreational facilities, health care facilities, retirement homes, correctional institutions, tourism associations and similar establishments.</p> <p>Due to the diversity of this group, the Job Bank median wage does not accurately represent the specific wages for the different positions; therefore, a variation to the wage policy has been established</p>
Requirement	<p>The prevailing wage rate for ski and snowboard instructor positions in the two western provinces is based on the Canada West Ski Areas Association (CWSAA) wage survey, which breaks down Certification Levels and ski areas. The specific hourly wages can be found on the Variations to the wage requirements - Canada.ca web site. Due to delay in publishing of season wages, use wages available on web site and remind employers to update wages according to prevailing wage review requirements.</p> <p>Employers must agree to pay at least the hourly base wage rates for the corresponding certification levels.</p>
Applicability	British Columbia, Alberta

Seasonal Agricultural Worker Program (SAWP) and Agricultural Stream	
Description	In order to hire foreign workers under SAWP and Agriculture Stream, the employer must be involved in production that is included on the National Commodity List (NCL) and meet the definition of primary agriculture as set out in the <i>Primary Agriculture Stream Policy</i> .
Requirement	<p>The prevailing wage in the SAWP and the Agricultural Stream is defined as the highest of the:</p> <ul style="list-style-type: none"> • the <u>NCL Wage*</u> for the specific occupation, commodity and region (or in Quebec, the Quebec provincial wage tables); or • the provincial/territorial minimum wage; or • the wage the employer is paying Canadians and permanent residents performing the same work at the same work location <p>NOTE: The NCL does not list a wage for some positions under these Streams (e.g. higher-skilled positions in non-livestock commodities). In these cases, use the Job Bank median rate as the prevailing wage.</p>
Applicability	All provinces and territories

Global Talent (GTS)	
Description	A wage floor exists for all applications under Category A of the GTS and for some occupations under Category B , to ensure that applications through the GTS are made to fill positions requiring unique and specialized global talent (Category A) or to fill highly skilled and in-demand positions (Category B).
Requirement	<p>The prevailing wage for GTS applications is defined as the higher of:</p> <ul style="list-style-type: none"> • the regional median hourly wage posted on Job Bank; • the wage that is within the wage range that the employer is currently paying his employees hired for the same job and work location, and with the same skills and years of experience. • Under Category A, the base salary: <ul style="list-style-type: none"> ○ for the first 2 unique and specialized positions, requested by an employer and approved by the TFWP, per calendar year, is at least \$38.46 per hour or no less than \$80,000 per year; ○ for any additional unique and specialized positions requested by the employer (i.e. more than 2) and approved by the TFWP per calendar year, is at least \$72.11 per hour or no less than \$150,000 per year. • Under Category B, see wage floors applicable for certain occupations on <u>the Global talent occupations list for Category B</u>. Employers must offer the hourly wage rate at minimum.
Applicability	All provinces and territories

8. Annex B – Job Bank Wage Report

IMPORTANT NOTICE: Following the transition to the NOC 2021, wages are still produced in NOC 2016. Wages based on NOC 2021 have yet to be released by Statistics Canada. As such, the group in charge of producing wage information, used a concordance table between NOC 2021 and NOC 2016 and when there was a merger or split, NOC 2016 was used as the reference.

Data on JB's website is published using NOC 2021, however, some information is only available based on the NOC 2016. In those instances, wage information is presented using NOC 2016 information, but the distribution of NOC 2021 job titles (across NOC codes).

In this circumstance, as a temporary workaround, we recommend using the job title that matches the majority of the job duties described in the LMIA job offer rather than the NOC code to find the median wage.

8.1 Steps to identify the median hourly wage paid to Canadians and permanent residents in the same economic region, for the same occupation.

- Go to <https://www.jobbank.gc.ca>
- From the “**Labour Market Information**” tab select “**Explore the Market**”
- Ensure search is "By Occupation"
- Enter the Job title, Location (City, province or territory, or postal code) and click “search”
- Select the “**\$ Wages**” tab.
- Scroll to view the median wage for the work location province and economic region specified in the job offer.

The median wage rate is found under the column header “Median (\$/hour)”:

Hourly wages by community/area			
Community/Area	Low (\$/hour)	Median (\$/hour)	High (\$/hour)

Note: Refer to the Classification of Occupation directive for guidance on determining the NOC.

8.2 If the median wage for the economic region is not available:

Determine the median wage using provincial/territorial median wage; If provincial/territorial median wage is not available use the national median wage.

8.3 If the job offer wage is less than Job Bank median wage

A discrepancy between the Job Bank median wage and the job offer wage may be due to an update to the wage data on the Job Bank.

8.3.1 Job Bank Annual Wages update (Fall)

- Job Bank wages are updated every year in the fall. Job Bank provides the date for the wage update by notice on their website.

Note that these wages were updated on **November 16th, 2022** based on the 2016 version of the NOC. [Learn more about our methodology.](#)

- The 2024 Job Bank annual wages update occurs on December 3. Therefore, the temporary procedures below will apply for 2 months from December 3, 2024 to February 3, 2025.

Procedures for when the job offer wage is less than Job Bank median wage due to Job Bank annual wages update

For LMIA applications received:

- before the publishing of the Job Bank wages update, or
- within 2 months of the publishing of the Job Bank wages update

Employers are required to pay the prevailing wage. The officer will obtain the employer’s agreement in writing on paying the updated prevailing wage. Employers may be required to readvertise the position using the new wage rate. This is dependent on when the application was received, and on the variance between the wage offer from the application and the current Job Bank median wage being equal to or greater than 6%.

The procedures will no longer be effective for applications received after the 2-month grace period. After this date, employers will be required to recruit Canadians using the updated median wage rates to meet the prevailing wage requirement.

For example:

- application received on November 1, 2024 before the Job Bank annual wages update occurred on **December 3, 2024**, or
- application received on December 15, 2024, within the 2-month grace period between **December 3, 2024 to February 3, 2025** from the Job Bank annual wages update.

Procedure for LMIA applications received before the publishing of the Job Bank wages update

<u>Step 1</u>	Was the application received before the Job Bank annual wages update?	Yes , proceed to Step 2. No , proceed to Procedure for LMIA applications received within 2 months of the publishing of the Job Bank wages update .
<u>Step 2</u>	In reviewing the <u>Job Bank Historical Wage Spreadsheets</u> , does the offered wage and advertised wage both meet	Yes , employers must agree, in writing, to pay the new Job Bank median wage and do not need to readvertise the job offer.

	<p>the previous Job Bank median wage?</p>	<p>No, proceed with the prevailing wage assessment using the new Job Bank median wage. The wage offered does not meet the prevailing wage requirement. See 5.3.</p>
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Procedure for LMIA applications received within 2 months of the publishing of the Job Bank wages update

<p><u>Step 1</u></p>	<p>Was the application received within 2 months of the Job Bank wage update?</p>	<p>Yes, proceed to Step 2.</p> <p>No, proceed with the prevailing wage assessment using the new Job Bank median wage. The wage offered does not meet the prevailing wage requirement. See 5.3.</p>
<p><u>Step 2</u></p>	<p>In reviewing the <u>Job Bank Historical Wage Spreadsheets</u>, does the offered wage and advertised wage both meet the previous Job Bank median wage?</p>	<p>Yes, proceed to Step 3</p> <p>No, proceed with the prevailing wage assessment using the new Job Bank median wage. The wage offered does not meet the prevailing wage requirement. See 5.3.</p>
<p><u>Step 3</u></p>	<p>Is the variance between the wage offer from the application and the current Job Bank median wage equal to or greater than 6%?</p> <p>Aid: Formula to calculate 6% variance</p> <p>A = Current Job Bank median wage B = Wage offered from application</p> <p>$(A-B) / B \times 100 = \text{ ______ } \%$</p> <p>Or use the <u>Wage Difference Calculator</u></p>	<p>Yes (Variance is =>6%) The application will be held pending and the employer must readvertise as per the minimum recruitment requirements of the Stream.</p> <p>No (Variance is <6%) Employers must agree, in writing, to pay the new Job Bank median wage and do not need to readvertise the job offer.</p>

8.3.2 Job Bank Wages Update due to Provincial/Territorial Minimum Wage

- A provincial or territorial (pt) minimum wage increase can change Job Bank median wages for certain occupations at other times of the year. However, these dates are not identified on the Job Bank website. Refer to the [Job Bank Historical Wage Spreadsheets](#) for effective dates of minimum wage changes. This update would only impact the Job bank median wage should it be below the pt minimum wage.

Procedure for when the job offer wage is less than Job Bank median wage due to a change in p/t minimum wage

The following procedure applies for LMIA applications received where the update in provincial or territorial minimum wages change the Job Bank median wage of the occupation.

Employers are required to pay the prevailing wage. The officer will obtain the employer's agreement in writing on paying the updated prevailing wage. However, employers are not required to re-recruit Canadians using the new wage rate.

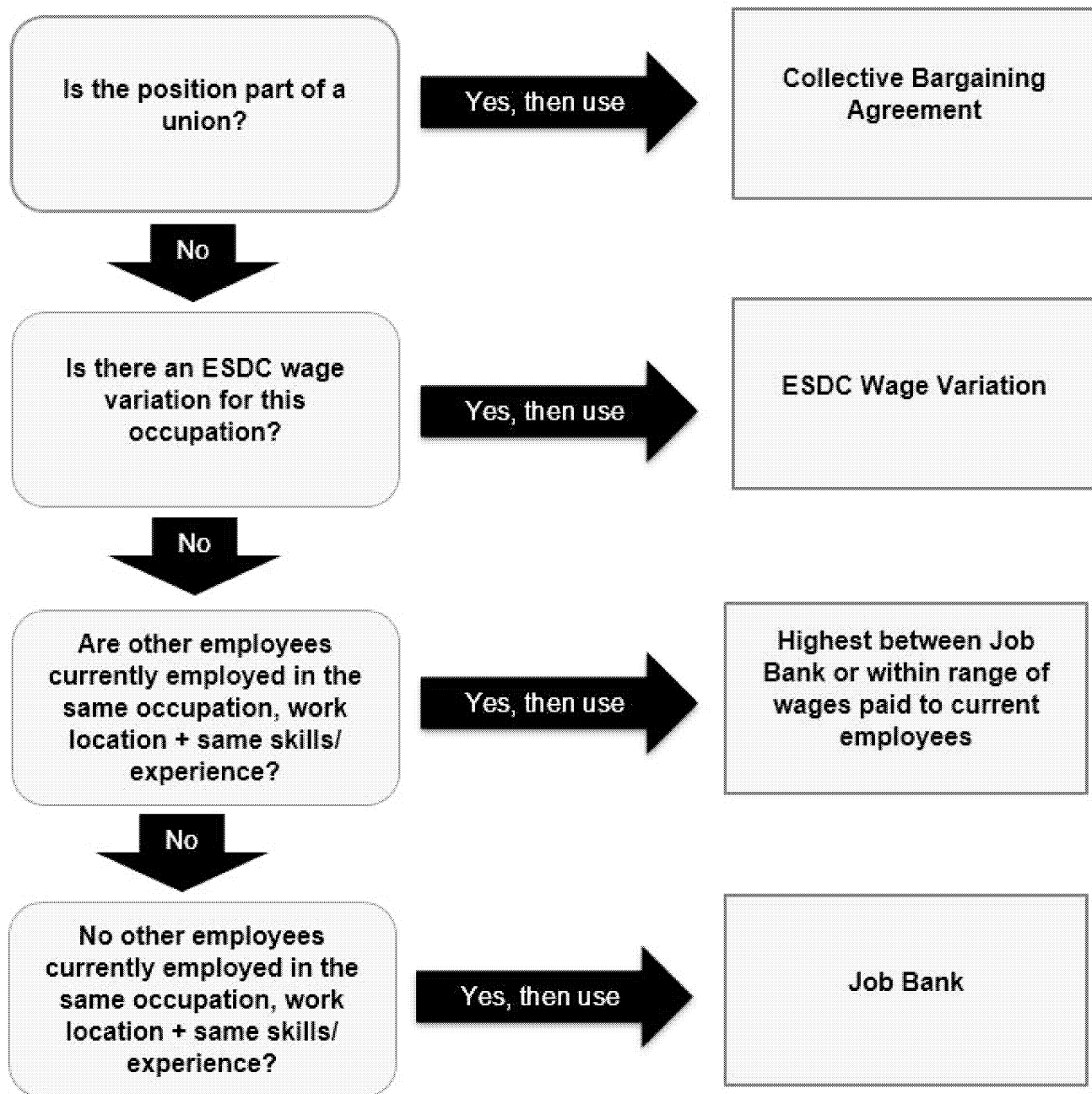
For example:

Application received on September 20, 2024, with a job offer wage of \$17.00 per hour. The Job Bank median wage for the occupation in the economic region is equal to the provincial minimum wage. The provincial minimum wage increased from \$17.00 per hour to \$17.20 per hour as of October 1, 2024.

See procedure below:

<u>Step 1</u>	Does the update in minimum wages change the Job Bank median wage for the occupation in the application?	<p>Yes, proceed to Step 2.</p> <p>No, proceed with the prevailing wage assessment.</p>
<u>Step 2</u>	In reviewing the Job Bank Historical Wage Spreadsheets , does the offered wage and advertised wage both meet the previous Job Bank median wage?	<p>Yes, employers must agree, in writing, to pay the new Job Bank median wage to meet the requirement for prevailing wage. Refer to Annex D if the new median wage results in the change in Program Stream.</p> <p>No, proceed with the prevailing wage assessment using the new Job Bank median wage. The wage offered does not meet the prevailing wage requirement.</p>

9. Annex C –How to Select a Prevailing Wage Information Source



10. Annex D – If the Job Bank median wage update results in the change in Program Stream

As in the Directive on Stream Determination using Wage Threshold by Province or Territory, a wage threshold is used to determine whether the LMIA application is to be processed under the stream for high-wage positions or the stream for low-wage positions. The program stream is automatically determined by LMIA system based on the wage offered by the employer and the wage threshold on **application submission date**.

Exception:

Due to LMIA system limitations, an increase in wage offered may cause an automatic change to the program stream after submission date for a pending application.

For example, stream was determined to be low-wage based on wage offered on application submission date. A Job Bank median wage update increases the wage to be offered. Once wage offer is increased in LMIA system, it changes the application stream from low-wage to high-wage. In this case, the LMIA system will require completion of high-wage stream information as an LMIA decision cannot be rendered without it.

Instructions to change stream from low-wage to high-wage

Employers will **not** need to re-advertise the job offer to meet High-wage Stream requirements. The officer will accept and assess the recruitment efforts submitted initially to meet Low-wage Stream requirements.

In addition to procedures at 8.3.1 and 8.3.2 to confirm employer's agreement to pay the new Job Bank median wage, officers must request additional information to complete outstanding sections required for the wage update and for the change to high-wage stream.

The officer should explain the situation to the employer and send the Labour Market Impact Assessment for High-wage Position - Wage and Transition Plan Information document for them to complete.

Once the document is completed and returned by the employer, officers are to update the outstanding sections and upload the document in LMIA system.

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3. Regulatory Authority

203(1.1) For the purposes of paragraph (1)(b), the employment of the foreign national is unlikely to have a positive or neutral effect on the labour market in Canada if

- (a) the wages set out in the offer of employment are not consistent with the prevailing wage rate for the occupation;*

4. Guidelines

The job offer wages should be substantially the same as, but not less favorable than, wages paid to Canadians and permanent residents in the same economic region, for the same occupation with same skills and years of experience.

The job offer must provide the hourly wage that will be paid to the temporary foreign worker. An annual wage is acceptable only if consistent with the prevailing wage source.

- If the position will receive an annual salary, the employer should convert the annual income into an hourly wage.
- If the position includes pay based on piecework, mileage, commission, bonuses, predictable overtime, the employer should include the details of the compensation in the LMIA application. The monetary value of benefits should not be included in the hourly wage calculation. (i.e. living and lodging allowances, stock options, pension, extended health benefits, use of company vehicle, etc.).
- If the position will receive a pay in a foreign currency, the employer must convert it into hourly wage rate in Canadian dollars on the LMIA application. The LMIA Online questionnaire and the paper form provide instructions to employers on how to convert from foreign currency to Canadian dollars. During wage assessment, there is no expectation or requirement to validate the foreign currency conversion.

For the purposes of the TFW Program, employers must pay, as a minimum, the prevailing wage for the occupation. There are four sources of information that can be used to determine whether the job offer meets the prevailing wage requirement. The details of the job offer must be considered when determining which of the four prevailing wage sources should be used to assess the LMIA application. See [Annex C](#) for assistance on how to select a prevailing wage information source.

In cases where the job offer requires work in multiple work locations in more than one economic region, province or territory, the employer must pay the higher of the prevailing wages.

Job offers below the prevailing wage must be assessed as having a **negative** effect on the Canadian labour market. Job offers that are much higher than the prevailing wage should also be assessed as having a **negative** effect on the Canadian labour market. If this labour market factor is assessed negatively, a **negative LMIA application decision** must be issued.

In accordance with the fundamental principle of procedural fairness, the employer should be given the opportunity to clarify the situation.

5. Procedures

5.1 Determine the job offer hourly or annual wage

The employer must provide an hourly wage unless the prevailing wage source uses an annual salary. Review the LMIA application job offer.

- If the wage format is consistent with the prevailing wage source then proceed to step 5.2.

- Proceed to the table below if the wage offer includes contingent wages or a wage format inconsistent with the source of prevailing wage information.

If the wage offered	then
<p>includes contingent wages such as:</p> <ul style="list-style-type: none"> • piecework • mileage • commissions • guaranteed bonuses • predictable overtime 	<p>the contingent wages will generally not be accepted as part of the wage assessment and the officer should ask for a 'guaranteed wage' from the employer before proceeding with the assessment.</p> <p>However, in specific industries, where the contingent wages are an industry standard, the officer can request a wage range from the employer which incorporates the average hourly compensation including the contingent wages of the existing workforce, in the same position and the same workplace. For the wage to be considered satisfactory, the bottom end of the wage range must meet the prevailing wage of the occupation/NOC.</p> <p>Ensure that contingent wages are applied to the foreign worker in the same way that it is applied to Canadians and permanent residents in the workplace.</p> <p>Note: It is incumbent on the employer to demonstrate that contingent wages is the industry standard. All contingent wages should be clearly outlined in the advertising (see Recruitment and Advertising directive).</p> <p>Only the guaranteed portion or low end of any wage range should be captured in the LMIA System as salary, any contingent wages should be noted.</p> <p>Once the guaranteed wage or the wage range has been confirmed, proceed to next step. .</p>
<p>is in a different format than the prevailing wage source (hourly or annual)</p>	<p>contact the employer to request that they provide the wage in the same format as the prevailing wage source, then proceed to next step. i.e. Job Bank (hourly or annual depending on the NOC)</p>

5.2 Determine which of the four sources of prevailing wage information will be used to assess this LMIA application

Review the LMIA application and use the four prevailing wage sources found in section four, Guidelines, to determine which source to use to assess this LMIA application. Use the information below to determine if the employer's job offer wage is consistent with the prevailing wage requirement. If required, see Annex C for additional information about selecting a prevailing wage source.

i. Collective Bargaining Agreement (CBA)

If the position is unionized, the CBA must be used to determine the prevailing wage. The employer must pay the CBA rate as negotiated and agreed to by all members of the bargaining unit.

The CBA takes precedence over all other sources of information on the prevailing wage, including Job Bank.

The employer must provide a copy of the most current section of the collective agreement dealing with the salary structure.

Compare the job offer wage to the wage structure set out in the collective agreement.

- If the wage offer is **not consistent** with the CBA then employer has not met the prevailing wage requirement proceed to step 5.3.
- If the wage offer is the **same** as the CBA then the employer has met the prevailing wage requirement. Proceed to step 5.4

ii. ESDC Wage Variation

ESDC has established the prevailing wage for specific occupations and in particular provinces/territories. Employers must offer a wage equal to or higher than the ESDC wage variation when hiring for these positions and work locations. The ESDC wage variation supersedes iii, iv and v prevailing wage sources listed below. See Annex A or the positions linked below for details.

Positions in Cold Lake, AB

Maritime Sector – Coasting Trade

Physicians

Quebec – International Medical Graduates

Ski and Snowboard Instructor Positions

Seasonal Agricultural Worker Program (SAWP) and Agricultural Stream

Global Talent Stream (GTS)

Compare the job offer wage to the applicable Annex A position.

- If the wage offer is **less** than the ESDC variation then the employer has not met the prevailing wage requirement. Proceed to step 5.3
- If the wage offer is **substantially higher** than ESDC's salary variation, the employer may not meet the prevailing wage requirement.

- If the employer has not met the prevailing wage requirement, proceed to step 5.3.
- If the employer has met the prevailing wage requirement, proceed to step 5.4.

- If the wage offered is **equal to or greater** than the ESDC variation then the employer has met the prevailing wage requirement. Proceed to step 5.4

iii. **A wage within the employer's wage range for the occupation**

If the employer currently employs workers in the same occupation and work location with the same skills and years of experience, assess the wage offered using the wage range provided in the LMIA application. Any wage within the wage range will be deemed the prevailing wage if higher than Job Bank's prevailing wage for the occupation.

Review the LMIA application job offer wage and pay structure information and determine which is higher:

- If the wage offer is **less than** the lowest wage in the wage range, the employer has not met the prevailing wage requirement. Proceed to step 5.3.
- If the wage offer is **higher than** the highest wage in the wage range, the employer may not meet the prevailing wage requirement.
 - If the employer has not met the prevailing wage requirement, proceed to step 5.3.
 - If the employer has met the prevailing wage requirement, proceed to step 5.4.
- If the wage offer is **within** the wage range, the employer has met the prevailing wage requirement. Proceed to step 5.4.

iv. Job Bank Median Wage

The Job Bank wage report provides prevailing wage information for employees in a given occupation, in same economic region. The job offer wage must be consistent with the Job Bank median hourly wage for the occupation. Refer to [Annex B](#) for guidance on the Job Bank Wage Report.

In cases where the position requires that the TFW work for the same employer in more than one economic region, then the prevailing wage is deemed the highest of the Job Bank median hourly wages among all economic regions where the TFW will work.

Compare the job offer wage to the Job Bank median wage.

- If the wage offer is **less** than the Job Bank median wage then the employer has not met the prevailing wage requirement. Proceed to step 5.3
- If the wage offer is **substantially higher** than the Job Bank median wage, the employer may not meet the prevailing wage requirement.

For example, the wage offered in the application for a cook position in Toronto is \$34.50 per hour. Job Bank shows a median wage of \$17.20 per hour and a high wage of \$23.57 per hour. The offered wage exceeds the regional wages paid for a cook in Toronto.

- if the employer has not met the prevailing wage requirement, proceed to step 5.3.
- if the employer has met the prevailing wage requirement, proceed to step 5.4.

- If the wage offer is **equal to or greater** than the Job Bank median wage then the employer has met the prevailing wage requirement. Proceed to step 5.4

5.3 The employer has not met the prevailing wage requirement

Contact the employer to advise of the prevailing wage requirement and provide the employer with an opportunity to clarify or provide additional information.

- Consider the employer's clarification and/or new information and determine whether the employer has:
 - met the prevailing wage requirement. Proceed to step 5.4.
 - not met the prevailing wage requirement. The wage set out in the offer of employment **is not consistent** with the prevailing wage for the occupation. The effect on the Canadian labour market is negative.

When this factor is assessed negatively, a negative LMIA application decision must be issued. When completing the summary of assessment detail the reasons for the decision in a logical progression that anyone can follow. (i.e the issues considered, the information gathered, findings of fact, the analysis of the information and how the applicable rules were applied to reach the conclusion.)

Proceed to step 6.

5.4 The employer has met the prevailing wage requirement

The employer has met the prevailing wage requirement. The wage set out in the offer of employment **is consistent** with the prevailing wage for the occupation. The effect on the Canadian labour market is positive or neutral. Proceed to step 6.

6. Proceed to the Desk-aid to document the LMIA System

7. Annex A – ESDC Wage Variations

Cold Lake

Maritime Sector – Coasting Trade

Fee for Service Physicians

Quebec – International Medical Graduates

Ski and Snowboard Instructor Positions in Western Provinces

Seasonal Agricultural Worker Program (SAWP) and Agricultural Stream

Global Talent Stream (GTS)

Cold Lake	
Description	Prevailing wages for Cold Lake and the surrounding communities increased as a consequence of being in the same economic region as Fort McMurray, which generally has higher wages.
Requirement	<ul style="list-style-type: none"> • To address the discrepancy, officers assess wages for: <ul style="list-style-type: none"> ○ Fort McMurray according to the posted wage for Wood Buffalo-Cold Lake economic region; and ○ Cold Lake and surrounding communities according to the Alberta provincial wage. • See the Notice on Assessing Wages in Cold Lake Region, Alberta for guidance.
Applicability	Alberta

Maritime Sector – Coasting Trade	
Description	Employers hiring foreign nationals to fill positions onboard a foreign -flagged vessel undertaking coasting trade in Canadian waters must ensure that the wage offer is equal to or greater than the prevailing wage for the entire employment duration, including when the vessel may enter international waters as part of the coasting trade activities.
Requirement	<p>The employer may pay what is known as “uplift”, an industry accepted practice whereby the worker is paid an additional amount on top of their international wage to meet TFW Program wage requirements. If “uplift” is paid then the LMIA rate must be supported with the details of the international wage and the “uplift”. The international wage and “uplift” details are collected to support integrity activities. The employer must pay a wage that is equal to or greater than the prevailing wage for the duration of the LMIA.</p> <ul style="list-style-type: none"> • If “uplift” is not paid then no international wage details are required. <p>Note: The economic region selection is dependent on where the work will occur, if the vessel is:</p> <ul style="list-style-type: none"> • transporting a product to or from a Canadian port, the economic region where the port is located should be used to determine the median wage; or • picking up and transporting a product between Canadian ports (i.e. transporting oil from port A to a refinery in port B), proceed with the prevailing wage assessment and refer to the Guidelines note about <u>multiple work locations</u> to determine the median wage;or

	<ul style="list-style-type: none"> performing work at sea and the work location cannot reasonably be associated with a specific port then use the provincial/territorial economic region to determine the median wage.
Applicability	All provinces and territories, where appropriate

Physicians	
Description	Specialists in clinical and laboratory medicine (NOC 31100), Specialists in surgery (NOC 31101) and General Practitioners and Family Physicians (NOC 31102) can work in the public or private health care system and are compensated in a variety of different ways including provincial government fee for service schedules or salaried compensation scales, or a combination of fee for service and salaried compensation scales;
Requirement	<p>The prevailing wage for all Physicians should be the higher of the:</p> <ul style="list-style-type: none"> rates established by the provincial government for fee for service schedules, salaried compensation scales, or a combination of fee for service and salaried compensation scales; or wages paid by the employer to currently employed Canadians or permanent residents at the same location, with the same specialty and level of service. <p>At the time of application, employers do not need to provide documentation (e.g. copy of the fee schedule or salary scale) to substantiate that the wages offered are aligned with the wages being paid to Canadians and permanent residents, for the same occupation with same skills and years of experience.</p> <p>NOTE: Employers must keep all documentation used to support their application for a minimum of six years, which begins on the TFW's first day of work. These documents could be requested at any time to verify the employers' compliance with the Program requirements.</p>
Applicability	All provinces and territories

Quebec – International Medical Graduates	
Description	International medical graduates must complete a 13-week unpaid on-the-job assessment in a provincial health care facility for foreign credential recognition purposes. Successful completion of this assessment determines the graduate's ability to practice medicine in Québec.
Requirement	The prevailing wage is determined to be \$0/hr.
Applicability	Quebec

Ski and Snowboard Instructor Positions in Western Provinces NOC 54100 Program Leaders and Instructors in Recreation, Sport and Fitness	
Description	<p>Ski and snowboard instructors are part of the occupational group NOC 54100 – Program Leaders and Instructors in Recreation, Sport and Fitness. This group encompasses many different positions employed by community centres, sports and fitness clubs, outdoor centres, resorts, recreational facilities, health care facilities, retirement homes, correctional institutions, tourism associations and similar establishments.</p> <p>Due to the diversity of this group, the Job Bank median wage does not accurately represent the specific wages for the different positions; therefore, a variation to the wage policy has been established</p>
Requirement	<p>The prevailing wage ski and snowboard instructor positions in the two western provinces is based on the Canada West Ski Areas Association (CWSAA) wage survey, which breaks down Certification Levels and ski areas. The specific hourly wages can be found on the Variations to the wage requirements - Canada.ca web site. Due to delay in publishing of season wages, use wages available on web site and remind employers to update wages according to prevailing wage review requirements.</p> <p>Employers must agree to pay at least the hourly base wage rates for the corresponding certification levels.</p>
Applicability	British Columbia, Alberta

Seasonal Agricultural Worker Program (SAWP) and Agricultural Stream	
Description	In order to hire foreign workers under SAWP and Agriculture Stream, the employer must be involved in production that is included on the National Commodity List (NCL) and meet the definition of primary agriculture as set out in the <i>Primary Agriculture Stream Policy</i> .
Requirement	<p>The prevailing wage in the SAWP and the Agricultural Stream is defined as the highest of the:</p> <ul style="list-style-type: none"> • the <u>NCL Wage</u>* for the specific occupation, commodity and region (or in Quebec, the Quebec provincial wage tables); or • the provincial/territorial minimum wage; or • the wage the employer is paying Canadians and permanent residents performing the same work at the same work location <p>NOTE: The NCL does not list a wage for some positions under these Streams (e.g. higher-skilled positions in non-livestock commodities). In these cases, use the Job Bank median as the prevailing wage.</p>
Applicability	All provinces and territories

Global Talent (GTS)

Description	A wage floor exists for all applications under Category A of the GTS and for some occupations under Category B , to ensure that applications through the GTS are made to fill positions requiring unique and specialized global talent (Category A) or to fill highly skilled and in-demand positions (Category B).
Requirement	<p>The prevailing wage for GTS applications is defined as the higher of:</p> <ul style="list-style-type: none"> • the regional median hourly wage posted on Job Bank; • the wage that is within the wage range that the employer is currently paying his employees hired for the same job and work location, and with the same skills and years of experience. • Under Category A, the base salary: <ul style="list-style-type: none"> ○ for the first 2 unique and specialized positions, requested by an employer and approved by the TFWP, per calendar year, is at least \$38.46 per hour or no less than \$80,000 per year; ○ for any additional unique and specialized positions requested by the employer (i.e. more than 2) and approved by the TFWP per calendar year, is at least \$72.11 per hour or no less than \$150,000 per year. • Under Category B, see wage floors applicable for certain occupations on <u>the Global talent occupations list for Category B</u>. Employers must offer the hourly wage at minimum.
Applicability	All provinces and territories

8. Annex B – Job Bank Wage Report

IMPORTANT NOTICE: Following the transition to the NOC 2021, wages are still produced in NOC 2016. Wages based on NOC 2021 have yet to be released by Statistics Canada. As such, the group in charge of producing wage information, used a concordance table between NOC 2021 and NOC 2016 and when there was a merger or split, NOC 2016 was used as the reference.

Data on JB’s website is published using NOC 2021, however, some information is only available based on the NOC 2016. In those instances, wage information is presented using NOC 2016 information, but the distribution of NOC 2021 job titles (across NOC codes).

In this circumstance, as a temporary workaround, we recommend using the job title that matches the majority of the job duties described in the LMIA job offer rather than the NOC code to find the median wage.

8.1 Steps to identify the median hourly wage paid to Canadians and permanent residents in the same economic region, for the same occupation.

- Go to <https://www.jobbank.gc.ca>
- From the “**Labour Market Information**” tab select “**Explore the Market**”
- Ensure search is "By Occupation"
- Enter the Job title, Location (City, province or territory, or postal code) and click “search”
- Select the “**\$ Wages**” tab.
- Scroll to view the median wage for the work location province and economic region specified in the job offer.

The median wage is found under the column header “Median (\$/hour)”:

Hourly wages by community/area			
Community/Area	Low (\$/hour)	Median (\$/hour)	High (\$/hour)

Note: Refer to the Classification of Occupation directive for guidance on determining the NOC.

8.2 If the median wage for the economic region is not available:

Determine the median wage using provincial/territorial median wage; If provincial/territorial median wage is not available use the national median wage.

8.3 If the job offer wage is less than Job Bank median wage

A discrepancy between the Job Bank median wage and the job offer wage may be due to an update to the wage data on the Job Bank.

8.3.1 Job Bank Annual Wages update (Fall)

- Job Bank wages are updated every year in the fall. Job Bank provides the date for the wage update by notice on their website.

Note that these wages were updated on **November 16th, 2022** based on the 2016 version of the NOC. [Learn more about our methodology.](#)

- The 2024 Job Bank annual wages update occurs on December 3. Therefore, the temporary procedures below will apply for 2 months from December 3, 2024 to February 3, 2025.

Procedures for when the job offer wage is less than Job Bank median wage due to Job Bank annual wages update

For LMIA applications received:

- before the publishing of the Job Bank wages update, or
- within 2 months of the publishing of the Job Bank wages update

Employers are required to pay the prevailing wage. The officer will obtain the employer’s agreement in writing on paying the updated prevailing wage. Employers may be required to readvertise the position using the new wage rate. This is dependent on when the application was received, and on the variance between the wage offer from the application and the current Job Bank median wage being equal to or greater than 6%.

The procedures will no longer be effective for applications received after the 2-month grace period. After this date, employers will be required to recruit Canadians using the updated median wages to meet the prevailing wage requirement.

For example:

- application received on November 1, 2024 before the Job Bank annual wages update occurred on **December 3, 2024**, or
- application received on December 15, 2024, within the 2-month grace period between **December 3, 2024 to February 3, 2025** from the Job Bank annual wages update.

Procedure for LMIA applications received before the publishing of the Job Bank wages update

<u>Step 1</u>	Was the application received before the Job Bank annual wages update?	Yes , proceed to Step 2. No , proceed to Procedure for LMIA applications received within 2 months of the publishing of the Job Bank wages update
<u>Step 2</u>	In reviewing the <u>Job Bank Historical Wage Spreadsheets</u> , does the offered wage and advertised wage both meet the previous Job Bank median wage?	Yes , employers must agree, in writing, to pay the new Job Bank median wage and do not need to readvertise the job offer.

		No , proceed with the prevailing wage assessment using the new Job Bank median wage. The wage offered does not meet the prevailing wage requirement. See 5.3.
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Procedure for LMIA applications received within 2 months of the publishing of the Job Bank wages update

<u>Step 1</u>	Was the application received within 2 months of the Job Bank wage update?	<p>Yes, proceed to Step 2.</p> <p>No, proceed with the prevailing wage assessment using the new Job Bank median wage. The wage offered does not meet the prevailing wage requirement. See 5.3.</p>
<u>Step 2</u>	In reviewing the <u>Job Bank Historical Wage Spreadsheets</u> , does the offered wage and advertised wage both meet the previous Job Bank median wage?	<p>Yes, proceed to Step 3</p> <p>No, proceed with the prevailing wage assessment using the new Job Bank median wage. The wage offered does not meet the prevailing wage requirement. See 5.3.</p>
<u>Step 3</u>	<p>Is the variance between the wage offer from the application and the current Job Bank median wage equal to or greater than 6%?</p> <p>Aid: Formula to calculate 6% variance</p> <p>A = Current Job Bank median wage B = Wage offered from application</p> <p>$(A-B) / B \times 100 = \text{ ______ } \%$</p> <p>Or use the <u>Wage Difference Calculator</u></p>	<p>Yes (Variance is $\geq 6\%$) The application will be held pending and the employer must readvertise as per the minimum recruitment requirements of the Stream.</p> <p>No (Variance is $< 6\%$) Employers must agree, in writing, to pay the new Job Bank median wage and do not need to readvertise the job offer.</p>

8.3.2 Job Bank Wages Update due to Provincial/Territorial Minimum Wage

- A provincial or territorial (pt) minimum wage increase can change Job Bank median wages for certain occupations at other times of the year. However, these dates are not identified on the Job Bank website. Refer to the [Job Bank Historical Wage Spreadsheets](#) for effective dates of minimum wage changes. This update would only impact the Job bank median wage should it be below the pt minimum wage.

Procedure for when the job offer wage is less than Job Bank median wage due to a change in p/t minimum wage

The following procedure applies for LMIA applications received where the update in provincial or territorial minimum wages change the Job Bank median wage of the occupation.

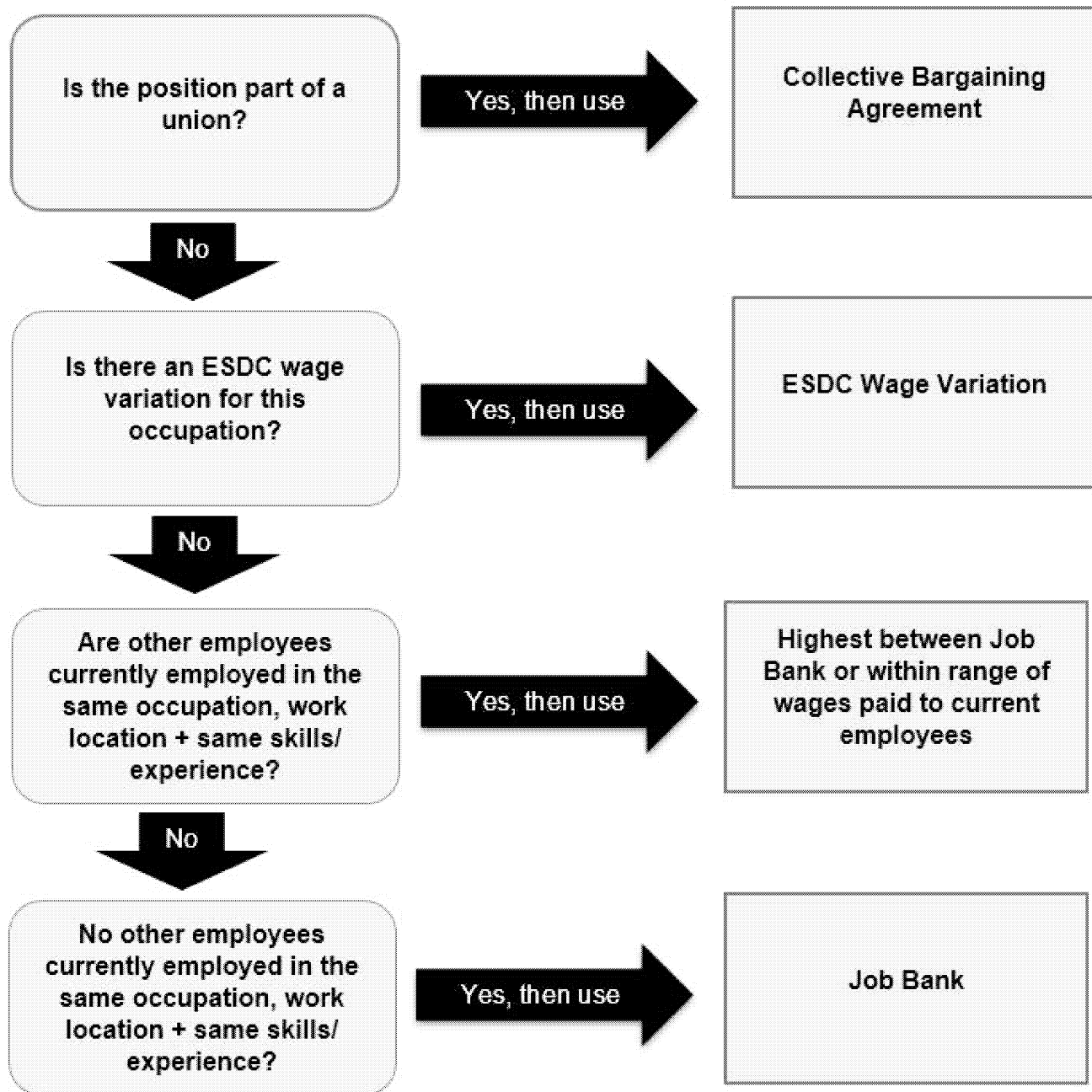
Employers are required to pay the prevailing wage. The officer will obtain the employer’s agreement in writing on paying the updated prevailing wage. However, employers are not required to re-recruit Canadians using the new wage rate.

For example:
 Application received on September 20, 2024, with a job offer wage of \$17.00 per hour. The Job Bank median wage for the occupation in the economic region is equal to the provincial minimum wage. The provincial minimum wage increased from \$17.00 per hour to \$17.20 per hour as of October 1, 2024.

See procedure below:

<u>Step 1</u>	Does the update in minimum wages change the Job Bank median wage for the occupation in the application?	<p>Yes, proceed to Step 2.</p> <p>No, proceed with the prevailing wage assessment.</p>
<u>Step 2</u>	In reviewing the Job Bank Historical Wage Spreadsheets , does the offered wage and advertised wage both meet the previous Job Bank median wage?	<p>Yes, employers must agree, in writing, to pay the new Job Bank median wage to meet the requirement for prevailing wage. Refer to Annex D if the new median wage results in the change in Program Stream.</p> <p>No, proceed with the prevailing wage assessment using the new Job Bank median wage. The wage offered does not meet the prevailing wage requirement.</p>

9. Annex C –How to Select a Prevailing Wage Information Source



10. Annex D – If the Job Bank median wage update results in the change in Program Stream

As in the Directive on Stream Determination using Wage Threshold by Province or Territory, a wage threshold is used to determine whether the LMIA application is to be processed under the stream for high-wage positions or the stream for low-wage positions. The program stream is automatically determined by LMIA system based on the wage offered by the employer and the wage threshold on **application submission date**.

Exception:

Due to LMIA system limitations, an increase in wage offered may cause an automatic change to the program stream after submission date for a pending application.

For example, stream was determined to be low-wage based on wage offered on application submission date. A Job Bank median wage update increases the wage to be offered. Once wage offer is increased in LMIA system, it changes the application stream from low-wage to high-wage. In this case, the LMIA system will require completion of high-wage stream information as an LMIA decision cannot be rendered without it.

Instructions to change stream from low-wage to high-wage

Employers will **not** need to re-advertise the job offer to meet High-wage Stream requirements. The officer will accept and assess the recruitment efforts submitted initially to meet Low-wage Stream requirements.

In addition to procedures at 8.3.1 and 8.3.2 to confirm employer's agreement to pay the new Job Bank median wage, officers must request additional information to complete outstanding sections required for the wage update and for the change to high-wage stream.

The officer should explain the situation to the employer and send the Labour Market Impact Assessment for High-wage Position - Wage and Transition Plan Information document for them to complete.

Once the document is completed and returned by the employer, officers are to update the outstanding sections and upload the document in LMIA system.