

May 27, 2024

Ministry of Labour, Immigration, Training and Skills Development  
400 University Avenue, 4<sup>th</sup> Floor  
Toronto, ON M7A 1T7

*Sent electronically*

**RE: 24-MLITSD010 – Proposed amendments to Ontario Regulation 422/17 (General), a minister's regulation made under the *Ontario Immigration Act, 2015*, pertaining to the Employer Job Offer: In-Demand Skills stream**

The Residential and Civil Construction Alliance of Ontario (RCCAO) appreciates the opportunity to provide comments regarding the Ministry's consultation on the proposed amendments related to the Employer Job Offer: In-Demand Skills stream of the Ontario Immigrant Nominee Program (OINP).

The OINP is an important element of the province's ability to attract, support and welcome newcomers. The Program is a key tool for Ontario as it faces the anticipated retirement of more than 86,000 construction workers in the province and the need to hire, train and retain almost 100,000 additional workers by the end of the decade.

The government's emphasis on skilled trades is commendable and will undoubtedly yield positive outcomes in encouraging greater participation in these fields. To effectively tackle the magnitude of this challenge, it is imperative to not only prioritize domestic policies but also utilize immigration pathways, such as the OINP, to alleviate Ontario's critical labour shortage.

Reflecting the importance of this workforce challenge, over the last 18 months, RCCAO has led an industry coalition of labour, management and subtrades that advocates for reforms of the immigration system to help address Ontario's critical labour shortage. RCCAO also appreciated the opportunity to be part of the OINP consultations that the Ministry held in the fall of 2023 and to provide feedback on those consultations and government survey. Our position on improving and streamlining the OINP remain consistent with the feedback that we provided as part of the survey consultations, a [copy of](#) which can be found in the Appendix of this submission.

RCCAO appreciates the Ministry considering the feedback that was provided earlier this year as the basis for these proposed amendments. RCCAO believes that the proposed amendments are a positive step forward to making the OINP more reflective of the labour force needs in Ontario. We commend the addition of NOC75119 to the Employer Job Offer: In-Demand Skills stream eligibility process. However, we would like to see this NOC addition to all of Ontario, not only to outside of the Greater Toronto Area as is

the current proposal. Although the need for skilled trades is acute throughout the province, it is particularly critical in the Greater Toronto Area.

With the doubling of the allocation of economic migrants to Ontario, it is incumbent upon the Ministry to ensure that skill and industry specific allocations are reflective of market forces. To be responsive to realities and needs on the ground, RCCAO would recommend that annual allocation percentages for occupations in the In-Demand Skills stream should not be a set stagnant pre-determined figure, but rather be determined by market and workforce demands. To that end, the Ministry should work closely with industries to gauge their dynamic annual needs. We would recommend that the Ministry holds regular sector specific roundtables to discuss labour market needs and upcoming industry market forecasts.

RCCAO recognizes and commends the work that the Ministry and Government of Ontario have done to prioritize the skilled trades in the province, both through domestic and international policies. For the stated policy objectives to be realized, improving and modernizing the OINP is essential.

We look forward to continuing our collaboration to ensure that Ontario has the necessary skilled workforce to build the critical infrastructure and housing we all rely on.

Sincerely,



Nadia Todorova  
Executive Director

Copy to:

- Tory Pearson, Deputy Chief of Staff, Minister's Office, Ministry of Labour, Immigration, Training and Skills Development
- Kyle Fritz, Director of Policy, Minister's Office, Ministry of Labour, Immigration, Training and Skills Development
- Quinn Anastas, Policy Advisor, Minister's Office, Ministry of Labour, Immigration, Training and Skills Development

# APPENDIX

February 22, 2024

Ministry of Labour, Immigration, Training and Skills Development  
400 University Ave  
Toronto, ON M7A 1V4

*Sent electronically*

**RE: 24-MLITSD003 – Consultation on Employer Requirements and Experience with the Ontario Immigrant Nominee Program**

The Residential and Civil Construction Alliance of Ontario (RCCAO) is pleased to provide comments regarding the Ministry's consultation on employer requirements and experience with the Ontario Immigrant Nominee Program (OINP).

This decade will see the anticipated retirement of more than 86,000 construction workers in Ontario. Considering the projected volume of work, industry will need to hire, train and retain almost 100,000 additional workers by the end of the decade. The government's emphasis on skilled trades is commendable and will undoubtedly yield positive outcomes in encouraging greater participation in these fields. To effectively tackle the magnitude of this challenge, it is imperative to not only prioritize domestic policies but also undertake comprehensive reform of the immigration system to alleviate Ontario's critical labour shortage.

Reflecting the importance of this workforce challenge, over the last 14 months, RCCAO has led an industry coalition of labour, management and subtrades that advocates for reforms of the immigration system to help address Ontario's critical labour shortage.

We applaud the work that the Government of Ontario and the Ministry of Labour, Immigration, Training and Skills Development have been doing to advance Ontario's immigration position with the Government of Canada. The signing of a historic Canada-Ontario immigration agreement that will double the allocations of economic migrants to this province solidifies the need to ensure that available Ontario immigration programs are accessible and straightforward.

OINP is an important element of the province's ability to attract, support and welcome newcomers. The current application process for various OINP streams, particularly the In-Demand Skills stream, is onerous and serves to disincentivize employers, especially small-and-medium sized ones, from participating in the program.

Further detailed feedback will be provided below, but generally, the current Employer Checklist for the OINP Job Offer Streams is overly prescriptive and more importantly it does not correspond to the nuances and realities of the construction industry.



We recognize and commend the work that the Government of Ontario has done to prioritize the skilled trades in the province, both through domestic and international policies. For the stated policy objectives to be realized, improving and streamlining OINP is essential.

We look forward to continuing our collaboration to ensure that Ontario has the necessary skilled workforce to build the critical infrastructure we all rely on.

Sincerely,

Nadia Todorova  
Executive Director

## **EMPLOYER SURVEY FEEDBACK – INCREASING EMPLOYER PARTICIPATION IN THE ONTARIO IMMIGRANT NOMINEE PROGRAM**

### **A. Employer Requirements**

The current requirements are too restrictive and do not reflect the nuances of the construction industry, particularly the requirement around having Canadian citizens or permanent residents where the applicant will work or report to work.

Given the transient nature of construction and the fact that workers are on different worksites and are seldom at the primary business location, a more appropriate requirement would be for an employer to demonstrate that they have employees and/or independent contractors who they consistently employ or subcontract work to on a continual basis regardless of the location of the performed work.

Additionally, the requirement for minimum gross annual revenue should be removed. The goal of the employer requirements is to determine that a company has an established record of employing people for the last three years as a precursor to determine that the company can employ people for the next three years.

That is not dependent on reviewing gross annual revenue documents. The process of the application should be focused on verifying the ability of an employer to employ people, which can be determined from documents regarding the number of full-time employees, which is another section of the current checklist.

The requirement to show reasonable efforts to recruit a Canadian citizen or permanent resident or submit a Labour Market Impact Assessment should be removed. This requirement does not reflect the current environment where it is well established and recognized that Ontario has a labour shortage of skilled trade workers. Putting the onus on the employer to prove that they are experiencing this shortage when it is already widely recognized to be true, is unfair. We would propose that proof of recruitment efforts should not apply for NOCs that the Government of Ontario has identified as being in demand, especially NOC 75110 and 75119.

### **B. Documentation**

To increase participation in the program and streamline the process, an employer should be given an option to provide any of the listed documentation to prove that a business has been active in Canada within the last three years or was amalgamated within the same timeframe. Furthermore, we would ask that the government consider adding the option for an employer to provide documentation showing active employer contributions on behalf of employees to an employee benefit plan, pension fund, or training trust fund.

The requirement to provide business premise documents is redundant given that an employer is already providing documents and proof under the “Active Business Document section” (e.g., CRA Schedule 125 and 141 and business financial statements), which suggests that the business meets the threshold and test for operating in Ontario.

Regarding documentation to show the number of full-time employees, we would again suggest that employers be given the option of providing any of those documents. We would also suggest removing the requirement to submit copies of employee pay slips, as individual T4 statements are sufficient to demonstrate that an employer employs at least three to five full time employees.

Additionally, to reflect realities of the construction work and contract practices, we would ask that an employer be given the option to provide a copy of a completed and submitted T5018 Statement of Contract Payments Form. This form identifies the total contract payments made to a recipient by a contractor in a calendar year of fiscal period. The T5018 reporting requirement is a standard part of CRA's work within the construction industry.

### **C. Other Considerations**

As it is reflected by our comments in section A and B, many of the current requirements do not adequately correspond to the unique characteristics and nature of the construction industry. Given the current labour market needs of the province and the ambitious pipeline of critical infrastructure work and housing being built over the next decade, it is imperative that every consideration be made to ensure that Ontario has enough skilled trade workers to get the job done.

One way to do this is to create a Construction Employer Checklist for the OINP Employer Job Offer Streams. This will ensure that the realities of the construction industry are considered when an employer is trying to hire international skilled trade workers in Ontario. Having a construction-specific checklist would streamline the process and focus it in a way that truly adheres to the spirit of ensuring that we are able to get more people into Ontario's skilled trade workforce while still protecting them from being taken advantage of.