Faculty Appointment Process & the LMIA Requirements

Faculty Positions:
ANY professorial positions – including Research Assistant/Associate, Lecturer or any other definite term faculty positions – must be advertised if the intention or possibility to hire a non-Cdn/non-CPR. This is a requirement of Immigration, Refugee & Citizenship Canada/Employment & Social Development Canada (IRCC/ESDC), not Waterloo's University Appointments Review Committee (UARC) procedures or Policy 76.

Exceptional Hires of foreign nationals are not exempt from the Labour Market Impact Assessment (LMIA) process. It is a term/process used within Waterloo and not recognized by IRCC/ESDC.

LMIA's are required for all new, reappointments, renewals and/or extensions until PR status is confirmed.

Re-appointments of definite term contracts are not deemed as a “re-appointment” by IRCC/ESDC but as a new contract. Advertising may be required for the new contract position if not explicit in the original contract that a renewal/re-appointment may be offered.

Advertising:
Minimum advertising requirements for Immigration (not UARC):
- Advertising for the position must be done before an offer can be made to a foreign national. Any advertising made after the fact, will mean a denial of the LMIA
- 30 days in at least 3 national posting sites (Waterloo’s own websites are not considered national in scope but can be referred back to within the national ads)
- 30 days in at least 1 posting site for underrepresented groups (Aboriginals, Visible Minorities, Persons with Disabilities, Women)
- Job Bank is 1 of the 3 required national posting sites
  - CAUT is required by UARC and Policy 76 and meets Immigration requirements
  - AUCC (University Affairs) is not an absolute requirement under UARC, Policy 76 or Immigration but meets Immigration requirements
- If advertising to a non-national site, 1 of the 3 national postings must run concurrently to the non-national posting
- All ads must contain the following:
  - Exact number of positions and specific rank as requested on the Faculty ID/Mission Critical form
  - Salary range as appropriate to meet the Rank requested
  - Expected start date as requested
  - Qualifications for the position requested
- Equity/Accessibility statement containing "All qualified candidates are encouraged to apply; however Canadians and permanent residents will be given priority." Statement approved by UARC is more robust and can be used in place of the above.

<table>
<thead>
<tr>
<th>University’s Appointments Review Committee (UARC)</th>
<th>Labour Market Impact Assessment (LMIA)</th>
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<tbody>
<tr>
<td>60 days recommended advertising; 30 days per UARC policy</td>
<td>30 days minimum advertised posting</td>
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<tr>
<td>CAUT and/or AUCC (University Affairs) posting</td>
<td>Job Bank + 2 other national posting sites relevant to the occupation</td>
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<td>Special efforts to recruit under-represented gender</td>
<td>Special efforts to recruit under-represented groups</td>
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<td>Closing date for receipt of applications</td>
<td>Closing date irrelevant as all Cdn/CPR applicants must be reviewed</td>
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<tr>
<td>Advertising required only for appts. of 2 years or greater</td>
<td>Advertising required for any professorial position regardless of appt. period</td>
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Recruitment Process:
- Mandatory: Job Match through Job Bank with ranking of 4 stars or higher matched within the first 30 days of posting, must be invited to apply through Job Bank – candidates can be Cdn, CPR or foreign
- Any Cdn/CPR applicant must be reviewed regardless if they applied after closing date
- Rationale must be provided for each Cdn/CPR applicant as to why they were not invited to interview and/or did not receive an offer for the position
- Signed accepted start date of the appointment must be within a year of the advertised posting (exception can be made if the start date will be within the same term from the year of the posting – i.e. Ad posted Feb. 2017; start date can be no later than Apr. 2018)

LMIA Processing:
- Cost of $1000 for processing of LMIA; payable upon submission of the LMIA package (cost is not centrally paid by the University but by the dept./school)
- Processing time can take from 4 to 12 weeks, depending on the appointment (i.e. professorial position vs. Director/Chair)
- LMIA confirmation is not guaranteed

For More Information: