

Employment and Social Development Canada

Fees Report

Fiscal year 2019–20

The Honourable Carla Qualtrough, P.C., M.P.
Minister of Employment, Workforce Development
and Disability Inclusion



ESDC 2019 to 2020 Fees Report

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Minister's message

On behalf of Employment and Social Development Canada, I am pleased to present our report on fees for 2019–20.

The *Service Fees Act* provides a modern legislative framework that enables cost-effective delivery of services and, through better reporting to Parliament, improves transparency and oversight.

This year's report provides detailed information on ESDC's Labour Market Impact Assessment fee, such as the type and rate of adjustment, the service standard and the performance result. This information provides additional context in the spirit of open and transparent fee management.



The Honourable Carla Qualtrough, P.C., M.P.
Minister of Employment, Workforce Development and Disability Inclusion

About this report

This report, which is tabled under section 20 of the *Service Fees Act* and section 4.2.8 of the *Directive on Charging and Special Financial Authorities*, contains information about the fees that Employment and Social Development Canada had the authority to set in 2019–20.

Government of Canada departments may set fees for services, licences, permits, products, the use of facilities; for other authorizations of rights or privileges; or to recover, in whole or in part, costs incurred in relation to a regulatory scheme.

For reporting purposes, fees must be categorized under the following three fee setting mechanisms:

1. Act, regulation or fees notice
 - An act of Parliament delegates the fee setting authority to a department, minister or Governor in Council.
2. Contract
 - Ministers have the authority to enter into contracts, which are usually negotiated between the minister and an individual or organization, and which cover fees and other terms and conditions. In some cases, that authority may also be provided by an act of Parliament.
3. Market-rate or auction or both
 - The authority to set these fees is pursuant to an act of Parliament or regulation, and the minister, department or Governor in Council has no control over the fee amount.

This report contains information about the fee that is under Employment and Social Development Canada's authority.

The information covers the Labour Market Impact Assessment (LMIA) fee that is exempted from the *Service Fees Act*.

For fees set by contract, fees set by market-rate, auction or both, the report provides totals only. For fees set by act, regulation or fees notice, it provides totals for fee groupings, as well as detailed information for each fee.

Although the fees that Employment and Social Development Canada (ESDC) charges under the *Access to Information Act* are subject to the *Service Fees Act*, they are not included in this report. Information on ESDC's access to information fees for 2019–20

can be found in our access to information report, which is posted on ESDC's Annual Report on the Administration of the *Access to Information Act* and the *Privacy Act* for the 2019-20 fiscal year.^[1]

Remissions

A remission is a partial or full return of a fee to a fee payer who paid for a service for which a department deemed that the service standard was not met.

Under the *Service Fees Act*, departments must develop policies for determining whether a service standard has been met and for determining how much of a fee will be remitted to a fee payer if a service standard is not met. This requirement will not take effect until April 1, 2021, so this report does not include remissions issued under the *Service Fees Act*. The report also does not include other remissions.

Overall totals, by fee setting mechanism

The following table presents the total revenue, cost and remissions for all fees that Employment and Social Development Canada had the authority to set in 2019–20, by fee setting mechanism.

Overall totals for 2019–20, by fee setting mechanism

Fee setting mechanism	Revenue	Cost	Remissions
Fees set by contract	\$0	0	Remissions do not apply to fees set by contract.
Fees set by market-rate, auction or both	\$0	0	Remissions do not apply to fees set by market-rate, auction or both.
Fees set by act, regulation or fees notice	\$59,046,000	\$93,889,806	\$0
Total	\$59,046,000	\$93,889,806	\$0

Totals, by fee grouping, for fees set by act, regulation or fees notice

The following table presents, for each fee grouping, the total revenue, cost and remissions for the fee that Employment and Social Development Canada had the authority to set in 2019–20 that are set by any of the following:

- act
- regulation

A fee grouping is a grouping of all the fees that a department has the authority to set for activities relating to a single business line, directorate or program.

Labour Market Impact Assessment: totals for 2019–20

Fee grouping	Labour Market Impact Assessment	
Revenue	Cost	Remissions
\$59,046,000	\$93,889,806	\$0

Details on each fee set by act, regulation or fees notice

This section provides detailed information on the fee that Employment and Social Development Canada had the authority to set in 2019–20 and that was set by any of the following:

- act
- regulation

Fee grouping	Labour Market Impact Assessment
Fee	Temporary Foreign Worker Program Service Fee for Labour Market Impact Assessments
Fee-setting authority	<i>Immigration and Refugee Protection Act</i> , section 89 ^[2] <i>Financial Administration Act</i> , section XX ³ <i>Immigration and Refugee Protection Regulations</i> (SOR/2002-227), 315.2(1) ^[4]
Year fee-setting authority was introduced	2013
Last year fee-setting authority was amended	2017
Service standard	Applicants submitting an eligible Labour Market Impact Assessment (LMIA) application for highest-demand occupations (skilled trades), highest-paid occupations (top 10% of wages in the province or territory where the job is created), short duration work periods (120 days or less), or any Global Talent Stream application, are to receive a decision on their application within 10 business days, starting on the business day after the

	application has been received by Service Canada. The target for achieving this standard is set at 80%.
Performance result	In fiscal year 2019-20, the service standard for the Global Talent Stream was met 90% of the time (excluding employer-related delays). The service standard was met for 82% of all other eligible LMIA applications in the 2019-20 fiscal year.
Application of Low-Materiality Fees Regulations	Not subject to <i>Service Fees Act</i>
2019–20 fee amount	\$1,000
2019–20 total fee revenue	\$59,046,000
Fee adjustment date	Not applicable
Adjusted fee amount in 2021–22	\$1,000

Endnotes

^[1] Annual Report on the Administration of *Access to Information Act* and the *Privacy Act* for the 2019 to 2020 fiscal year <https://www.canada.ca/en/employment-social-development/corporate/transparency/access-information/reports.html>

^[2] *Immigration and Refugee Protection Act*, section 89 <https://laws-lois.justice.gc.ca/eng/acts/I-2.5/>

^[3] *Financial Administration Act*, section XX <https://laws-lois.justice.gc.ca/eng/acts/F-11/>

^[4] *Immigration and Refugee Protection Regulations*, section 315.2(1) <https://laws.justice.gc.ca/eng/regulations/SOR-2002-227/FullText.html>