



# Employment and Social Development Canada

## Fees Report

Fiscal year 2020–21

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

## **ESDC 2020 to 2021 Fees Report**

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### **PDF**

Catalogue No. Em1-15E-PDF  
ISSN 2562-1424

### **ESDC**

Cat. No. : SP-1192-11-21E

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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 2020–21.

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*<sup>[i]</sup>, including the *Low-Materiality Fees Regulations*<sup>[ii]</sup> and subsection 4.2.8 of the *Directive on Charging and Special Financial Authorities*<sup>[iii]</sup>, contains information about the fees that Employment and Social Development Canada had the authority to set in 2020–21.

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
  - 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 all fees that are under Employment and Social Development Canada's authority.

The information covers fees exempted from the *Service Fees Act*. For fees set by act, regulation or fees notice, the report provides totals for fee groupings, as well as detailed information for each fee.

Although the fees that Employment and Social Development Canada charges under the *Access to Information Act* were subject to the *Service Fees Act*, they are not included in this report. Information on Employment and Social Development Canada's access to information fees for 2020–21 can be found in our access to information report, which is posted on our Web page: Annual Report on the Administration of the *Access to Information Act* and the *Privacy Act* for the 2020-21 fiscal year.<sup>[iv]</sup>

## Remissions

This report does not include remissions issued under the authority of the *Service Fees Act*, since this requirement took effect on April 1, 2021. Remissions issued under the *Service Fees Act* will be reported for the first time, as applicable, in the 2021–22 Fees Report, which will be published in 2022–23.

The *Service Fees Act* requires departments to remit a fee, in part or in full, to a fee payer when a service standard is deemed not met. Under the *Service Fees Act* and the *Directive on Charging and Special Financial Authorities*, departments had to develop policies and procedures for determining:

- whether a service standard has been met
- how much of a fee will be remitted to a fee payer if a service standard is deemed not met

At the time of this report being tabled, Employment and Social Development Canada is not subject to the requirements pursuant to section 7 of the *Service Fees Act* and its related instruments and therefore it does not have a remission policy.

In June 2020, the Government approved a remission order for Employment and Social Development Canada to provide refunds to employers who had applied to hire a foreign worker through the Temporary Foreign Worker Program (TFWP) but who elected to withdraw their application due to the impacts of the COVID-19 pandemic.

The “Overall totals for 2020-21, by fee-setting mechanism” presents the total remissions by fee-setting mechanism. The “Totals, by fee grouping, for fees set by act, regulation or fees notice” provides further details related to remissions that were issued under the authority of the *Financial Administration Act* in 2020–21.

## 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 2020–21, by fee-setting mechanism.



**Overall totals for 2020–21, by fee-setting mechanism**

| Fee-setting mechanism                             | Revenue (\$) | Cost (\$)   | Remissions (\$)                                  |
|---|--------------|-------------|--|
| <b>Fees set by contract</b>                       | 0            | 0           | Remissions do not apply to fees set by contract. |
| <b>Fees set by either market rate or auction</b>  | 0            | 0           | 0  |
| <b>Fees set by act, regulation or fees notice</b> | 49,951,000   | 111,804,523 | 2,777,000  |
| <b>Total</b>                                      | 49,951,000   | 111,804,523 | 2,777,000  |

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

The following section presents, for each fee grouping, the total revenue, cost and remissions for all fees that Employment and Social Development Canada had the authority to set in 2020–21 that are set by any of the following:

- act
- regulation

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

**Labour Market Impact Assessment: Totals for 2020–21****Fee Grouping**

Labour Market Impact Assessment

| Revenue (\$) | Cost (\$)   | Remissions (\$) |
|--------------|-------------|-----------------|
| 49,951,000   | 111,804,523 | 2,777,000       |

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

This section provides detailed information on each fee that Employment and Social Development Canada had the authority to set in 2020–21 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

- *Immigration and Refugee Protection Act*, section 89<sup>[v]</sup>
- *Financial Administration Act*, section 19(1)<sup>[vi]</sup>
- *Immigration and Refugee Protection Regulations*, section 315.2(1) <sup>[vii]</sup>

### Year fee-setting authority was introduced

2013

### Last year fee-setting authority was amended

2017

### Service standard

The following service standard is not subject to remissions pursuant to the *Service Fees Act*:

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 2020-21, the TFWP suspended its service standard for processing of eligible applications within the 10-day period, excluding the Global Talent Stream, in response to evolving labour market conditions linked to the pandemic. Processing priority was instead allocated to LMIA's received from employers in specific industries. Full reporting on this indicator will not be provided for 2020-21. In 2020-21 for the Global Talent Stream, the 10 business-day service standard was met 95% of the time (excluding employer-related delays).

**Application of *Low-Materiality Fees Regulations***

Not subject to *Service Fees Act*.

**2020–21 fee amount (\$)**

1,000

**2020–21 total fee revenue (\$)**

49,951,000

**Fee adjustment date in 2022-23**

Not applicable

**2022–23 fee amount (\$)**

1,000

## Endnotes

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[i] *Service Fees Act* <https://laws-lois.justice.gc.ca/eng/acts/S-8.4/index.html>

[ii] *Low Materiality Fees Regulations* <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-109/index.html>

[iii] *Directive on Charging and Special Financial Authorities* <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32502>

[iv] Annual Report on the Administration of *Access to Information Act* and the *Privacy Act* for the 2020 to 2021 fiscal year <https://www.canada.ca/en/employment-social-development/corporate/transparency/access-information/reports.html>

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

[vi] *Financial Administration Act*, section 19(1) <https://laws-lois.justice.gc.ca/eng/acts/F-11/>

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