Illustrative Scenario

The employer is a longtime user of the Program and thus has a cap limit of 20%. He or she has 87 employees currently on staff, including 12 TFWs. *Four of these 12 TFWs currently have a Provincial Nomination Program (PNP) certificate and are awaiting confirmation of permanent residence from Immigration, Refugees and Citizenship Canada. These four are not counted as TFWs under the current calculation.* The employer is now requesting 15 new TFWs.

Previous Calculation:

TFW workforce (numerator)	=	(12 TFWs currently at worksite) - (4 current TFWs with a PNP certificate) + (15 requested TFWs on LMIA)
	=	12 - 4 + 15
	=	23

Total workforce (denominator)	=	(75 Canadians/permanent residents) + (4 current TFWs with a PNP certificate) + (8 other TFWs currently at worksite) + (15 requested TFWs on LMIA)
	=	75 + 4 + 8 + 15
	=	102

Proportion of TFWs in the workforce (numerator ÷ denominator)	=	(TFW workforce / Total workforce) x 100
	=	(23 / 102) x 100
	=	23% (over the cap)

New Calculation

Four of 12 TFWs currently in the employer's workforce have a PNP certificate, representing a proportion of 33.3%. The proxy estimate of how many TFWs are expected to receive a PNP certificate in the near term is 33.3% of 8 = 3 (TFWs that

will soon be nominated based on recent history of TFWs in the employer's workforce transitioning to permanent residents).

TFW workforce (numerator)	=	(12 TFWs currently at worksite) - (4 current TFWs with a PNP certificate) + (15 requested TFWs on LMIA) - **(3 estimated TFWs to be nominated)**
	=	12 - 4 + 15 **- 3**
	=	20
Total workforce (denominator)	=	(75 Canadians/permanent residents) + (4 current TFWs with a PNP certificate) + (8 other TFWs currently at worksite) + (15 requested TFWs on LMIA)
	=	75 + 4 + 8 + 15
	=	102
Proportion of TFWs in workforce (numerator ÷ denominator)	=	(TFW workforce / Total workforce) x 100
	=	(20 / 102) x 100
	=	19.6% (under the cap)

Results:

- Under the previous calculation, the 23% proportion of TFWs in the employer's workforce is over the cap of 20% and thus the LMIA application would not be processed. The employer would have to reduce the number of TFWs requested.

- Under the new calculation, the employer could request the 15 TFWs and still be just at the allowable 20% cap.