

Submission: Ontario Immigrant Nominee Program ("OINP") Entrepreneur Stream & Skilled Trades

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Development

Submitted by: Ontario Bar Association



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Summary

It is imperative that the Ontario Immigrant Nominee Program's ("OINP")¹ streams support the growth and sustainability of small businesses because of the critical role that they play in the economy especially as businesses contend with broad economic challenges. Small businesses play a crucial role in employing Canadians and shaping the economy. According to Statistics Canada, "[i]n 2022, businesses with 1 to 99 employees comprised 98.0% of all employer businesses in Canada and employed 10.7 million individuals which is almost two-thirds (63.0%) of all employees".² In comparison, businesses with 100 to 500 employees, employed 3.6 million individuals and businesses with more than 500 employees employed 2.7 million individuals.³ Critically, in Innovation, Science & Economic Development Canada's *Key Small Business Statistics 2022* report, it was noted that small businesses accounted for 97.7% of the Goods-Producing sector (which includes critical industries such as Agriculture, Mining, Utilities, and Manufacturing).⁴ In the same report, it's noted that there is a positive correlation between business survival rate and initial business size. Effectively, small businesses' survival rates increase when they have a larger number of employees.

As set out in more detail below, the OBA has several recommendations for changes to the OINP streams that would help support Ontario businesses' growth and continued success, bolster Ontario businesses' capacity to create jobs, foster economic development, and enhance overall productivity.

The Ontario Bar Association

The OBA is the largest volunteer lawyer association in Ontario, with approximately 16,000 members, practicing in every area of law in every region of the province. We provide updates and education on

¹ The *Ontario Immigration Act, 2015*, S.O. 2015, c. 8, authorizes the minister to, by regulation, establish one or more programs. Accordingly, only regulatory amendments to Ontario Regulation 422/17 are required to implement many of the recommendations outlined below.

²Statistics Canada, "Analysis on small businesses in Canada, first quarter of 2023", online: <<https://www150.statcan.gc.ca/n1/pub/11-621-m/11-621-m2023003-eng.htm>>.

³ *Supra*, note 1.

⁴ Innovation, Science and Economic Development Canada, "Key Small Business Statistics 2022", online: <<https://ised-isde.canada.ca/site/sme-research-statistics/en/key-small-business-statistics/key-small-business-statistics-2022>>.



every area of the law to combined audiences of 20,000 lawyers annually. The members of our 40 practice sections include leading experts in their field who provide practical advice to government and other decisionmakers to ensure the economy and the justice sector work effectively and efficiently to support access to high-quality justice for Ontarians.

This submission has been prepared by the OBA Citizenship and Immigration Law Section (“**Section**”), which has approximately 200 lawyers who are leading experts in citizenship and immigration law and who represent virtually every stakeholder in the immigration system. These include those applying for skilled worker, permanent residence, refugee, and citizenship status; spouses of Canadian citizens; corporations and other Canadian employers who participate in skilled and temporary worker programs.

Members of the Section often advocate before the Supreme Court of Canada, the Federal Court of Canada, the Immigration and Refugee Board including the Immigration Appeal Division, the Immigration Division and the Refugee Appeal Division as well as all levels of court in the province of Ontario.

Comments

Challenges with the Suspended Ontario Immigrant Nominee Program – Entrepreneur Stream

Entrepreneurs who establish businesses in Ontario, employ Ontarians, create innovation, jobs as well as help to create a succession pathway for the numerous small business owners who are looking to retire are the epitome of successful immigrants. To attract these kinds of entrepreneurs, we must design programs that besides attracting successful foreign entrepreneurs and foreign direct investment also reward those who have already established businesses in Ontario.

The Ministry of Labour, Immigration, Training and Skills Development’s (“**Ministry**”) suspended Entrepreneur Stream had many challenges. As immigration lawyers who work closely with individuals who are the type of applicants Ontario would benefit attracting to its entrepreneur program, we would like to provide some insight as to what we feel were the roadblocks with the suspended Entrepreneur Stream:

1. The suspended Entrepreneur Stream was not competitive with the entrepreneur programs of most other provinces and the federal government, especially for the higher net-worth



requirement, higher minimum investment amount and longer nomination timeline. The length of time for an applicant to obtain permanent residence, the hurdles in the selection process, along with the risk of not obtaining a nomination after investing made many desirable candidates turn to programs in other jurisdictions in and outside Ontario and Canada. To make Ontario an attractive destination for immigrant entrepreneurs, the time for nomination may be reduced to one year, the net-worth requirement may be reduced to \$500,000 for inside GTA and \$250,000 for outside GTA. The investment amounts are proposed to be reduced to \$300,000 for inside GTA, \$150,000 for outside GTA and \$100,000 for northern and rural Ontario.

2. The suspended Entrepreneur Stream was not open to those foreign nationals who had established businesses in Canada on legal temporary resident status if they had operated beyond a year. Allowing applicants who have a proven track record of successfully operating a business in Ontario is recommended in future entrepreneur programs. Program integrity will always be crucial for any immigration program; however, the Ministry should look to the entrepreneurs who are on work permits in Ontario and have established businesses in the province. In particular, the Ministry should allow in future programs entrepreneurs who have created jobs, located themselves in northern or small towns, and created significant benefits for Ontarians in innovation, housing, construction, healthcare, arts, athleticism, and other priority areas.
3. Allowing applicants to partner with existing business owners in Ontario would increase the likelihood of success. International entrepreneurs who have run successful businesses in their home countries may still require guidance and support in a new country where they have few connections and an unfamiliar business environment. As such, many successful entrepreneurs would benefit by partnering with successful business owners in Ontario who can guide them and pass on their expertise.

Proposal for a Pilot Program – The Ontario Business Experience Class (“OBEC”)

While the Ministry is implementing the above recommendations to fix the Entrepreneur Stream, it can immediately implement a pilot program for an untapped group of entrepreneurs; those who have a proven track record of successfully operating a business in Ontario. The successful track record of these entrepreneurs is proof that they are ready to apply for a program like the Entrepreneur Stream. Our goal is for this pilot program to become a subcategory of the broader program once the issues set



out above are remedied by the Ministry. We would welcome the opportunity to meet and discuss this preliminary proposal and more solutions for the program.

Basic Requirements

1. To qualify for permanent residence in Ontario under the OBEC, applicants would be required to establish:
 - a. Management of a qualifying business in Ontario for at least **two years** before the date of the application.
 - b. Ownership of at least **50%** of the shares in the qualifying business during the relevant **two-year** period by those who are applying under the program.

Both British Columbia and Alberta have entrepreneur programs where they allow local Canadian business partners to partner with the applicants. The federal Start-Up Visa program and the Entrepreneur work permit (C-11) also allow partnerships with locals where the applicants need to own **50%** of the business.

Qualifying Business

A qualifying business would be a business established in Ontario that has:

1. Created at least **three full-time equivalent (“FTE”)** positions inside the GTA (at 30 hours per week) per applicant or the equivalent in part-time positions other than for the entrepreneur or an accompanying family member of the entrepreneur, **two FTEs** outside the GTA, and **one FTE** in rural and northern Ontario.
2. Done so for at least **one year**.

Employment Created or Maintained

For the FTE positions:

1. The employment positions could either involve employees on the company payroll or contractors working for the company.
2. If an existing job was maintained (rather than created), this would count as an FTE.

If the program receives more applications than the target, the Ministry could be more selective on a points system. We recommend that any point system should reflect the following goals:



- **Regional representation:** e.g. companies that are located in rural or Northern Ontario receive more points.
- **Net-worth and Investment Requirements:** competitive net-worth and investment thresholds should be considered as discussed in the previous section on page 5.
- **Innovation:** a business solving a problem identified by the province or a priority sector identified by the province should be rewarded.
- **Job creation:** companies with more jobs on the payroll.
- **Communities:** companies that support artistic or athletic organizations and promote the health and wellbeing of Ontarians or other beneficial sectors such as construction, trades, and innovation.
- **Length of Establishment:** Businesses that have been established longer receive more points.

Language requirements and the amount of investment into a company, though important, do not necessarily impact the benefits entrepreneurs can bring to Ontario. If the qualifying or selection system required very high language or amount of investment as part of its criteria, it may eliminate many individuals who established successful businesses in Ontario but are unable to meet these requirements. For example, a Ukrainian CUAET work permit holder who established a construction company, a Japanese artist who established an art studio through the C11 Entrepreneur work permit category, and so on and so forth.

We remain committed to helping Ontario establish programs that help to attract and retain one of the most immigrant groups that will provide some of the most significant benefits to our economy and society. In order to do so, the program must be designed to not leave behind those who have a proven record of success and are already making contributions in Ontario.

Increasing Support for Ontario Businesses in Trades and Other Critical Industries through Improved OINP Streams

Insights into Current OINP Performance

The OBA has observed that the OINP's current streams combine to compete with the Federal Government's Express Entry system, resulting in lower conversion rates and missed opportunities to



support Ontario small businesses in critical industries such as trades. A closer look at the OINP's 2021 and 2022 results⁵ can give insight into how the streams appear to compete with Express Entry and result in lower conversion rates. Between 2021 and 2022, most nominations were issued to individuals who had valid Express Entry profiles. For the non-Express Entry streams, master's students were issued 2,682 nominations while Foreign Workers and Students with Job offers were issued 2,590 and 2011 nominations, respectively.

However, the number of nominations issued between 2021 and 2022 only tell one part of the story; to better appreciate whether the OINP is efficiently carrying out its mandate, we must compare the number of nominations to the number of initiations and notifications of interest issued to determine the conversion rate. Approximately 48% of the 21,291 notifications of interest issued between 2021 and 2022 led to a nomination, while only 46% of the invitations issued to master's students, 49% of the international students with a job offer and 58% of the foreign workers with a job offer, resulted in a nomination.⁶ It's important to note approximately 91% of the 761 invitations to apply issued in 2021 and 2022 under the In-Demand Skills Stream led to a nomination. This signals that there may be significant demand for nominations in TEER 4 and TEER 5 occupations. However, the In-Demand Skills Stream accounts for less than 4% of nominations during this time.

The low conversion rates for the OINP streams underscore our concern about the ways the OINP currently competes with the federal government's Express Entry system. Comparatively, the British Columbia reported a 70.6% conversion rate in 2022. Critically, most of British Columbia's Provincial Nominee Program ("PNP") nominations were under their Skilled Worker Stream, compared to their International Graduate and International Postgraduates Streams in both 2021 and 2022.⁷

Based on current trends, there are opportunities to increase support for OINP businesses. Statistics Canada recently reported that there were 563,750 job vacancies across Ontario Q1 and Q2 of 2023. Critically, 50% of these jobs required high school or less and 45.7% of these jobs required less than

⁵ Ontario Ministry of Labour, Immigration, Training and Skills Development, "2023 Ontario Immigrant Nominee Program updates", online: <<https://www.ontario.ca/page/2023-ontario-immigrant-nominee-program-updates>>.

Ontario Ministry of Labour, Immigration, Training and Skills Development, "2022 Ontario Immigrant Nominee Program updates", online: <<https://www.ontario.ca/page/2022-ontario-immigrant-nominee-program-updates>>.

⁶ "Appendix A: OINP Data Insights," page 15-16 of the OBA's submission.

⁷ British Columbia, "Provincial Nominee Program Statistical Report and Year in Review 2022", online: <<https://www.welcomebc.ca/Immigrate-to-B-C/documents-folder/BC-PNP-Statistical-Report-2022.aspx>>.



one year of work experience or less.⁸ A Statistics Canada report on unemployment between 2016 and 2022 found that the number of vacant positions requiring a high school diploma or less has exceeded the number of unemployed Canadians with equivalent education since the third quarter of 2021. In Q4 2022, there were 497,000 vacant positions across Canada requiring a high school diploma or less, compared to 296,000 unemployed Canadian-born individuals and 70,000 unemployed immigrants with matching credentials.⁹

Recommended Changes to Employer Requirements in the Job Offer Streams

It is clear then that Ontario businesses are having difficulty filling semi-skilled and lower-skilled positions, which includes critical jobs such as helpers and labourers in trades, certain agricultural workers, and retail workers. Currently, requirements for OINP Foreign Worker/International Student/In-Demand Skills Streams (“**Job Offer Streams**”) combine to bar certain small businesses from accessing the program and do not align with recent labour market and economic trends or development in Ontario human rights law. The OINP can increase its support for Ontario businesses by amending the eligibility requirements for the OINP Job Offer Streams, and the following recommendations are intended to achieve that goal.

Amend Active Business Requirement for an Existing and Active Business

Currently, eligible businesses must have existed and have been active for at least three years before the date of the application for nomination. Given that small businesses’ survival rates increase when they have a larger number of employees and businesses operating in critical sectors/industries across Ontario contend with job shortages, many will struggle to scale up so they can survive in the long term.

To address this, we recommend amending this requirement to at least one year before the date of registration or application, as applicable. Comparatively, the BC PNP requires businesses employing skilled workers to have been established in British Columbia for at least one year before the date of an application.

⁸Statistics Canada, “Job vacancies, proportion of job vacancies and average offered hourly wage by occupation and type of work, quarterly, unadjusted for seasonality”, online: <<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410032802&pickMembers%5B0%5D=1.7&pickMembers%5B1%5D=4.1&cubeTimeFrame.startMonth=01&cubeTimeFrame.startYear=2023&cubeTimeFrame.endMonth=10&cubeTimeFrame.endYear=2023&referencePeriods=20230101%2C20231001;>>.

⁹ Statistics Canada, “Unemployment and job vacancies by education, 2016 to 2022”, online: <<https://www150.statcan.gc.ca/n1/pub/36-28-0001/2023005/article/00001-eng.htm>>.



Eliminating the Annual Revenue Requirement

Currently, eligible businesses must have gross annual revenue of \$500,000 in the year preceding an application if operating outside of the Greater Toronto Area and \$1,000,000 if operating within the GTA. These revenue requirements exceed the average revenue reported by small businesses across Canada. In 2020, rural businesses reported annual revenues of \$462,000 and urban businesses reported \$400,000. Continuing to maintain this financial requirement will effectively bar many small businesses (including those operating in Construction/Trades and Tech) from accessing the OINP and retaining staff crucial to their operations, and as noted above, their long-term survival. Comparatively, the BC PNP does not have a revenue requirement for its employers. **To address this, we recommend eliminating the revenue requirement.**

Amending the Employee Requirements

Currently, eligible businesses must – at the time of the application – have three full-time permanent resident and/or Canadian citizen employees if operating outside of the GTA and five if operating within the GTA. Statistics Canada confirms that that part-time work continues to outpace growth in full-time work in 2023. Increasingly, Ontario businesses must rely on combination of part-time and full-time employees to operate their businesses. Recognizing this, OINP currently allows applicants to count full-time or full-time equivalent work experience towards the minimum work experience for many of the streams. **To better support businesses operating in this new reality, OINP should allow businesses similar flexibility by considering two part-time positions equivalent to one full-time equivalent position, if the total hours add up to at least an average of 30 hours per week.** Also, include contract workers in this factor as it is normal business practices in many areas to have contractors rather than full-time employees. The best example is the construction industry where subcontractors are the norm.

Given Canada's declining birth rate and aging population and the need for employers to hire global talent, temporary foreign workers have rapidly and increasingly become a critical source of labour supply across industries. Specifically, Statistics Canada noted that the share of employed temporary residents grew 149% from 2010 to 2020.¹⁰ Therefore, the requirement that eligible employers have at least three or five permanent resident employees/Canadian citizen employees is inconsistent with the labour market conditions in which they operate.

¹⁰ Statistics Canada, "Foreign workers in Canada: Work permit holders versus employment income records, 2010 to 2022", online <<https://www150.statcan.gc.ca/n1/pub/36-28-0001/2023010/article/00003-eng.htm>>.



Additionally, recent developments in Ontario employment and human rights law will likely impact how businesses record and track the status of their employees, if at all. In *Imperial Oil Limited v. Haseeb*, 2023 ONCA 364, the Ontario Court of Appeal found that the employer discriminated against the candidate by making the job offer conditional on the candidate provided proof of Canadian citizenship or permanent resident status. As Ontario businesses cannot legally require new employees to be permanent residents and/or Canadian citizens, the OINP requirement, at best, adds a layer of requirement inconsistent with Employment and Human Rights standards in Canada, or at worse, may inadvertently encourage non-compliance with these standards.

Comparatively, the BC PNP program allows businesses to count two part-time employees as one full-time if the hours total an average of 30 hours per week and does not require the employees to be Canadian citizens or permanent residents. We recommend that Ontario should do the same.

Recommended Changes to Applicant Requirements for the Job Offer Streams

In addition to amending the employer requirements for the job offer streams, the OBA recommends the following revisions to the applicant requirements in the **Foreign Worker and the In-Demand streams**, to better support businesses in Construction/Trades and other important industries.

Amending Applicant Work Experience Requirement for Foreign Workers with a Job Offer Stream

Currently, eligible candidates for the **Foreign Workers with a Job Offer Stream** must have two years of work experience in the **same** National Occupation Classification (“**NOC**”) code as the employment position being offered to them. Instead, we recommend that **skilled workers be eligible for a provincial nomination if they have at least two years of skilled work experience, meet the NOC employment requirements for the position being offered, and satisfy the business needs of their Ontario employer**. The current work experience requirement arbitrarily limits Ontario businesses’ ability to nominate foreign workers they deem critical to their business and can reduce their ability to retain talent in emerging occupations such as Data Scientists and Cybersecurity specialists, etc., as the labour market continues to evolve. Maintaining the current work experience requirement may inadvertently bar otherwise qualified candidates from nomination and negatively impact Ontario businesses. Comparatively, BC PNP requires candidates to have at least two years of employment experience in any NOC and meet the employment requirements for the position being offered to them.



The 2021 overhaul of the National Occupation Classification system led to changes to several occupations and the creation of new occupation codes and unit groups. As the labour market and the classification of occupations continue to evolve, maintaining the requirement to have two years of work experience in the same NOC code may result in the **Foreign Worker with a Job Offer Stream** failing to keep pace with evolving labour market demands. We recommend the same change noted above for this Stream.

Amending Applicant Education Requirements for In-Demand Stream

Currently, eligible candidates for the **In-Demand Stream** must have a Canadian secondary school (high school) diploma or credential, or its equivalent in another country. **Instead, we recommend that candidates should only be required to demonstrate they satisfy employment requirements for the respective NOC.** Proven work experience and evidence of minimum CLB/NCLC 4 in English/French language tests are good indicators of candidates' ability to succeed in the Canadian labour market, and the current requirement operates to bar applicants from this Stream as many foreign workers who only completed high school outside of Canada will either struggle to obtain an educational credential assessment or find that their foreign high school credential is not equal to a completed Canadian secondary school diploma.

Expanding List of Eligible Occupations for In-Demand Stream

Eligible candidates for the **In-Demand Stream** can apply if working in a short list of NOC TEER 4 or 5 occupations inside and outside the GTA. **Instead, OINP can better support businesses by expanding the In-Demand Skills Stream requirements to allow candidates outside of the GTA to apply if working in any NOC TEER category 4 or 5 occupation (except caregivers) and those working in agriculture and agri-food occupations.** Recent reports indicate that rural and northern Ontario face significant economic and demographic challenges, owing to a declining population and lower immigration levels relative to urban areas in the province.¹¹ The NOC list inside the GTA should be expanded to reflect labour shortages; it is currently too restrictive.

¹¹ Northern Policy Institute, "Come North – Population Growth in Ontario's Northern Regions," online: <<https://www.northernpolicy.ca/upload/documents/come-north/en-come-north-conference-report-20-12-11.pdf>>.

Northern Policy Institute, "Just the Tip of the Iceberg: The First Few Months of the Rural and Northern Immigration Pilot, online: <https://www.northernpolicy.ca/upload/documents/publications/briefing-notes/hagar_mnp_researchreport_en.pdf>.



Recommendation for New Detailed Scoring Factors for Foreign Workers with a Job Offer Stream

In addition to the above, we recommend that the OINP adopt new detailed scoring factors for the Foreign Workers with a Job Offer Stream that will award points for factors tied to success in the labour market (e.g., number of years of experience) and allow more program flexibility and a greater ability to conduct targeted draws for critical industries such as trades, agriculture, agri-food, and manufacturing.¹² Please see attached BC PNP scoring factors for example. We also recommend that the OINP require candidates to disclose their Express Entry profiles (which would include providing their IRCC Express Entry Profile Number and a Job Seeker ID) at the registration phase such that nominations can be transmitted to Express Entry where possible, thereby reducing processing delays and the likelihood of candidates subsequently filing separate Express Entry applications.

Chart of Recommended Changes to Ontario Regulation 422/17 for the Job Offer Streams

Below, we have summarized below the sections of **Ontario Regulation 422/17** for the current requirements noted above as well as our recommended changes to the relevant Job Offer Streams.

Summary of Current Requirements Impeding Ontario Businesses	Summary of Recommended Changes to Better Support Ontario Businesses
Subsection 4(1)(1) Active Business Requirement The employer's business must have existed and been active for at least three years before the date of making the application.	The employer's business must have existed and operated in Ontario for at least one year before the date of registration or making application, as applicable.
Subsection 4(1)(3) Annual Revenue Requirement The employer's business must have, in its most recently completed fiscal year before the date of making the application, i. if the prospective nominee will work	Repeal regulation respecting this requirement.

¹² British Columbia, “Provincial Nominee Program Skills Immigration Program Guide (Includes Express Entry BC)” online: <<https://www.welcomebc.ca/Immigrate-to-B-C/documents/BC-PNP-SI-EEBC-Program-Guide.aspx>>.

Scoring factors set out on pg. 51-61 of the Program Guide.



<p>at a location in the Greater Toronto Area, or will work at more than one location but report to work at a location in the Greater Toronto Area, a total gross annual revenue of at least \$1,000,000, or</p> <p>ii. if the prospective nominee will work at a location outside the Greater Toronto Area... a total gross annual revenue of at least \$500,000.</p>	
<p>Subsection 4(1) (3.1) Number of Employee Requirements</p> <p>The employer's business must have at the date of making the application,</p> <ul style="list-style-type: none">i. if the prospective nominee will work at a location in the Greater Toronto Area, or will work at more than one location but report to work at a location in the Greater Toronto Area, at least five full-time employees at that location who are permanent residents or Canadian citizens, orii. if the prospective nominee will work at a location outside the Greater Toronto Area or will work at more than one location but report to work at a location outside the Greater Toronto Area, at least three full-time employees at that location who are permanent residents or Canadian citizens.	<p>The employer's business must have at the date of making the application,</p> <ul style="list-style-type: none">i. If the prospective nominee will work at a location in the Greater Toronto Area or will work at more than one location but report to work at a location in the Greater Toronto Area, at least five full-time or full-time equivalent employees at that location.ii. The prospective nominee will work at a location outside the Greater Toronto Area or will work at more than one location but report to work at a location outside the Greater Toronto Area, at least three full-time or full-time equivalent employees at that location.iii. Employers may consider two part-time employees as one full-time equivalent position, as long the total hours are up to at least an average of 30 hours per week.
<p>Subsection 5(2)(i)(A) Work Experience Requirement for Foreign Workers with a Job Offer Stream</p> <p>Applicants must have two years of work experience in the same occupation listed in the National Occupational Classification as the employment position to which the application relates.</p>	<p>Applicant must have a minimum of two years of full-time (or full-time equivalent) work experience in any skilled occupation.</p>



Subsection 7 (1.1) Eligible Occupations for In-Demand Stream

Despite paragraph 1, if the applicant will work at a location outside the Greater Toronto Area, or will work at more than one location but report to work at a location outside the Greater Toronto Area, the applicant must have obtained a job offer for an employment position that has been approved by the director in accordance with the Act in one of the occupations listed in paragraph 1 or in one of the following occupations listed in the National Occupational Classification under Training, Education, Experience and Responsibilities (TEER) Category 4 or 5:

- i. 94100 – Machine operators, mineral and metal processing
- ii. 94105 – Metalworking and forging machine operators
- iii. 94106 – Machining tool operators
- iv. 94107 – Machine operators of other metal products
- v. 94110 – Chemical plant machine operators
- vi. 94111 – Plastics processing machine operators
- vii. 94124 – Woodworking machine operators
- viii. 94132 – Industrial sewing machine operators
- ix. 94140 – Process control and machine operators, food, and beverage processing
- x. 94201 – Electronics assemblers, fabricators, inspectors, and testers
- xi. 94204 – Mechanical assemblers and inspectors
- xii. 94213 – Industrial painters, coaters, and metal finishing process operators
- xiii. 94219 – Other products assemblers, finishers, and inspectors
- xiv. 95102 – Labourers in chemical products processing and utilities

Despite paragraph 1, if the applicant will work at a location outside the Greater Toronto Area, or will work at more than one location but report to work at a location outside the Greater Toronto Area, the applicant must have obtained a job offer for an employment position that has been approved by the director in accordance with the Act in any occupation listed in the National Occupational Classification under Training, Education, Experience and Responsibilities (TEER) Category 4 or 5 (except Caregivers) and listed below listed Agri-Food occupations and Trades Occupations:¹³

See Appendix B for list of suggested occupations.

¹³ Appendix B: Expanded List of Tradespersons (Teer 0-3) and Agriculture / Agri-Food (Teer 2 & 3).



Subsection 7(3) Education Requirement for In-Demand Stream

The applicant must have obtained a Canadian secondary school diploma or credential, or equivalent credential from another jurisdiction that is supported by an educational credential assessment report that is less than five years old on the date the application is made and that was produced by a designated educational credential assessment organization indicating that the applicant has authentic foreign educational credentials that are equivalent to completed Canadian educational credentials.

Repeal regulation respecting this requirement.

The OBA would be pleased to meet and discuss this further and answer any questions that you may have.

OINP - ITA & NOI ISSUED VS. NOMINATIONS ISSUED (2021-2022)

	Foreign Worker	International Student	In-Demand Skills	Masters	PhD Graduate	Entrepreneurs	EE Human Capital Priorities	EE French-Speaking Worker	EE Skilled Trades
ITA & NOI ISSUED	4400	4102	761	5724	649	160	10271	2190	8830
NOMINATIONS ISSUED	2590	2011	699	2682	515	4	5883	993	3373

OINP - Top

Food service supervisors

10 Occupations Nominated in 2021 and 2022

Telecommunications installation and repair

Welders and related machine operators

Corporate sales managers

Professional occupations in business management consulting

Computer and information systems managers

Database analysts and administrators

Computer programmers and interactive media developers

Advertising, marketing and public relations managers

Software engineers and designers

353

383

397

445

500

513

620

715

774

1521



Appendix A: OINP Data Insights

Data Insights

- The overwhelming majority of candidates invited to apply under the In-Demand Skills Stream Number of ITA/NOI received a nomination from 2021 to 2022. This is unique among the current streams and signals that there may be significant demand for nominations in TEER 4 and TEER 5 occupations. Yet, the In-Demand Skills Stream accounts for less than 4% of nominations issued in 2021 and 2022.
- The Entrepreneur Stream accounted for less than 1% of nominations issued in 2021 and 2021 despite the significant role small business play in Ontario's economy.
- Although 21,291 Notifications of Interests were issued under the EE Human Capital, French-Speaking Worker, and Skilled Trades Streams, less than 48% were issued nominations.

A Snapshot of Ontario's Labour Market Needs

- 563,750 job vacancies were reported in Q1/Q2 2023¹⁴
 - Approximately 80% of these jobs require a non-university certificate or diploma or lower (in fact, 50% require high school or less).
 - 45.7 % of these jobs require less than one year of work experience or less.
 - The average wage offered for these positions ranged from 19.20 (no minimum level of education required) to 27.50 (non-university certificate or diploma)
 - The following five industries had the most vacancies:
 - Healthcare and Social assistance

¹⁴ Statistics Canada, "Job vacancies, proportion of job vacancies and average offered hourly wage by occupation and type of work, quarterly, unadjusted for seasonality", online
<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410032802&pickMembers%5B0%5D=1.7&pickMembers%5B1%5D=4.1&cubeTimeFrame.startMonth=01&cubeTimeFrame.startYear=2023&cubeTimeFrame.endMonth=0&cubeTimeFrame.endYear=2023&referencePeriods=20230101%2C20231001>.

Statistics Canada, "Job vacancies, proportion of job vacancies and average offered hourly wage by selected characteristics, quarterly, unadjusted for seasonality", online:
<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410032801&pickMembers%5B0%5D=1.7&pickMembers%5B1%5D=2.1&cubeTimeFrame.startMonth=01&cubeTimeFrame.startYear=2023&cubeTimeFrame.endMonth=07&cubeTimeFrame.endYear=2023&referencePeriods=20230101%2C20230701>.

Statistics Canada, "Job vacancies, payroll employees, job vacancy rate, and average offered hourly wage by industry sector, quarterly, unadjusted for seasonality", online:
<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410032601&pickMembers%5B0%5D=1.7&cubeTimeFrame.startMonth=01&cubeTimeFrame.startYear=2023&cubeTimeFrame.endMonth=07&cubeTimeFrame.endYear=2023&referencePeriods=20230101%2C20230701>.



- Accommodation and food services
- Retail trade
- Manufacturing
- Administrative and support waste management and remediation services
- Employment was little changed in Ontario in October for the fourth consecutive month¹⁵
 - The employment rate in October (61.4%) was down 0.3 percentage points.

Appendix B: Expanded List of Tradespersons (Teer 0-3) and Agriculture / Agri-Food (Teer 2 & 3)

TRADES (TEER 0-3)

NOC 22212 - Drafting technologists and technicians

NOC 22301 - Mechanical engineering technologists and technicians

NOC 22302 - Industrial engineering and manufacturing technologists and technicians

NOC 22311 - Electronic service technicians (household and business equipment)

NOC 22312 - Industrial instrument technicians and mechanics

NOC 70010 - Construction managers

NOC 70011 - Home building and renovation managers

NOC 70012 - Facility operation and maintenance managers

NOC 72010 - Contractors and supervisors, machining, metal forming, shaping and erecting trades and related occupations

NOC 72011 - Contractors and supervisors, electrical trades and telecommunications occupations

¹⁵ Statistics Canada, "Labour Force Survey, October 2023", online: <<https://www150.statcan.gc.ca/n1/daily-quotidien/231103/dq231103a-eng.htm>>.



NOC 72012 - Contractors and supervisors, pipefitting trades

NOC 72013 - Contractors and supervisors, carpentry trades

NOC 72014 - Contractors and supervisors, other construction trades, installers, repairers and servicers

NOC 72020 - Contractors and supervisors, mechanic trades

NOC 72021 - Contractors and supervisors, heavy equipment operator crews

NOC 72022 - Supervisors, printing and related occupations

NOC 72024 - Supervisors, motor transport and other ground transit operators

NOC 72100 - Machinists and machining and tooling inspectors

NOC 72101 - Tool and die makers

NOC 72102 - Sheet metal workers

NOC 72103 - Boilermakers

NOC 72104 - Structural metal and platework fabricators and fitters

NOC 72105 - Ironworkers

NOC 72106 - Welders and related machine operators

NOC 72200 - Electricians (except industrial and power system)

NOC 72201 - Industrial electricians

NOC 72203 - Electrical power line and cable workers

NOC 72204 - Telecommunications line and cable installers and repairers

NOC 72205 - Telecommunications equipment installation and cable television service technicians

NOC 72300 - Plumbers

NOC 72301 - Steamfitters, pipefitters and sprinkler system installers



NOC 72302 - Gas fitters

NOC 72310 – Carpenters

NOC 72311 - Cabinetmakers

NOC 72320 - Bricklayers

NOC 72321 - Insulators

NOC 72400 - Construction millwrights and industrial mechanics

NOC 72401 - Heavy-duty equipment mechanics

NOC 72402 - Heating, refrigeration and air conditioning mechanics

NOC 72403 - Railway carmen/women

NOC 72404 - Aircraft mechanics and aircraft inspectors

NOC 72406 - Elevator constructors and mechanics

NOC 72410 - Automotive service technicians, truck and bus mechanics and mechanical repairers

NOC 72422 - Electrical mechanics

NOC 72423 - Motorcycle, all-terrain vehicle and other related mechanics

NOC 72500 - Crane operators

NOC 73100 - Concrete finishers

NOC 73101 - Tilesetters

NOC 73102 - Plasterers, drywall installers and finishers and lathers

NOC 73110 - Roofers and shinglers

NOC 73111 - Glaziers

NOC 73112 - Painters and decorators (except interior decorators)



NOC 73113 - Floor covering installers

NOC 73200 - Residential and commercial installers and servicers

NOC 73201 - General building maintenance workers and building superintendents

NOC 73202 - Pest controllers and fumigators

NOC 73209 - Other repairers and servicers

NOC 73300 Transport truck drivers

NOC 73301 Bus drivers, subway operators and other transit operators

NOC 73400 - Heavy equipment operators

NOC 73402 - Drillers and blasters - surface mining, quarrying and construction

NOC 82031 - Contractors and supervisors, landscaping, grounds maintenance and horticulture services

NOC 92100 - Power engineers and power systems operators

AGRICULTURE AND AGRI-FOOD (TEER 2 & 3)

NOC 63201 - Butchers - retail and wholesale

NOC 80020 - Managers in agriculture

NOC 82030 - Agricultural service contractors and farm supervisors

NOC 84120 - Specialized livestock workers and farm machinery operators