



BC Fruit Growers' Association

2023 SAWP Tactics

March 23, 2023

BCFGA representatives attend meetings and make note of changes to the Temporary Foreign Worker (TFW) Programs - the Seasonal Agricultural Worker Program (SAWP) and Ag Stream - and newer requirements of the programs, as well as newly developed resources for growers. Below are some suggestions for growers to consider for the 2023 season. In all cases, it is the responsibility of the individual grower to be familiar with the programs and make final decisions on TFW tactics for the farm operation.

Tactic	Rationale
TFW Employer Registry	
Register on the BC Ministry of Labour TFW Employer Registry before filling out an LMIA (application to hire foreign workers).	Employers must apply in BC to hire TFWs and submit that certificate with the LMIA. LMIA will not be approved without the Certificate. Please note registration has an expiration date, so make sure to re-register before the expiry date. <i>New registrations will be for 3 years, and the Ministry of Labour has committed to notifying growers in advance when registrations expire.</i>
LMIA's	
Create a Job Bank Account and use the same login credential for the Online LMIA Portal	Starting April 3, 2023 all LMIA's will have to be submitted online through the online portal and in order to do so each employer must first create a Job Bank account. Please be aware that information and videos on how to use the on-line system are now available on the Web at: Labour Market Impact Assessment (LMIA) Online Portal resources - Canada.ca
Min. wage rate for TFWs is \$16.05/hr	The National Commodity Wage rate for Fruits, vegetables in BC is \$16.05 per hour and the TFWs must be paid this wage rate. The BC minimum wage is expected to be announced before July 1, and may be different then the SAWP minimum wage. SAWP workers will receive the higher of the national commodity wage rate and the provincial minimum wage.



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4



<p>Submit an LMIA at least 12 weeks before the requested arrival date of your TFW</p>	<p>On average LMIA's are being approved in 2-3 weeks.</p> <p>However...</p> <ul style="list-style-type: none"> • Information flow between Service Canada, WALI, and Mexico often takes 1 - 2 weeks. • In Mexico, the process after the approval of a LMIA takes about 7 weeks. • In Jamaica, the process after the approval of a LMIA takes about 8 weeks. • Seasonality means that heavier workload in processing applications occurs from time-to-time, and backlogs can result. <p><i>All turnaround times assume information in an LMIA is complete, there are no program changes, and that staff resources for the program continue at the same level.</i></p>
<p>Named or Un-named worker LMIA?</p>	<p><u>Name changes are not allowed on approved SAWP LMIA's.</u> <i>This is a new rule of Service Canada.</i></p> <p>For Mexico, do not name workers on the LMIA, provide the names to WALI on their Employer Portal <i>after</i> the LMIA is approved</p> <p>For Caribbean, naming workers is a lower risk but keep in mind once names are provided on the LMIA, Service Canada does not allow name changes to the approved LMIA.</p> <p>If a named worker cannot make the flight or is assigned to another farm, a new LMIA must be completed to fill the position (and the 10-12 weeks turnaround time may cause the position to go unfilled for the season).</p>
<p>On Boarding</p>	
<p>Core documents to keep on file</p>	<p>Save / Scan digital copy:</p> <ul style="list-style-type: none"> •Passport •Work Permit (colour) •Documentation of farm address and TFW name and local/home contact information



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4



<p>Worker Rights</p>	<p>With the IRCC amendments in Sept 2022, each employer must provide “Temporary Foreign Workers-Your Rights Are Protected” information to each TFW upon arrival to the farm.</p> <p>Print the document, give it to each TFW employee, and have it accessible in the accommodations and/or workplace.</p> <p>During onboarding, have the worker sign a page that they have received the document (as well as all other onboarding documents, such as ‘house rules’, bullying policy, etc).</p>
<p>Signed Contract & Employment Agreement</p>	<p>Employer must ensure contract addendum is reviewed and signed before TFW starts work and provide copy to the TFW</p> <p>Fill out the employment agreement with the exact info that was filled out in the LMIA.</p> <p>For example, list all the job duties listed in the LMIA on the agreement, job title, vacation pay (4% of gross pay), pay rate and etc.</p> <p>The contracts and sample of employment agreement are available on the WALI website</p>
<p>The employer must take action to ensure that SIN cards reactivated within 3 days of arrival to the farm</p>	<p>Employers must help the TFWs get their SIN cards reactivated.</p> <p>1. In person Service Canada Office Or online 2. https://sin-nas.canada.ca/en/Sin/</p> <p>Employer should get:</p> <ul style="list-style-type: none"> - SIN application from worker (verify complete name and DOB) - Confirm SIN # is same as their TD1 <p>Keep the request confirmation on file and write the name of the TFW next to the confirmation number.</p> <p><i>If Service Canada’s on-line system does not respond within 3 days of the reactivation request, the TFW Compliance Section has confirmed that the employer will not be held responsible for the delay.</i></p>



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4



Workplace Bullying and Harassment Policy	Employer must provide the TFWS with the bullying and harassment policy and the contact person and how to report it. Videos and templates are available on the AgSafeBC website.
Establish House Rules on Cleaning and Prohibitions	Here is a sample of house rules to establish and put up in the accommodations so it is maintained clean and sanitized throughout the season by the TFWS.
In season	
Record of TFW willingness to work overtime	Keep a record of workers willingness to work overtime on a daily basis. before work starts. Have the TFW initial their timesheet in a column with the following heading: 'I agree to work more than 8 hours tomorrow, if required by circumstances', and keep a journal for yourself that records the reason for over 8 hours a day. e.g. 'Weather is causing cherry ripening and harvest needs to be completed in a shorter timeframe then expected'.

Example Time sheet

Name: Juan Carlos Samoza Diaz

To be completed at the end of each workday.

Date	Time started	Time ended	Total Bins (if harvest) <i>Apples</i>	"I agree to work more than 8 hours tomorrow, if required by circumstances", and keep a journal for yourself that records the reason for over 8 hours a day. e.g. 'Weather is causing cherry ripening and harvest needs to be completed in a shorter timeframe then expected"
<i>Aug 31 2023</i>	<i>Day off</i>		<i>0</i>	<i>JD</i>
<i>Sept 1 2023</i>	<i>6:30 am</i>	<i>7:30 pm</i>	<i>0</i>	<i>JD</i>
<i>Sept 2 2023</i>	<i>6:30 am</i>	<i>5:00 pm</i>	<i>6</i>	<i>JD</i>
<i>Sept 3 2023</i>	<i>5:00 am</i>	<i>6:00 pm</i>	<i>8</i>	<i>JD</i>



250-762-5226
1-800-619-9022



info@bcfga.com



www.bcfga.com



880 Vaughan Ave
Kelowna, BC V1Y 7E4