

Report to the 2023 BCFGGA Convention

From the

Labour Committee

Labour is a critical input for orchardists. Apart from a pandemic-related decrease in worker arrivals during 2020 and 2021, numbers have been consistent, at around 4,000 workers coming to the Okanagan each year through the Seasonal Agricultural Worker Program (SAWP). A similar program to SAWP, the Ag Stream has started much smaller in terms of numbers of Temporary Foreign Workers (YTFWs) coming to BC, but Ag Stream has grown much more rapidly in the past two years.

Without the Temporary Foreign Workers to harvest our crops, it is difficult to imagine the tree fruit and grape industries being at the scale they are now. Prior to SAWP and Ag Stream, our sectors were starting to shrink due to labour shortages. With more acreage of labour-intensive cherries coming into production, and with an even tighter domestic labour market, the SAWP and the Ag Stream programs will be even more important in the future.

About 1,500 of the SAWP workers are from Jamaica, and the Jamaican workers are almost exclusively concentrated in the Okanagan, with the Jamaican Assistant Chief Liaison Officer Donna Adams and her staff based in Kelowna. Mexico is the largest source of SAWP workers for the Okanagan, with about 2,500 arriving each year. The Mexican Consulate, out of Vancouver, services the SAWP in BC.

As mentioned, the Ag Stream program is similar to SAWP, one main difference between the programs is that the foreign government is not the recruiter in Ag Stream. For Ag Stream, the employer takes responsibility for recruiting and most frequently engages a contractor to recruit the workers. Whether the recruitment is done by the foreign government or a contractor, there are several important steps in making sure that the worker arrives.

The Caribbean governments put a lot of resources into making sure workers arrive as scheduled. As a result, the Caribbean SAWP program has grown about 12%; since 2019 in the Okanagan. On the other hand, the government of Mexico (with far greater numbers of workers) has reduced the number of its staff, with a consequent decrease of about 3.5% in SAWP worker arrivals since 2019. To offset the Mexico cutbacks, WALI has increased its staffing levels and effort in order to 'pick up the slack', and the Mexico Ministry of Labour is introducing a "PTATConnect" App to automate the monitoring of worker recruitment status, Based on the following steps:

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| 1. Welcome the worker to PTAT | 8. Confirmation of Work Permit |
| 2. Inform worker of employer request | 9. Confirmation of flight date |
| 3. Request worker to make contact with the local Ministry of Labour office | 10. Reminder to bring all documents |
| 4. Schedule an appointment | 11. Confirm possession of all documents |
| 5. Go to the appointment | 12. Travel confirmation (20 minutes before flight) |
| 6. Obtain a work permit | 13. Arrival confirmation (6 hours after flight departure) |
| 7. Attend CVAC for biometrics | |

WALI also plans to automate the housing inspection - rather than a paper form, the information will be recorded digitally, including the ability to record photos of the housing, making the information flow more quickly as well as being more accessible. With the number and complexity of the steps in a worker coming to Canada, automation and digitization of information is being done to improve turnaround time, be more responsive, and increase efficiency.

WALI and BCFGAs organized an information session on October 20, 2022 to review the 2022 season and discuss improvements for 2023. Tricia Deere of Pick of the Crop Consulting provided a discussion of On-Boarding Best Practices, or how to make sure the workers first day is successful both from the perspective of understanding worker and employer responsibilities, but also in setting up the worker for a successful season by feeling welcome and secure.

The annual review of the Caribbean and Mexico SAWP programs is a formal process that resumed in November 2022 after the pandemic caused the 2020 and 2021 meetings to be abbreviated and held by video conference, and then most of the discussion was on how to keep employees and Canadians safe during the pandemic rather than the usual annual review. The provincially-funded mandatory 2 week isolation for TFWs ended in March 2022.

A frustration for BC for many years is lack of change in the allowable BC housing deduction from wages. This amount is intended to parallel the amount provided in other provinces for deduction of one-half of the airfare. The last increase in allowable housing deduction for the Mexico SAWP agreement was many years ago (about 10). The Caribbean countries agreed to an increase in allowable housing deduction more recently (about 5 years ago). At the National Meeting in November 2022, the Caribbean governments agreed to a Canadian proposal to index housing and all other allowable deductions for 2023 and in future years. Mexico did not agree to indexing.

BCFGA representatives on the WALI team pushed hard for Mexico to recognize the need for an increase in allowable housing deduction and are disappointed that the indexing proposal was not accepted. As before, the BCFGAs recognize that workers with prior experience and training on their farms are important to growers; however, we also note that the Caribbean countries have agreed to more favourable terms and for this reason the BCFGAs preferentially recommend the Caribbean SAWP program, all other things being equal.

Service Canada this year determined that the employer-employee agreement must include the terms of employment, which have previously been part of the Labour Market Impact Assessment (LMIA). As a first-year approach, an “Annex” is being added to the employment agreement. It is too long and for employers of many SAWP workers, the paperwork is excessive. WALI, and its counterparts FARMS in Ontario and FERMES in Quebec are all working to streamline this paperwork. It would be good to link the information in the LMIA to automatically generate the information required in the Annex, but that change is probably years in the making, if at all.

A severe problem for growers in the Fall of 2022 was the delay caused by the TFW Employer Registration, a requirement of the BC Ministry of Labour. A delay of 2-3 months was occurring. The BCFGAs raised the issue with WALI, as did many other growers and organizations. As the delays worsened, the BCFGAs wrote to the Deputy Minister of Agriculture to ask for his

intervention. At a subsequent meeting between the Ministers of Labour and Agriculture, the importance of the TFW program to agriculture was recognized.

Within about 2 weeks the backlog was cleared (though a couple of growers files continued to be delayed. BCFGAs raised the alarm and WALI was able to assist BCFGAs members to get the registrations in place quickly). A consequence of the meeting between the Ministers of Labour and Agriculture is that notice of expiry of the TFW registration will be sent out to growers in advance. Additionally, the new registration will be in place for three years instead of requiring an annual renewal. WALI and the BC Ministry of Agriculture, working with the BC Ministry of Labour were able not only to resolve the delays, but to improve the registration system.

Finally on SAWP, it is important to recognize the improvement to WALI communications with the development of the “portal” and with the emailed WALI newsletter providing to-the-point, important, timely information.

There are many other topics in the labour file, from worker housing to minimum wages and piece rates to child employment rules to work safety to promotion and coordination of backpackers as fruit harvesters. In brief:

- The BC Minimum wage is now indexed. (Now, in 2023, the SAWP minimum wage is also indexed but is not for the first time the same amount as the BC minimum wage).
- Piece rates are increasing for next summer.
- Child employment laws changed so that, generally, children between the ages of 12 and 15 must do light work and may require a permit from the director of the Employment Standards Branch. However, during the consultation on the new rules, we clarified that a child doing family chores is not considered an employee and further, children from 12-15 may work in the family business without a permit, as long it is light work. Overall, the new rules essentially mean that growers should not hire children under 14 but may continue to involve their own children in chores.
- The provincial Ministry of Agriculture provided about \$200,000 in funding to start the BC Fruit Works program.

In closing, thanks to our staff Bunvir Nijjer, RCIC, and Glen Lucas for helping to process SAWP and Ag Stream Labour Market Impact Assessments and to monitor and assist with program reviews, organizing education sessions, and addressing the inevitable program hurdles that come with time.

Respectfully Submitted,
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BCFGA Labour Committee