

## Report to the 2018 BCFGGA Convention

From the

### **Labour Services Committee**

#### **BCFGGA Local Farm Labour Project**

BCFGGA continued its Farm Labour Project during the 2017 season. The Labour Orientation and Safety Training (LOST) program provided general orientation and farm safety training sessions for new and returning workers. Ron Forrest covered topics such as general orchard safety, avoiding heat stroke, ladder use, techniques for picking, and overall general orchard work-activities and safety considerations. Ron Forrest was able to communicate these training/information sessions in French, English and Spanish. The Farm Labour Project also coordinated job postings between farm labour agencies and farmers. This helped improve worker-employer relationships by making workers aware of various jobs and workplace activities. It is estimated that approximately 4500 workers, especially youth, come from Eastern Canada. We have had a positive response to this service and thank all those that helped make this successful and effective.

#### **Worker Safety: AgSafe**

During our Labour Committee Meeting in October, Carol Reid mentioned that she will be retiring this year in January 2018. We like to thank her for the support and advice to the tree fruit industry throughout the years. AgSafe has been there to support the health and safety needs of British Columbia's agriculture industry and is a valuable resource for worker health and safety. The two regions with most SAWP activities are Lower mainland and the Okanagan. In both regions AGSAFE provides safety consultant with Spanish interpreters to assist in safety training. AGSAFE has trained over 400 Mexican SAWP workers in the Lower Mainland and provided consultative services to approximately 45 agricultural employers. In the Okanagan, AGSAFE trained over 150 SAWP Mexican workers and many youth from Quebec and Ontario. AGSAFE has provided services in French/Spanish for:

- -New Worker Safety Orientation
- -WHMIS
- -Personal Protective Equipment Safety Awareness and Respirator Fit Test
- -Several booklets, brochures and safety signs in Spanish and French

For information on compliance on orchards in B.C. Visit the AGSAFE website or contact AFSAFE at:

1848 Huckleberry Road,  
Kelowna, BC, V1P 1H5  
Phone: 250-765-7025  
Cell: 250-215-5293

The SAWP operates according to bilateral agreements between Canada and the participating countries. These countries and Canada with Employment and Social Development Canada, Citizenship and Immigration Canada, and Service Canada, and with industry representatives (British Columbia Agricultural Council, Canadian Horticultural Council, Foreign Agricultural Resource Management Services and the Foundation for Entrepreneurs Recruiting Foreign Agricultural Workers and others) hold annual meetings to evaluate the program and exchange perspectives on the SAWP. For more detailed information on TFWP / SAWP visit

[http://www.hrsdc.gc.ca/eng/jobs/foreign\\_workers/agriculture/seasonal/index.shtml](http://www.hrsdc.gc.ca/eng/jobs/foreign_workers/agriculture/seasonal/index.shtml)

### **Caribbean SAWP Program**

- ❖ Minimum wage rate for tree fruit for the 2018 season is \$11.35.
- ❖ Housing deduction cap is \$826.00, with per day deductions of \$6.20.
- ❖ Work permit is paid by worker.
- ❖ Submit application 13-15 weeks in advance of worker request date.
- ❖ Deduction from the worker pay of \$5.45 per day and submitted to Government Agent. See deduction in Caribbean contract.
- ❖ Health insurance is by Cowen or Great West.
- ❖ Employers to sign and copy employment contract worker has and retain copy on file.
- ❖ Take worker to nearest Service Canada for SIN number activation within 2-3 days of arrival.
- ❖ Simcoe is following up with phone calls and making sure application is complete.
- ❖ Advertising: must have all required information as outlined under internet application process.

Caribbean countries in the SAWP program and contact information is provided below:

Antigua and Barbuda	Charmaine Williams	416-523-4662
Barbados	Shirley Wall-Mayers	416-464-2997
Dominica	Charmaine Williams	416-523-4662
Grenada	Charmaine Williams	416-523-4662
Jamaica	Donna Adams	250-869-6288
Monserrat	Charmaine Williams	416-523-4662
St. Kitts and Nevis	Charmaine Williams	416-523-4662
St. Lucia	Charmaine Williams	416-523-4662
St. Vincent and Grenadines	Charmaine Williams	416-523-4662
Trinidad and Tobago	Gaston Thongs	416-435-7048

There were approximately 950-1000 workers from the Caribbean region. There has been a steady increase of SAWP workers from this program over the last few years. Majority of BC Caribbean workers are in the Okanagan region. Over the years we have had the opportunity of having Jamaican Government Delegation, and the Barbados Liaison Officers visit our local employers and their working nationals. This year we had representatives from the Caribbean country of St. Lucia visit the Okanagan to explore opportunities to increase workers from that region.

## **Mexico SAWP Program**

- ❖ Minimum wage rate for tree fruit for the 2018 season is \$11.35.
- ❖ Housing deduction cap is \$826.00, with per day deductions of \$5.36.
- ❖ Work permit is paid by worker.
- ❖ Submit application 13-15 weeks in advance of worker request date.
- ❖ Health insurance is by Cowen, deduction is \$0.90/day -- remit to Cowen.
- ❖ Employers to sign and copy employment contract worker has and retain copy on file.
- ❖ Take worker to nearest Service Canada for SIN number activation within 2-3 days of arrival.
- ❖ Simcoe is following up with phone calls and verifying application.
- ❖ Advertising: must have all required information as outlined under internet application process.

Mexico SAWP program and contact information is provided below:

Mexico

Ramon Moreno

604-684-1859 ext: 3070

There were approximately 6000 workers from Mexico that came to British Columbia in the 2017 season. In BC, Seasonal Agriculture Worker Program (SAWP) started in 2004 and has seen a steady increase over the years

## **Worker Travel Arrangements – Mexico**

Mi Tierra Holidays provides flexible and restricted airfares as well as chartered flights for the Mexican SAWP program. For further information please contact Mi Tierra Holidays – Arturo Arturo Hernandez or visit their web site: [www.mitierraholidays.com](http://www.mitierraholidays.com) and click on SAWP BC – SAWP AIRFARES 2018

If you have any question please contact Arturo at 1-877-689-5571

## **Various Topics – Quick Information**

### SAWP Employer Information Sessions

In April 2017 we had two information sessions in the Okanagan Valley. One was held in Kelowna and the other was in Oliver, BC. Various topics were discussed and this provided an opportunity for employers to ask questions and make comments. For the 2018, information sessions are going to be held: Kelowna Feb 21/2018 at Coast Capri Hotel 9:00am- 3:00pm and in Osoyoos Feb 22/2018 at Watermark Beach Resort 9:00am- 3:00pm. Some of the topics of discussion will be from WorksafeBC, Labour standards Branch, Mexican Consulate, Travel Update, and BC Health.

## Fair Wage Commission

The fair wage commission was established in October 2017 to work independently to advise government on how to move towards a \$15/hour minimum wage. As agriculture, tree fruits is a 'price taker' and such a drastic increase would impact producers, BCFGAs like to see change be over period of time and implemented in steps. Labour is a high component cost in farming and we would see a great impact to our operation. BCFGAs directors Sukhdev Goraya and Peter Simonsen presented a BCFGAs brief to the Fair Wage Commission in Kelowna, BC.

## Integrity Audits

- ❖ Employers who want to apply for a Labour Market Impact Assessment (LMIA) are to be aware of the powers and duties conferred on the Minister of Employment and Social Development Canada, and the conditions employer are required to comply with, particularly retaining any documents that relate to compliance with the conditions set out in Labour Market Impact Assessment letter and Annexes for a period of 6 years
- ❖ This is a Government of Canada process that had been started around 2012
- ❖ Covers all Temporary foreign worker in Canada and SAWP program falls under this umbrella.
- ❖ Government goal is to audit 25% of applicants using this program per year.
- ❖ Government have AUTHORITY TO CONDUCT INSPECTIONS - conduct on-site inspections without a warrant (private dwellings excluded and in the majority of cases, advance notice will be given to employers); and interview foreign workers or Canadian employees, by consent. Check over all documentation such as payroll and other related concerns such as housing. Employers who have failed to comply with the conditions may be deemed ineligible to hire foreign workers in the future. For more information visit the: Immigration and Refugee Protection Regulations and the Regulatory Impact Assessment Statement

## Housing Inspection

To meet SAWP application requirements, a housing inspection is mandatory all across Canada. BCAC has worked to achieve a list of certified inspectors throughout the province who are familiar with the program and willing to complete the inspections. For the 2018, inspectors will be using the numbered BCAC inspection form only. Do not use any other inspection form as it will not be accepted. Housing must be inspected no longer than 8 months prior to the submission of the LMIA application effective January 1, 2018. Service Canada has the list of certified housing inspectors and will matching. Work continues with the Province of BC, Service Canada and Foreign Governments in keeping housing to inspection criteria. Currently there are approximately 25 inspector in the Lower Mainland and approximately 8 inspectors in the Okanagan Valley providing this SAWP inspection service. See BCFGAs website for list.

## Wages and Piece Rates

Employers are reminded they must give each employee a written wage statement that includes the information of employer's name and address, the number of hours worked, the employee's wage rate, any advance and deduction. Pay slip should have gross and net wage amounts.

Employers are reminded that BC labour standards require employers to record the hours worked for all employees each day, regardless how they are paid. Reminder that BC law and SAWP contract require that workers to be paid at least minimum wage each day, even if on piece rates.

Best practice is to have workers sign in or have a work time card to confirm hours worked each day and avoid disputes or confusion latter during the pay period. Reminder that Integrity Division inspectors and BC labour Standards Branch looks for compliance on these items. Please visit Employment Standards Branch, Ministry of Labour and also view your SAWP agreement.

## Social Insurance Number

- SIN number registration is an in person registration.
- BC growers are required to take workers to the nearest Service Canada Office to have SIN documentation process completed.
- Needs to be completed at Service Canada Office within 2-3 days of worker arrival.
- This is a requirement for all new and returning SAWP workers.
- Service Canada is also providing outreach by sending staff to farm locations to complete the paperwork for SIN numbers if arrangements are pre-scheduled.

## Visa Fee

Workers now pay the \$155.00 work permit visa fee rather than have employers pay the fee upfront with their LMIA application. This change is to align the SAWP program with the overall national temporary foreign worker program with respect to Work permit fees.

## Gender Equity

A transition is being encouraged by the Canadian and foreign governments to move towards greater female participation in SAWP. Currently only 4% of SAWP workers are female workers, the rest are male. Governments understand some of the logistics and issues related to this. Such as :

- the need to segregate male from female workers;
- work safety and personal safety;
- restrictions of existing housing,
- Having an obligation to the 80% return rate of previous workers (“named workers”).

It was noted that in many instances, female workers prefer shorter, and more intense work terms. Packinghouse grading work appears to be a good opportunity to expand female participation in the SAWP, provided that separate housing is available. The BCFGGA encourages all growers who have SAWP workers to consider whether female workers could be used effectively, practically

and safely, when preparing Labour Market Impact Assessments (LMIA is the application for SAWP workers).

### Cash Advances

Cash advances might be caught in an integrity audit review. If employers front workers with cash when they arrive and then deduct from payroll - they must have written permission to make this deduction. If done through the payroll system, you must take off statutory deductions before issuing advance. Simple idea but please follow payroll/deduction rules so that it does not become an issue for you. Ask your accountant or contact Glen at BCFGGA for further clarification.

### WorkSafeBC

- All employers should have a workplace Bullying and Harassment Policy
- WorksafeBC is the operating name of the Workers' Compensation Board of British Columbia.
- Administers claims for work-related injury, illness and disease.
- Also responsible for prevention and carries out workplace inspections and investigations
- It is important that employers report any workplace incidents and workers are aware to report any injuries to employers.
- Regional Prevention Officers suggest that workers and employers are not reporting injuries or there is delay in reporting.
- Please go over work place safety in regards to general farm equipment, use of proper safety gear, use of pesticides, using equipment such as ATV's, golf carts and any hand equipment. For prevention and guidelines at the work place.
- Please visit WorkSafeBC, and AgSafeBC.

### Parliamentary Committee – HUMA Report

To Review and make changes to the TFWP were promised by the Liberal government when it took office November 2015. The most recent major changes to the TFWP were introduced by the previous Conservative government in June, 2014. A House of Commons committee was tasked with reviewing Canada's Temporary Foreign Worker Program (TFWP) and after the review, The committee provide 21 recommendations based on testimony from over 50 in-person participants and approximately 70 written submissions. Under these recommendations, one idea is to have employers with a track record of using the 'program appropriately' be placed into a 'Trusted Employer Program' whereby their applications for Labour Market Impact Assessments (LMIAs) would be fast-tracked. The report also supports ending the rule that forces certain workers to leave Canada after four years. This recommendation has since been adopted. For further information please google: Parliamentary Committee – HUMA Report

Please also take the opportunity to review the BCFGGA website for any changes and upcoming events. Furthermore, Friday Files are available on the BCFGGA website and contain current information of industry related news. Please contact BCFGGA office for any questions.

## Important Sites to Visit - 2018

- ❖ Government of Canada -  
[www.hrsdc.gc.ca/eng/jobs/foreign\\_workers/agriculture/seasonal/index.shtml](http://www.hrsdc.gc.ca/eng/jobs/foreign_workers/agriculture/seasonal/index.shtml)
- ❖ Employment Standards Branch - [www.labour.gov.bc.ca/esb/](http://www.labour.gov.bc.ca/esb/)
- ❖ Western Agriculture Labour Initiative (WALI) - [wali.bcac.bc.ca/index](http://wali.bcac.bc.ca/index)
- ❖ WorkSafeBC - [www.worksafebc.com/](http://www.worksafebc.com/)
- ❖ Canadian Association of Home and Property Inspectors (CAHPI) - [www.cahpi.bc.ca/](http://www.cahpi.bc.ca/)
- ❖ British Columbia Agriculture Council \*BCAC\* - [www.bcac.bc.ca/](http://www.bcac.bc.ca/)
- ❖ MiTerra Holidays - [miterraholidays.com/](http://miterraholidays.com/)
- ❖ Mexico Ministry of Labour – BC Employer Survey of SAWP worker -  
<https://simolint.stps.gob.mx/>
- ❖ Ministry of Agriculture - Province of British Columbia - [gov.bc.ca/agri](http://gov.bc.ca/agri)
- ❖ Farm Practices Protection (RighttoFarm) Act - <http://www.bclaws.ca/civix/document/id/lc>
- ❖ AgSafeBC– <http://www.agsafebc.ca/>
- ❖ Canadian Horticultural Council (CHC)- <http://www.hortcouncil.ca/>
- ❖ Fair Wages Commission |Government of BC-  
<https://engage.gov.bc.ca/fairwagescommission/>
- ❖ International Experience Canada - [www.cic.gc.ca/english/work/iec/selections.asp](http://www.cic.gc.ca/english/work/iec/selections.asp)

I hope we all have a successful 2018 Season.

Respectfully submitted,  
Pinder Dhaliwal, Chair

Labour Committee Members:

Madeleine van Roechoudt

Nirmal Dhaliwal

Steve Brown

Tony DiMaria, BC Tree Fruit Cooperative

Carol Reid, AgSafe

Reg Ens, BC Agriculture Council