

Report to the 2019 BCFGAs Convention

From the

Labour Committee

There are many factors that contribute to the success of the tree fruit industry, but issues related to labour availability, reliability, are paramount. If these issues are not adequately addressed, our industry may lose opportunities to grow, let alone sustain current operations.

Labour is already one of the largest expenses for farmers, comprising between 35-60% of total annual farm expenses. With current labour shortages, many Canadians are unwilling or unable to commit to the time consuming, time sensitive, remote, and physically demanding work of farm activities. The aging population of many rural communities can make this issue even more challenging.

In 1966, what we know as the SAWP program today, had its beginnings in Eastern Canada. It didn't spread westward to British Columbia until 2004. BCFGAs along with other agriculture associations understood the difficulties in attracting farm labour that provincial government was approached to have the SAWP program in BC. From less than 50 workers in 2004, today the number of workers has grown. In the 2018 season we had approximately 1300 Caribbean workers in BC, vast majority working in the Okanagan/Similkameen region. For the 2018 season we had approximately 5800 workers from Mexico helping our industry. Looking ahead... British Columbia's agriculture sector has a bright production outlook, but to reach its growth potential, it must address growing labour challenges caused by a widening labour gap. By 2025, it is predicted 11,200 positions could be at risk due to a lack of domestic labour in British Columbia. In Ontario the number is just over 46,600 jobs. For Quebec it is close to 10,600 positions...and..coast to coast the number is well over 100,000 positions.

Under the SAWP program the worker can obtain work permit and can remain in Canada for a period not exceeding eight months and be from Mexico or the select Caribbean countries. With some agriculture operations requiring workers year round, many are also applying to the hire temporary foreign workers (TFW) under the Agricultural Stream, which allows workers to obtain work permits from several months to up to 2 years and be from any source country. It is important that employers follow all the necessary steps and submit all of the required documentation. Since program changes have occurred under this stream, farmers now incorporate workers from this stream to help in year round operations.

BCFGAs – Labour Orientation and Safety Program

BCFGAs continued its Farm Labour Project during the 2018 season. Ron Forrest was able to undertake these training/information sessions throughout the valley in French, English and Spanish. Ron Forrest 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. 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. It is estimated that approximately 4500-5000 workers, especially youth, come from Eastern Canada. During the 2018 season, Ron Forrest was also able to provide much assistance to growers on communication of Bullying and Harassment and other WorkSafeBC workplace awareness. We have had a positive response to this service from our growers, consulates and thank all those that helped make this successful and effective.

SAWP EMPLOYER INFORMATION SESSIONS

On January 31st, 2019 and February 1, 2019, we had two information sessions in the Okanagan Valley. One was held in Kelowna and the other was in Osoyoos, BC. These sessions have been held for the last three years with growing attendance and engagement and appreciate all those that contribute to strengthening labour relations. This year various topics were discussed and this provided an opportunity for employers to ask question and make comments. Service Canada provided information update and highlighted:

- *LMIA Process
- *Primary Agriculture Review – Trusted Employer Concept
- *Replacement worker/transfer worker –advertising not required
- *SAWP and Ag Stream applications processed in Ontario region
- *Shared updated contact information

Consular and Liaison Services shared their observation of the 2018 season and reflected that overall it has seen improvements in all areas and that everyone working together have a positive outcome. Topics discussed were biometrics, housing rules, alcohol/health concerns, payroll, training/orientation, SIMOL, Cowan Insurance, and **overall importance of open and respectful communication.**

WorkSafeBC was also present and shared their points of focus for agriculture community.

WorkSafeBC

- Highlighted that ALL employers should have a workplace Bullying and Harassment Policy
- Shared data on workplace inspections and investigations and their prevention programs
- 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 report injuries and record keeping is important
- Please go over workplace 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.
- WorkSafeBC highlighted that their website is rich in information and encouraged growers to utilize this resource.

Fair Wage Commission- Piece Rates:

The Fair wage Commission originally recommended that agriculture piece rates be phased out on January 1, 2019. The provincial government did not immediately accept this recommendation. The province hired a consultant to further study the piece rate system and that was undertaken

this growing season. Piece rates allow workers to self-regulate their effort and frees the grower from managing workers to attain a minimum productivity per hour. Workers like piece rate as it provides workers the freedom to work at their pace and generates a higher economic rate. Many Canadian workers, especially the youth from eastern provinces of Quebec and Ontario would explore other employment if piece rate changes because many earn considerably more than the minimum wage. This will lead to a loss of Canadian agriculture labour force that is willing to work in agriculture and its environment. We understand that the consultant has heard clearly the concerns of the workers and employers in the tree fruit sector of the importance and benefit of the piece rate system. The report is complete and we await the next steps by government.

WAGES

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 SAWP contract require that workers to be paid at least minimum wage each day, even if on piece rates.

Please visit the website of the Employment Standards Branch, Ministry of Labour and also review your SAWP agreement.

Employer Health Tax

The BCFGA has requested that the 2019 budget make the Employer Health Tax fair for agriculture. The purpose of the Employer Health tax is to shift the cost of Medical Services Program premiums from employee to employers. However our sector employees almost 7500 foreign guest workers from Mexico and the Caribbean (SAWP) that are not eligible for MSP. Their share of earning pay into the program but would not have access Medical coverage, and thus requested exemption of payroll tax calculation on agricultural guest workers.

Housing Inspection

Requirements are the same as what was in effective January 1, 2018. LMIA application requires a complete housing inspection confirming that the housing provided to temporary foreign agricultural workers has been inspected, and that all conditions on the housing inspection report have been addressed prior to obtaining a decision. The housing inspection report must:

- have all relevant sections completed;
- indicate that the housing has been inspected within the last eight months prior to the date the LMIA application is received by Service Canada (In the case of replacements of TFWs, employers applying for a subsequent LMIA, may use the corresponding housing inspection report even though it is over eight months.); and
- indicate the maximum number of workers permitted per approved accommodation.
- use the [British Columbia Agriculture Council \(BCAC\) housing inspection form](#); and
- have the housing inspection conducted by a BCAC sanctioned inspector, authorized to conduct housing inspections.

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. Please see the BCFGAs website for current list of inspectors.

Information at a Glance

Caribbean SAWP Program

- Minimum wage for tree fruit for the 2019 season is \$12.65. **(Increase to \$13.85 June 1, 2019)**
- 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 that 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.

Mexico SAWP Program

- Minimum wage for tree fruit for the 2019 season is \$12.65. **(Increase to \$13.85 June 1, 2019)**
- 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 that 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.

Various Topics – Quick Information

Primary Agriculture Review took place across Canada and they looked at five areas:

- 1) Program Eligibility and Structure – definition of agriculture, sub-streams
- 2) Wages and Deductions – setting wages, allowable deductions
- 3) Housing in Primary Agriculture – housing requirements, national standards
- 4) Labour Market Impact Assessment (LMIA) – process, application, fees
- 5) Other Considerations - work permit length, SIN, Trusted Employer Concept

Worker Travel Arrangements – Mexico

Mi Tierra Holidays provides coordination with Mexico Ministry of Labour and airfares arrangements for the Mexican SAWP program. For further information please contact Mi Tierra Holidays – *ARTURO HERNANDEZ* or visit their website: www.mitierraholidays.com and click on *SAWP BC – SAWP AIRFARES 2019*. If you have any questions, please contact Arturo at 1-877-689-5571

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.

Awareness Campaign on International Farm Workers

The current labour shortage has reached epic proportions, with 114,000 vacancies nationally predicted by 2025. It's only with the help of international farm workers that Canadian agriculture stands a chance. CHC has initiated an awareness campaign to inform Canadians about this important relationship. British Columbia agriculture community along with BCFGa are part of this campaign because as farmers we all understand that *Without international farm workers, there would be no Canadian fruit and vegetable production. Visit the CHC website for stories that the videos tell.*

Biometrics

As of December 31, 2018, all foreign workers will be required to provide biometrics information to obtain entry into Canada. Understanding the complication in processing over 26000 SAWP workers from Mexico alone, the Canadian Agriculture community; CHC, BCAC, BCFGa, FARMS, CFA, FERME and others helped to implement changes to accommodate and to avoid any delays in arrival of workers for the 2019 season. This effort resulted in 50% avoiding biometrics for the 2019 season because their applications were received and processed under 2018 requirement. This should avoid any issues for the 2019 season. The biometric screening is valid for a 10 year period. Jamaica had biometric implemented 5 years ago and therefore have system and volume handling capacity and was not highlighted for delay concerns.

Migrant Worker Support Network

MWSN is a two year pilot project that has 3.2 million dollars allocated to focus on three (working group) areas. 1) Preventing and responding to mistreatment and emergencies. (2) Addressing (fear of) retribution and (3) Education, outreach and accessibility. During meetings, BCFGa has made it clear that workplace protection is important and agriculture SAWP has much oversight in these areas from Service Canada, CBSA, WorkSafeBC, BC Ministry of Labour/Employment standards, house inspection process, Exit surveys, Consulate and Liaison

office involvement, orientation in supply country and in BC, AgSAFE education programs and employer association involvement. The network acknowledges these strengths of our industry and focus is on areas where it is lacking such as in food service/restaurant sector, nannies program, service sector (motels/hotels), trucking and construction industries. We will continue to participate and monitor so that there are no negative impact on the ability to hire temporary foreign workers in agriculture.

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

I hope we all have a successful 2019 Season!

Respectfully Submitted by

PINDER S. DHALIWAL, Chair

BCFGA Labour Committee:

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Tony DiMaria, BCTF

Reg Ens, BCAC

TBD, AgSafe

2019 IMPORTANT SITES TO VISIT

- ❖ **Gov't of Canada -**
www.hrsdc.gc.ca/eng/jobs/foreign_workers/agriculture/seasonal/index.shtml
- ❖ **Employment Standards Branch -** www.labour.gov.bc.ca/esb/
- ❖ **Western Agriculture Labour Initiative (WALI) -** wali.bcac.bc.ca/index
- ❖ **WorkSafeBC -** www.worksafebc.com/
- ❖ **Canadian Association of Home and Property Inspectors (CAHPI) -** www.cahpi.bc.ca/
- ❖ **British Columbia Agriculture Council *BCAC* -** www.bcac.bc.ca/
- ❖ **MiTerra Holidays -** 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
- ❖ **Farm Practices Protection (RighttoFarm) Act -**
<http://www.bclaws.ca/civix/document/id/lc>
- ❖ **AgSafe –** <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