

**INFORMATION FOR EMPLOYERS IN BRITISH COLUMBIA HIRING
FOREIGN SEASONAL AGRICULTURAL WORKERS
2005**

I. Program Requirements

British Columbia employers considering hiring foreign agricultural workers for the 2005 season should review the enclosed employer-employee Agreement to familiarize themselves with the requirements and conditions of the Seasonal Agricultural Worker Program in British Columbia. The key elements include:

1. Paying the full cost of return air transportation for the worker.
2. Paying the worker for piece-work at the provincially-established rate for the commodity, with guaranteed minimum earnings of \$8.30 an hour for every hour worked.
3. Paying the prevailing hourly rate for the specific type of non-harvesting work.
4. Providing suitable housing on the farm; or arranging for suitable housing off the premises. In either case, the worker may be charged a rate of 5% of his/her gross daily pay up to a maximum of \$350.00 during the worker's entire stay in Canada.
5. Arranging for Workplace Compensation coverage for the worker.
6. Advancing the \$150.00 cost recovery fee for each worker as charged by Citizenship and Immigration Canada (CIC) (may be recovered from the worker).
7. The employer is obligated to register the worker with the BC Medical Plan.
8. Advancing the premiums for RBC private health insurance coverage for the worker (cost may be recovered from the worker).
9. Advertising for Canadian Workers or permanent residents.

Before applying to Human Resources and Skills Development Canada (HRSDC) for a confirmation of an offer of employment to a foreign worker, the employer must advertise for Canadians and permanent residents and offer employment to any qualified and available applicants. Employers are advised to advertise as early as possible.

II. BC SAWP Advertising Requirements

Employers should submit their application for a seasonal agricultural foreign worker with proof of efforts made to recruit Canadians and permanent residents of Canada. It is expected that employers will advertise these agricultural employment opportunities in at least two editions of a community or daily newspaper. Employers are also required to advertise through an internet recruitment service such as the HRSDC Job Bank or the Agricultural Labour Pool.

The help wanted advertisement should clearly state:

1. the job title;
2. a brief job description;
3. a statement of essential qualifications that an applicant is required to have in order to function in the job. This should include qualifications related to the applicant's required knowledge, education, skills and specified years of experience in the occupation;
4. the hourly salary offered and/or harvesting piece work rate (whichever applies);
5. the number of hours per week;
6. the number of days per week and the day(s) off;
7. the total number of weeks duration of employment offered; and
8. instructions on how an applicant can apply for the position.

After the advertising is completed, the proof of advertising submitted to HRSDC, as part of the application, should contain:

1. a copy of the help wanted advertisement;
2. the dates the help wanted advertisements were published;
3. the names of the publications and websites (if applicable) in which the help wanted advertisements appeared; and
4. a description of the responses to the advertisements (if qualified Canadians or permanent residents apply for the job, it is expected that the employer will hire them).

III. Housing

Employers are required to provide suitable accommodation for the seasonal agricultural workers. Employers are required to sign a statement verifying the condition of the housing provided. If the employer is unable to provide suitable accommodation on the farm, the employer must provide suitable accommodation elsewhere, at the same cost to the worker. In these cases, the employer must provide transportation from the accommodation to and from the worksite. Female workers must be provided with separate

accommodation. (See enclosed prepared statement verifying the condition of the accommodation provided).

IV. Payment of Immigration Cost Recovery Fees (“Visa fee”)

Because the workers are not in a position to pay the \$150.00 cost recovery fee charged by Citizenship and Immigration Canada (CIC) to process each worker’s application for a work permit, employers pre-pay this fee as part of the application process. Employers can recover this amount from the workers’ pay (see enclosed agreement for details).

Employers must provide a certified cheque, money order or bank draft for the total amount (i.e. \$150.00 multiplied by the number of workers requested), payable to The Receiver General for Canada.

This fee must be paid when the application package is submitted. A receipt will be provided by return mail. If an employer’s application for foreign workers is refused by HRSDC, the total amount can be refunded.

V. Applying to HRSDC for Confirmation

- In completing the steps outlined above, the employer initiates the process of requesting foreign workers by applying to HRSDC for approval.
- Timing: In planning for the arrival of foreign workers, employers should bear in mind that HRSDC requires up to 15 working days from the time of receipt to process an application. The Government of Mexico requires at least 20 working days to recruit workers and make arrangements for their travel to Canada. It is advisable to begin the application process as early as possible to ensure that workers will arrive by the date they are required.
- Application Process: HRSDC requires the following documents in order to assess a request to hire foreign seasonal agricultural workers:
 1. Completed Foreign Worker Application form (see enclosed). Note that only one form is required if all workers will be performing the same work and if the wages are the same. Since the names of the foreign workers will not be known, that section of the form will be left blank.
 2. Completed and signed employer-employee Agreement (see enclosed). It is necessary to sign only one copy of the agreement. Each worker will sign the Spanish-language version

of the agreement before coming to Canada. The copies signed by the workers and the employer's copy together constitute the complete agreement.

3. Proof of advertising.
4. A prepared statement, signed by the employer, verifying the condition of the worker accommodation provided (see enclosed).
5. Employers must provide a certified cheque, money order or bank draft for the total amount (i.e., \$150.00 multiplied by the number of workers requested), payable to The Receiver General for Canada. The cheque, money order or bank draft must accompany the above documents at the time of application.
6. The complete application package must be mailed or sent by courier to:

Human Resources and Skills Development Canada,
Suite 1400
300 West Georgia Street
Vancouver, BC
V6B 6G3

VI. HRSDC Decision

An HRSDC Foreign Worker Specialist at the Foreign Worker Unit will review the application and documentation to determine if the request complies with the requirements of the Seasonal Agricultural Worker Program and if the documentation is complete.

If the application is approved:

- HRSDC will issue a letter of confirmation to the employer; and
- HRSDC will forward notice of approval to the Mexican consulate, the travel agency and RBC Insurance.

If the application for seasonal agricultural workers is not approved:

- HRSDC will advise the employer in writing.
- The employer can apply to have the immigration cost recovery fee refunded. Instructions on how to apply for a refund will be provided at the time the employer is advised in writing that the application has not been approved.

VII. Arrangements for Bringing Workers to Canada

- The Mexican consulate forwards approved worker requests to the Mexican labour ministry (STPS).
- The employer provides the travel agency with the number of workers and the dates the workers are required. The contact for the travel agency is:

Mexicana Airlines
Veronica Madore
Regional Sales Manager
Vancouver Regional Sales Office
Suite 718 – 1177 West Hastings Street
Vancouver, BC
V6G 2K3
Phone: (604) 658-2414
Fax: (604) 688-3913
E-mail: veronica.madore@mexicana.com.mx

- The employer makes contact with the insurer to arrange insurance coverage for the worker at:

RBC Insurance
Penny Cleary
PO Box 97, Station A
Mississauga, Ontario
L5A 2Y9
Phone: 1-866-530-6030
Fax: (905) 816-2433
E-mail: penny.cleary@rbc.com

- The Mexican labour ministry recruits the workers and makes arrangements for their travel to Canada.
- The travel agency advises the employer when the workers will be arriving and the employer meets the workers at the airport and provides transportation to the farm.

VIII. Return to Mexico

At the end of contract:

- The employer books the return flight through the travel agency.

In the event of an early return:

- The employer advises the Mexican consulate.
- The consulate provides the travel agent with the names of the workers it has agreed will be sent home early.
- The employer books the flight to Mexico through the travel agent.

Statement of the Condition of the Accommodation Provided to Seasonal Agricultural Workers for the Purpose of Application to Participate in the BC Seasonal Agricultural Worker Program, 2005 Season

In lieu of an inspection certificate issued by the responsible authority for housing of seasonal agricultural workers, I (name) _____,
(Title or position) _____ of (name of company) _____,
at (street address, box number etc.) _____,
(Municipality) _____, British Columbia,
(Postal code) _____, in the matter of applying for a foreign seasonal agricultural worker, declare that the accommodation I will provide the worker(s) will be:

1. Secure, clean, well ventilated, well lighted, weatherproof, heated and free of agricultural/industrial chemicals, hazardous materials, insects, rodents, other vermin and otherwise suitable for human habitation.
2. Equipped with a kitchen that consists of a stove, a refrigerator, a sink, dishes, pots, and utensils for the sanitary preparation and storage of food, at no cost to the worker, unless all meals are provided.
3. Accessible to a refrigerator where the workers can store their own beverages, snacks, fruit, etc., if all meals are provided.
4. Equipped with sanitary facilities consisting of a shower, a toilet and a sink.
5. Equipped with or have easy access to an automatic washing machine and dryer.
6. Equipped with a continual supply of hot and cold potable water.
7. Equipped with furniture suitable for eating, sleeping and storage of clothing and personal effects.
8. Equipped with clean mattresses, pillows, sheets and blankets.
9. Equipped with smoke alarms, first aid kit and a fire extinguisher.
10. Accessible to a telephone 24 hours a day, limited to personal local calls and emergencies. The employer does not accept responsibility for long distance charges incurred by the seasonal agricultural worker.
11. Equipped with rodent proof garbage containers.

Signed this (day) _____ (Month) _____, 2005.

Employer _____

Print Name of Employer _____