

INFORMATION FOR EMPLOYERS IN BRITISH COLUMBIA HIRING FOREIGN SEASONAL AGRICULTURAL WORKERS - 2006

I. Program Requirements

British Columbia employers considering hiring foreign agricultural workers for the 2006 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 \$8.60 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 6% of his/her gross daily pay up to a maximum of \$450.00 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.
10. Submitting a Seasonal Housing Accommodation inspection and/or a contract from a commercial accommodation supplier (i.e. hotel/motel, apartment etc).

Before applying to SERVICE CANADA 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 Government of Canada 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 SERVICE CANADA, 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 submit a Seasonal Housing Accommodation inspection and/or a contract from a commercial accommodation supplier. Please note, 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.

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 SERVICE CANADA, the total amount can be refunded.

V. Applying to SERVICE CANADA for Confirmation

- In completing the steps outlined above, the employer initiates the process of requesting foreign workers by applying to SERVICE CANADA for approval.
- Timing: In planning for the arrival of foreign workers, employers should bear in mind that SERVICE CANADA 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: SERVICE CANADA 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. If you are requesting specific Foreign Worker’s, please attach a separate sheet providing their full names and date of birth.
 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 completed Seasonal Housing Accommodation inspection and/or a contract from a commercial accommodation supplier (hotel, motel etc...).

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. Employers who wish to have third party representation should fill out the "Appointment of Representative" sheet attached to the "Foreign Worker Application: Application for a Labour Market Opinion" form.

7. The complete application package must be mailed or sent by courier to:

Finance
Service Canada,
Suite 1400
300 West Georgia Street
Vancouver, BC
V6B 6G3

VI. SERVICE CANADA Decision

A SERVICE CANADA 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:

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

If the application for seasonal agricultural workers is not approved:

- SERVICE CANADA 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 Mexicana Airlines advises the employer when the workers will be arriving and the employer meets the workers at the airport and provides transportation to the farm.

VII. Planning Your Labour Needs

Prior to the Mexican worker arrival date, employers should bear in mind that once they received their application approved by SERVICE CANADA, the Ministry of Labour in Mexico requires the following minimum time to recruit workers and make arrangements for their travel to Canada:

Request for Named workers	4 weeks
Request for Un-named workers	4 weeks
Request to substitute a named worker	2 weeks
Request for an Earlier arrival	11 natural days prior to the arrival date
Request to Postpone an arrival	11 natural days prior to the arrival date
Request to Cancel an arrival	11 natural days prior to the arrival date

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.