



Employment Standards Branch
Ministry of Skills Development
and Labour

Employment Standards Branch, and
BC Agriculture Council and its member organizations
Memorandum of Understanding



Factsheet

Preparing for Compliance Team visits

What are Compliance Team Visits?

The Employment Standards Branch Compliance Team is a group of representatives from the British Columbia Ministry of Skills Development and Labour. The team visits farms to ensure employers, employees and Farm Labour Contractors are following employment standards.

Under the *Employment Standards Act*, the team has the authority to enter and inspect any place where work has been done or is being performed by employees. Visits are unannounced in order to directly observe normal business operations.

When the team first arrives at a farm, they will always attempt to contact the farm owner or manager to explain the purpose of the visit and, out of courtesy, request permission to enter the work site in order to interview employees. Team members will identify themselves and present official credentials.

Once in the field, the team will conduct brief interviews with employees, taking about one to two minutes per interview. The total time spent at the farm during a site visit is generally no more than 30 minutes.

While members of the team are interviewing employees, one member from the team will attempt to contact the farm labour contractors and their drivers to ensure that contractors are licensed and following the requirements of their license.

A team member will ask the farm owner or manager to produce certain records. Information from an employer's records will not be revealed to unauthorized persons.

What are the rights and obligations of farm owners and managers?

Under the *Employment Standards Act*, farm owners and managers are required to:

- Allow Compliance Team members to enter work sites.
- Provide records and information necessary to ensure compliance with Employment Standards legislation.

Farm owners and farm labour contractors who refuse entry onto a work site or fail to provide the required records will be fined \$500 the first time, \$2,500 the second time and \$10,000 the third time.

Agricultural employers are subject to the *Employment Standards Act* and Regulation. For an overview of the Act, see the Memorandum of Understanding factsheet – *Agricultural Employers' Guide to the Employment Standards Act* and the Employment Standards Branch factsheet – *A Guide to the Employment Standards Act*.



This Factsheet has been prepared under the **Memorandum of Understanding between the Ministry of Skills Development and Labour Employment Standards Branch, and the BC Agriculture Council and its member organizations**. It is intended for general information purposes; it is not a legal document. Please refer to the *Employment Standards Act* and regulation for purposes of interpretation and application of the law.

Farm employers have the right to privacy under the federal *Privacy Act*. Information collected during Compliance Team visits will not be given out to unauthorized persons. Employers have the right to request in writing any information collected about them by the Employment Standards Branch.

What information will the Compliance Team ask for?

Note: These are the types of information team member may ask for. Questions may vary based on individual situations.

1. Farm owner/producer

- a. Name and telephone number of the farm.
- b. Name of farm labour contractors on site.
- c. Rate being paid to the farm labour contractor.
- d. Rate being paid to workers employed directly by the farm owner/producer.
- e. Records being kept for the work done by the farm labour contractor, e.g. Is there a record of how many workers the farm labour contractor brings each day and how many hours they work?
- f. Confirmation that the farm owner/producer has reviewed the farm labour contractor's license.
- g. Number and ages of children under age 15 on site.
- h. Blank copies of the picking cards being used by workers.

2. Farm Labour Contractor

- a. Number of employees on site.
- b. Review of daily log.
- c. Number and ages of children under age 15 on site.
- d. Wage rate being paid.
- e. Vehicle registrations.

3. Workers

- a. Name, address, phone number.
- b. First day worked.
- c. Picking card number (workers are usually identified by a number on the cards rather than by names).
- d. Wage rate.
- e. How often wages are paid.
- f. Confirmation of payment by direct deposit if employed by an FLC.
- g. Confirmation of vacation pay if paid hourly rate.

Workers will also be given a factsheet explaining their rights and responsibilities under the *Employment Standards Act* and Regulation.

Where to get more information

For more information, please contact the Employment Standards Branch Agricultural Liaison Officer:

Phone: 604 586-4241

Email: SDL.AGLIAISON@gems9.gov.bc.ca

Or visit these Web sites:

Employment Standards Branch:
www.labour.gov.bc.ca/esb

Employment Standards Branch: Information for Agricultural Workers and Employers:*
www.labour.gov.bc.ca/esb/agriculture

*This Web site also has links to:

- Licensed Farm Labour Contractors in British Columbia.
- A Guide to the Employment Standards Act.
- Employment Standards Branch Factsheets.
- Interpretation Guidelines Manual, British Columbia Employment Standards Act and Regulations.

Where to get signs and documents

Piece rate or wage rate signs and a standard parental consent form for young workers under 15 are available from:

Fraser Valley Strawberry Growers' Association
Fraser Valley Cole Crop Growers' Association

Central Agriculture Facility
31260 South Fraser Way, Abbotsford, BC.
Phone: 604 864-0565

BC Raspberry Growers' Association

Central Agriculture Facility
31260 South Fraser Way, Abbotsford, BC.
Phone: 604 854-8010

BC Blueberry Council

Phone: 604 864-2117

Farm Labour Contractor Licenses and child worker permits for employees under age 12 are available from the Employment Standards Branch. Call the Agricultural Liaison Officer or visit the Web site listed above. *A permit and a parental consent form are needed for young employees under age 12.*

Producer's Checklist

Being prepared for Compliance Team visits saves you time and money. The following checklist will help you prepare.

To follow the law:

- Farm labour contractor's (FLC) license is posted at work sites and on vehicles used to transport employees.
- Wage or piece-rate signs are posted at work sites and on FLC's vehicles. (see page 2 for where to get signs)
- Records are in English and are readily available of the following items:
Tip: use a binder with pockets, or a sturdy envelope to keep these items handy at each work site.
 - Number of workers at the site.
 - Photocopy of farm labour contractor's license.
 - Blank picking card.
 - Picking records.
 - Parental consent forms or letters at each work site for all young workers under age 15, *including your own children.*
 - Permits at each work site for all young employees under age 12, *including your own children.* (These are available from the Employment Standards Branch Web site or office, see page 2)
 - Proof of age of young workers (photocopy of birth certificate or school ID).
- FLC's 'daily log' is in English at each work site with workers' records.

To help make Compliance Team visits faster and easier:

- Manager and supervisors trained for Compliance Team visits.
 - Workers informed about Compliance Team visits.
 - FLC informed about Compliance Team visits.
 - Dogs under control.
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Farm Labour Contractor's Checklist

Being prepared for Compliance Team visits saves you time and money. The following checklist will help you prepare.

To follow the law:

- Farm labour contractor's (FLC) license (available from the Employment Standards Branch website or office, see page 2) is posted at work sites and on vehicles.
- Wage/piece-rate signs (see page 2 for where to get signs) are posted at work sites and on vehicles used to transport employees.
- Daily log is in English at each work site with workers' records, including:
 - The name of each worker.
 - The name of the employer and work site location to which workers are supplied and the names of the workers who work on that work site on that day.
 - The dates worked by each worker.
 - The fruit, vegetable, berry or flower crop picked on each day by each worker, or other work performed.
 - The volume or weight picked on each day by each worker.
- Parental consent forms or letters at each work site for all young workers under age 15, *including your own children*.
- Permits at each work site for all young employees under age 12, *including your own children*. (Available from the Employment Standards Branch website or office, see page 2)
- Proof of age of young workers (photocopy of birth certificate or school ID).

Tip: use a binder with pockets or a sturdy envelope to keep these items handy at each work site

To help make Compliance Team visits faster and easier:

- Supervisors are trained for Compliance Team visits.
 - Workers are informed about Compliance Team visits.
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