

# A GUIDE TO HIRING AND MANAGING INTERNATIONAL WORKERS ON YOUR FARM

## Quality AgriWorkforce Management: International



MARCH 2019

## DISCLAIMER

This guide is designed for use by Canadian producers in the agricultural sector. To the best of our knowledge, the practices governed by provincial legislation or federal legislation are identified and, wherever possible, reflected in this guide.

It is important for users of this guide to note the following:

- The programs, policies and regulations surrounding the access to foreign workers in Canada are complex and continuously evolving;
- The administration of the various programs related to foreign workers in Canada are shared across several federal, provincial and regional governments;
- This guide provides an overview of the current process and regulations at the time of publication;
- The guide is intended for information purposes only. When in doubt, always consult the responsible government agency for a particular issue or concern. Where necessary, seek third party advice from Human Resource, recruitment, immigration, or legal experts.
- This guide is provided as a reference and does not guarantee success in accessing the programs related to foreign workers in Canada.

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## TABLE OF CONTENTS

<a href="#"><u>SECTION 1: Introduction to the Guide</u></a> .....	4
<a href="#"><u>SECTION 2: Hiring International Workers for Your Farm</u></a> .....	9
<a href="#"><u>SECTION 3: Do You Qualify for the Primary Agriculture Streams?</u></a> .....	12
<a href="#"><u>SECTION 4: What is a LMIA?</u></a> .....	14
<a href="#"><u>SECTION 5: Recruitment, Advertising, Tracking Applicants</u></a> .....	17
<a href="#"><u>SECTION 6: Meeting Provincial TFWP Requirements</u></a> .....	25
<a href="#"><u>SECTION 7: Submitting a Successful LMIA</u></a> .....	26
<a href="#"><u>SECTION 8: SAWP: Meeting Employer Responsibilities</u></a> .....	33
<a href="#"><u>SECTION 9: Agricultural Stream: Meeting Employer Responsibilities</u></a> .....	40
<a href="#"><u>SECTION 10: Low &amp; High Wage Streams (not on NCL): Meeting Responsibilities</u></a> .....	47
<a href="#"><u>SECTION 11: Other Farm Worker Options Including Immigration</u></a> .....	52
<a href="#"><u>SECTION 12: Managing International Workers on Your Farm: Best Practices</u></a> .....	57
<a href="#"><u>SECTION 13: What to Expect: Integrity Inspections</u></a> .....	63
<a href="#"><u>SECTION 14: TFWP: New Information</u></a> .....	73
<a href="#"><u>SECTION 15: Contact Info: Who You Need to Know</u></a> .....	90
<a href="#"><u>About This Guide</u></a> .....	119
<a href="#"><u>Acknowledgements</u></a> .....	120
<a href="#"><u>APPENDIX 1: Applicant Tracker – Summary of Recruitment Efforts</u></a> .....	121
<a href="#"><u>APPENDIX 2: Guide Acronyms</u></a> .....	122

# Section ONE

## Introduction to the Guide

### **QAMP: Helping Agricultural Employers Hire and Manage International Workers**

Canada's thriving and globally recognized agri-food sector contributes close to 7% of the nation's GDP; that translates to \$304 million per day to Canada's economy (\$111 billion annually), and approximately 2.3 million jobs for Canadians. Farm employers, however, are often challenged to find the qualified workers needed to meet today's workforce needs on the farm and tomorrow's business opportunities. When farm jobs are advertised and Canadians do not apply, it not only hurts the employer's business, it hurts the broader workforce and Canada's economy. Research shows that each international worker hired to fill a job vacancy that could not be filled by a Canadian or permanent resident results in approximately two to four full-time Canadian jobs in the agri-food supply chain.

The Quality AgriWorkforce Management Program International Phase (QAMP) was established to help farm employers like you hire and manage international workers who can help you fill job vacancies when Canadians are unavailable.

### **The Labour Challenge**

The high quality of Canada's agri-food products continues to increase global demand. With new trade deals that Canada has secured, exports and sales of agri-food are predicted to increase significantly by 2025.

To meet the growing demand, Canadian agri-food employers need to hire and retain workers of all skill levels, and filling job vacancies is not easy for farm and primary processing employers. Research indicates that finding and retaining workers is increasingly difficult in the sector due to its rural location, work that can be strenuous, the unique challenges and importance associated with the handling of live plants and animals, and half of the work that takes place on a farm is seasonal. Job vacancies prevent farms from filling orders today and reaching for new marketing opportunities tomorrow. In 2014, job vacancies that went unfilled cost the agriculture sector \$1.5 billion.

### **Hiring Workers Through the TFWP**

The Temporary Foreign Worker Program (TFWP) was established to allow Canadian employers to address those challenges and hire foreign workers for jobs that qualified Canadian citizens or permanent residents are not available to fill. In fact, Canada's Seasonal Agricultural Worker

Program (SAWP) is the original TFWP established over 50 years ago. The SAWP pre-exists the TFWP because farmers faced critical and chronic shortages when trying to fill jobs that Canadians do not want and do not apply for.

If you are finding it challenging to fill jobs on your farm, you may be able to hire foreign workers through the TFWP to fill the labour gap. However, while the TFWP is a valuable program, it's not easy to navigate, and the rules change quickly.

That's why CAHRC established the QAMP. Farmers participating in the Quality AgriWorkforce Management Program: International Phase value and support their international workers as part of the Canadian AgriWorkforce team. By participating in the QAMP you will be able to stay abreast of the new rule changes and find out the best practices you need to know to fully support and manage international workers on your farm.

This guide provides the information you need to go through the process step by step. You'll learn how to choose the right program stream, submit an application to the program, and meet your obligations as an employer of a foreign worker hired under the stream you applied for.

## Choosing a Program Stream

The TFWP includes four streams. Each stream has different qualifications that the employer and foreign worker need to meet, so not every stream will be available to you or meet your labour needs. If you plan to hire foreign workers through the TFWP, determining which stream best meets your labour needs will be your first step. For information about the four streams and help identify and choose the stream that is the best fit for your needs, see [SECTION 2: Hiring International Workers for Your Farm](#).

The first step in choosing the right stream is to determine whether you meet the [key criteria for the SAWP and Agricultural streams](#).

Next, you can review the benefits and requirements for each stream in the chart below to determine which stream best fits your needs and resources. For a detailed description of each stream and its requirements, refer to the relevant web page for each respective stream.

	SAWP Stream	Agricultural Stream	Low-Wage and High-Wage Stream	Dual-Intent Stream
<b>Job restrictions</b>	Production must be on the NCL. Job must meet the definition of primary agriculture.	Production must be on the NCL. Job must meet the definition of primary agriculture.	Production must <b>not</b> be on the NCL. Job <b>does not</b> need to meet the definition of primary agriculture.	No job restrictions.
<b>Skill level</b>	Worker can be high- or low-skilled.	Worker can be low-skilled (NOC C, D) or high-skilled (NOC O, A, B).	Worker can be high- or low-skilled.	Worker can be high-skilled only (NOC O, A, B).
<b>Duration of employment</b>	Work can be seasonal only (max 8 months, Jan 1 – Dec 15).	Work can be seasonal or year-round, and contract can last up to 2 years.	Work can be seasonal or year-round, and contract can last up to 2 years.	Employer must support an application for permanent residence in addition to a 2-year work permit.
<b>Worker nationality</b>	Worker must be a citizen of Mexico or participating Caribbean countries.	No restriction on country of origin.	No restriction on country of origin.	No restriction on country of origin.
<b>Transportation obligations</b>	Employer must pay for worker's round-trip transportation costs and daily transportation to and from work.*  *A portion of costs may be recoverable.	Employer must pay for worker's round-trip transportation costs and daily transportation to and from work.	For <b>low-wage workers</b> , employer must pay for round-trip transportation costs. For <b>high-wage workers</b> , employers have no transportation obligations.	Employer has no transportation obligations.
<b>Housing obligations</b>	Employer must provide no cost, on-farm housing or off-site housing. Housing must be inspected.	Employer must provide on-farm housing or off-site housing. Housing must be inspected.	Employer must help the worker find affordable and suitable housing.	Employer must help the worker find affordable and suitable housing.

## Preparing to Apply

Once you have chosen a stream to apply through, you will need to undergo a Labour Market Impact Assessment (LMIA). The LMIA is conducted by Service Canada to determine the impact that hiring a foreign worker will have on Canada's job market. However, before you can submit your application, there are three things you must do:

- 1) **You need to advertise your job.** You need to be able to prove that you have conducted recruitment efforts to hire Canadians and permanent residents. In some cases, you may also need to target underrepresented groups, including youth, Aboriginal Peoples, visible minorities, and the disabled. To qualify for the LMIA, you must follow strict rules for advertising the job and keeping records of your recruiting activities. To review the advertising and recruiting rules you must follow, see [SECTION 5: Recruitment, Advertising, Tracking Applicants for the TFWP](#).

- 2) **You need to prove you can house the worker.** The LMIA also requires you to provide proof of your ability to provide safe, suitable no-cost or affordable on-site or off-site housing. To prove that you are capable of meeting this requirement, you may need to arrange a housing inspection by the appropriate authority. Depending on where your farm is located, this may be a provincial, territorial, and/or municipal body or an authorized private inspector. For details on arranging a housing inspection, see **Housing within the respective TFWP stream sections** (SAWP, Agricultural Stream, Low & High Wage Streams not on NCL, Dual Intent) and in the Provincial Contact Information section of Section FIFTEEN
- 3) Contact Info: Who You Need to Know.
- 4) **You need to hire the worker.** The LMIA requires you to prove that you have successfully hired a foreign worker for the positions. Depending on the stream you apply through, you may need to coordinate with the government of the foreign country to recruit the worker, or you may need to recruit the worker yourself.

## Submitting Your Application

Once you have completed the job advertising requirements, undergone a housing inspection (if applicable), and hired the worker, you are ready to submit your application for the LMIA.

The LMIA will come back with either a positive or negative result. If it's positive, it means that Service Canada has determined that there is a need for a foreign worker to fill the job vacancy, and the worker you have hired will be able to apply for a work permit. If the result is negative, it means that you did not meet all the program requirements, and you will need to resubmit your application.

For information about the LMIA, instructions for submitting your application, and tips on improving the chances that you receive a positive result, see [SECTION 7: Submitting a Successful LMIA](#).

## Fulfilling Employer Responsibilities

After receiving a positive LMIA, you will need to prepare to bring the foreign worker to Canada. This includes obtaining a work permit for the foreign worker and fulfilling a number of program requirements, including arranging round-trip transportation in some cases, obtaining a Social Insurance Number for the worker, and arranging health insurance. Sections 9, 10, and 11 of the guide cover the responsibilities for each of the different streams.

## Managing Foreign Workers

When your foreign worker arrives in Canada and begins working on your farm, you must ensure that the workplace meets specific standards for workplace and housing safety. This includes meeting specific regulatory requirements to protect yourself from potential fines and legal issues. Beyond those legal requirements, you will also want to follow best practices for ensuring that

foreign workers feel welcome and supported and for improving overall productivity and worker retention rates on your farm.

For information on managing foreign workers effectively, see [SECTION 12: Managing Foreign Workers on Your Farm: Best Practices](#).

## **What to Expect: Integrity Inspections**

All employers who hire foreign workers through the TFWP must meet certain conditions. To ensure compliance with these conditions, Employment and Social Development Canada (ESDC) and Service Canada conduct Integrity Inspections that can take place at any time and without prior notice. These inspections can involve on-site visits, and failure to pass an inspection can result in warnings, program suspensions, serious fines, and additional measures. For information on inspections and tips on how to prepare for them, see [SECTION 13: What to Expect: Integrity Inspections](#).

## Section TWO

# Hiring International Workers for Your Farm



If you need to hire foreign workers, there are a number of programs available to help you, including the four main streams of the TFWP (SAWP stream, Agricultural Stream, and Low and High Wage Streams), and there is also a fifth stream called the Dual-Intent Stream that agricultural employers can qualify for. There is also the Canadian Working Holiday Visa, and immigration options. Each option offers

different benefits and includes different restrictions, and the summaries below will help you decide which option fits your situation best. Once you have chosen the best option, you can skip to the section of the guide that provides instructions on how to prepare and apply for the stream you have selected.

### The Four TFWP Streams

The TFWP includes four main streams. Each stream includes different employer requirements and hiring restrictions. The stream you choose to apply through will depend on factors such as the type of worker you need to hire, what type of work they will do, how long you need them for, and what types of agricultural production your farm supports.

#### ***Seasonal Agricultural Worker Program (SAWP) Stream***

The SAWP was initiated over 50 years ago and is a well-established program that allows seasonal employees to work on Canadian farms for 8 months (between January 1 and December 15, provided they are able to offer the workers a minimum of 240 hours of work within a period of 6 weeks or less). It pre-exists the Temporary Foreign Worker Program and includes annual bilateral meetings with the Government of Canada, agricultural industry representatives and the home countries to improve the SAWP on behalf of employees and employers.

Foreign workers hired through this stream must be citizens of Mexico or participating Caribbean countries that include: Barbados; Jamaica; Mexico; Trinidad and Tobago; OECS (Organization of the Eastern Caribbean States) which includes: Antigua and Barbuda; Dominica; Grenada; Montserrat; St. Kitts-Nevis; St. Lucia; St. Vincent and the Grenadines. The home countries recruit the worker for you and provide consulate and liaison services to the foreign worker during their stay.

In order to qualify for the SAWP stream, your business must qualify as **primary agriculture** and produce commodities that are listed on the **National Commodity List**.

As an employer hiring through the SAWP stream, your obligations include:

- Meeting specific job advertising requirements
- Obtaining a housing inspection report no earlier than 8 months prior to submitting your application
- Providing housing at no cost to worker
- Paying for the worker's round-trip flight
- Providing daily transportation to and from the work location
- Providing medical coverage

Detailed information about these obligations are included in later sections of this guide.

Do you qualify for the SAWP? [See Section 3 to find out.](#)

### ***Agricultural Stream (Higher and Lower Skilled)***

The Agricultural Stream was initiated in 2003. Farm employers using this stream can use it to fulfill seasonal and year-round agricultural employment requirements that can include contracts up to 2 years (24 months). It is not limited with any country specific criteria.

**Year-round** occupations include commodities such as mushrooms, dairy, bovine such as cattle feedlots, and swine.

You may also wish to apply through this stream if you have **seasonal work** but need to hire workers from countries other than those specified by the SAWP stream. For example, if you plan to hire workers from the Philippines, Guatemala, Honduras or other countries the agricultural stream may be a good option for you.

In order to qualify for the SAWP stream, your business must qualify as **primary agriculture** and produce commodities that are listed on the **National Commodity List**.

Unlike the SAWP stream, the agricultural stream requires you to recruit foreign workers yourself. You may also choose to hire a third party to assist you in conducting the recruitment process and completing the application paperwork.

You must obtain a housing inspection report within 8 months of submitting your application, and there are additional restrictions on the amount you can charge both low-skilled and high-skilled workers for the accommodations you provide.

Do you qualify for the Agricultural Stream? ? [See Section 3 to find out.](#)

***High-Wage and Low-Wage Streams (not on the NCL)***

If your farm does not produce agricultural commodities listed on the National Commodity List and/or it does not qualify under the primary agriculture definition, you will not qualify for the SAWP or Agricultural Stream, and you will need to apply through the high-wage or low-wage streams. Examples of these types of farms include those that produce grain and oilseed, maple products, forages, seed corn, and seed other than canola.

Under the high-wage and low-wage streams, you can hire seasonal foreign workers or sign contracts of up to 2 years. If the job pays a wage that is at or above the provincial or territorial median hourly wage, you must apply through the high-wage stream. If the job pays a wage that is below the provincial or territorial median hourly wage, you must apply through the low-wage stream. In both cases you must fulfill additional job advertising and recruitment requirements that vary from the SAWP and Agriculture streams. A list of median hourly wages by province or territory [can be found here](https://bit.ly/2j4aCRa) (<https://bit.ly/2j4aCRa>).

No housing inspection is required to apply through these streams, but employers are required to help foreign workers find affordable housing that does not exceed 30% of their gross salary.

You will also have to fulfill additional recruitment requirements to prove that you have exhausted all opportunities to hire Canadians or permanent residents, such as advertising the job nationally under the high-wage stream or, in the case of the low-wage stream, targeting under-represented groups.

Learn more about the high-wage and low-wage stream requirements in [SECTION 11: Meeting Employer Responsibilities for the Low-Wage and High-Wage Streams](#).

**Additional Options: Dual-Intent Stream, Holiday Visas, and Immigration**

If you are looking to fill a permanent position that requires a higher-skilled worker, you may wish to consider the TFWP dual-intent stream, which is offered through the TFWP and Employment and Social Development Canada (ESDC). Depending on your labour needs, you may find that options other than the TFWP may be the right fit.

Or, if you are willing to hire young people for no more than a year, you may be able to hire an agricultural student from one of 30 participating countries through the International Experience Canada program.

If the job you need to fill involves year-round work, your potential employee may qualify for one of the immigration options.

Learn more about the requirements and application processes for these options in [Other Farm Worker Options Including Immigration](#).

## Section THREE

# Do You Qualify for the Primary Agriculture Streams?

If you plan to hire foreign workers through the SAWP and Agricultural Streams, you must meet two key criteria:

1. You must hire the worker to perform activities that **qualify as primary agriculture**.
2. You must **qualify as a National Commodity List (NCL)** producer, which means that your farm production and the work that the TFW will perform must be in specific commodity sectors.

This section of the guide will help you determine whether you meet these criteria and can apply through the SAWP or Agricultural Streams. If you don't, you can still qualify for other means of hiring foreign workers, such as the high-wage and low-wage streams, immigration options, and Canadian Working Holiday Visas.

### Qualifying as Primary Agriculture

**To qualify as primary agriculture**, the job activity must be related to on-farm primary agriculture, which means that the worker must be involved in:

- Work performed within the boundaries of a farm, nursery or greenhouse
- The operation of agricultural machinery
- The boarding, care, breeding, sanitation or other handling of animals, other than fish, for the purpose of obtaining raw animal products for market
- The collection or preparation of crops, trees, sod and other plants for market

[Primary Agriculture Definition mandated by the Immigration Act.](https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural.html)

(<https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural.html>)

In addition, the job must match one of the National Occupational Classifications (NOCs) for primary agriculture. These NOCs include:

- Managers in agriculture (NOC code 0821)
- Managers in horticulture (NOC code 0822)
- Agricultural service contractors, farm supervisors and specialized livestock workers (NOC code 8252)
- Contractors and supervisors, landscaping, grounds maintenance & horticulture services (NOC code 8255)

## DO YOU QUALIFY FOR THE PRIMARY AGRICULTURE STREAMS?

- General farm workers (NOC code 8431)
- Nursery and greenhouse workers (NOC code 8432)
- Harvesting labourers (NOC code 8611)

[Primary Agriculture NOCs are listed on the TFWP website.](https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural/requirements.html)

(<https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural/requirements.html>)

To see detailed job descriptions for each of these jobs, enter the four-digit NOC code on the [Find Your NOC page](https://bit.ly/2Ki5iQL) of the Government of Canada website. (<https://bit.ly/2Ki5iQL>)

## National Commodity List (NCL)

**To qualify as a farm whose products are on the NCL farm production**, you must be involved in the production of apiary products, fruits, vegetables (including canning/processing of these products if grown on the farm), mushrooms, flowers, nursery-grown trees including Christmas trees, greenhouses/nurseries, pedigreed canola seed, sod, tobacco, bovine, dairy, duck, horse, mink, poultry, sheep, or swine. It is important to note that the work the TFW will perform must also fall within the NCL.

### National commodity list

- apiary products
- fruits, vegetables (including canning/processing of these products if grown on the farm)
- mushrooms
- flowers
- nursery-grown trees including Christmas trees, greenhouses/nurseries
- pedigreed canola seed
- sod
- tobacco
- bovine
- dairy
- duck
- horse
- mink
- poultry
- sheep
- swine

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural.html>

[National Commodity List](https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural.html) (<https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural.html>)

If you meet these two key criteria, you qualify to apply for the SAWP and Agricultural Stream. You will also be able to claim exemption from:

- The application fee of \$1,000 per worker
- The [TFWP Cap](http://bit.ly/2TYkn5y) and Transition Plan (<http://bit.ly/2TYkn5y>)

NOTE: Farm employers not listed on the NCL (grains, maple, forages, seed other than canola etc) that use primary agriculture NOCs and fall under the definition of primary agriculture also qualify for the primary agriculture exemptions but must use the High and Low Wage Streams not the SAWP and Agricultural Stream.

## Section FOUR

### What is a LMIA?

If you plan to fill a job vacancy with a foreign worker through one of the TFWP streams (the SAWP, the Agricultural Stream, Low-Wage and High-Wage Streams or, or the Dual-Intent Stream), you must complete a Labour Market Impact Assessment (LMIA) application. You must receive a positive LMIA to hire a foreign worker through any of the TFWP streams.

#### What is a LMIA?

The LMIA assesses the impact that hiring a temporary foreign worker has on Canada's job market. It includes the current LMIA application form and other employer documents that are assessed by Service Canada to determine whether or not a producer is allowed to hire a Temporary Foreign Worker. In Quebec, the ministry in charge of immigration analyzes the LMIAs conjointly with Service Canada.

To apply for an LMIA, you must fill out an LMIA form and submit additional paperwork. You will also need to meet a number of **job advertising requirements** in order to prove that you have done everything in your power to find a Canadian or permanent resident to fill the job vacancy.

If you apply through the SAWP or Agricultural Streams, you will also need to undergo a **housing inspection** to prove that you are capable of housing the foreign worker within the provincial housing standards that can also include the TFWP federal Schedule F.

If the job you are hiring a foreign worker for [qualifies as primary agriculture](#), the \$1,000 application fee will be waived. If it is not a job related to primary agriculture, you will need to pay a fee of \$1,000 per worker.

Always check the TFWP website to download the current LMIA forms and contracts before you begin your LMIA application process. The forms can change without notice, and submitting the wrong form may result in Service Canada refusing to process your application and destroying it. In this case, you will have to start the process again from the beginning.

Find the **most current checklist for the SAWP stream** here: <https://bit.ly/2HDIEgj>

Find the **most current checklist for the Agricultural Stream** here: <https://bit.ly/2HENIQn>

Find the most current checklist for the high-wage stream here: <http://bit.ly/2UB1cyn>

Find the most current checklist for the low-wage stream here: <http://bit.ly/2VzvEG2>

Find the **contract that must be submitted with the LMIA in Quebec** here: <https://bit.ly/2XZXwEZ>

## How to Submit an LMIA

This guide provides detailed information on how to submit an LMIA for each of the streams in [SECTION 8: Submitting a Successful LMIA](#).

In addition, farms located in specific provinces have access to specialized organizations that provide assistance (for a small fee per worker) to agricultural employers who need help hiring and managing foreign workers and completing the LMIA.

- **In Ontario and the Atlantic provinces**, contact [Foreign Agricultural Resource Management Services \(F.A.R.M.S.\)](#) (farmsontario.ca)
- **In Québec**, contact the [Fondation des Entreprises en Recrutement de Main-d'œuvre agricole Étrangère \(FERME\)](#) (fermequebec.ca)
- **In British Columbia**, contact the [Western Agriculture Labour Initiative \(WALI\)](#) (walicanada.ca)

**Other supportive organizations:** [Alberta Pork](#) (albertapork.com), [Ontario Pork Industry Council](#) (opic.on.ca), and [Mushrooms Canada](#) (mushrooms.ca)

**Immigration Consultants or lawyers** may also assist and represent an employer and/or their foreign workers with an application to ESDC, IRCC, or Canada Border Services Agency (CBSA). For example, they may assist you in preparing and filing your LMIA application, or may assist your foreign worker with their work permit application. Whether the consultant is located locally or abroad, they must be a Regulated Canadian Immigration Consultant (RCIC) in good standing with the Immigration Consultants of Canada Regulatory Council. They may also be a lawyer or paralegal in good standing of a Canadian provincial or territorial law society.

- Before engaging the services of an Immigration Consultant, you can ensure that the consultant is a member in good standing by [visiting the ICCRC website](https://bit.ly/2VZkeLE) (https://bit.ly/2VZkeLE) or the applicable law society. If you engage the services of an unauthorized representative (often referred to as “ghost consultants”), you are **at risk of having an application refused and being fined monetary penalties**. Foreign workers who hire unauthorized representation also face risks, including being removed from Canada.

## Understanding LMIA Outcomes

Once your submission has been assessed, you will receive either a positive or a negative result.

A **positive LMIA application** indicates that there is a job vacancy on your farm and that no Canadian worker is available to do the job. In this case, Service Canada has determined that hiring a foreign worker for the job has no negative impact on the Canadian economy.

If you receive a **negative LMIA letter**, this indicates that you have not met all the program requirements. If you receive a negative assessment, you need to clarify what information in your LMIA form may have been missing and/or what additional information is required to demonstrate that there will be no negative impact to the Canadian economy should the LMIA application be approved upon resubmission.

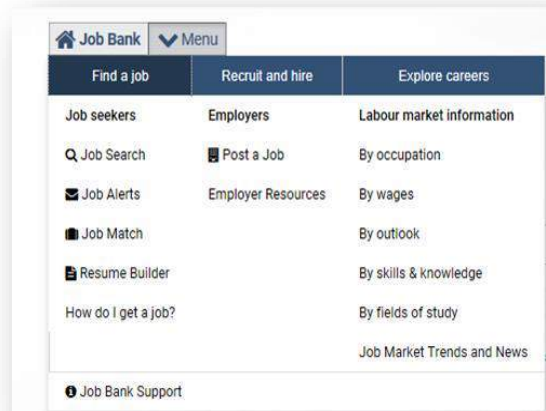
## Section FIVE

# Recruitment, Advertising, Tracking Applicants

### RECRUITMENT OF CANADIAN WORKERS

#### Advertising Requirements for all Primary Agriculture

- Advertising must run for 14 calendar days starting from the first day the ad appears
- Accessible to the general public within the 3 months prior to submission of LMIA
- Mandatory Government of Canada Job Bank
- +1 additional form of advertisement – any type or source.



#### Additional advertising requirements for Low-Wage Stream (not on NCL):

- Advertising must run for 14 calendar days starting from the first day the ad appears and is accessible to the general public within the 3 months prior to submission of LMIA
- 1 additional form of advertisement – this must target an underrepresented group (i.e. first nations, youth, etc.). Recommended to do an additional method that is consistent with the normal practice of the industry/occupation.
- One ad must remain running, without a break, until a final decision is made on the LMIA application.

### **Additional advertising requirements High-Wage Stream (not on NCL):**

- Advertising must run for 14 calendar days starting from the first day the ad appears and is accessible to the general public within the 3 months prior to submission of LMIA
- 1 additional form of advertisement – this must be national in scope. Recommended to do an additional method that is consistent with the normal practice of the industry/occupation.
- One ad must remain running, without a break, until a final decision is made on the LMIA application.

### **Advertising Best Practices & New Government of Canada Job Bank Changes to Help You:**

All employers are encouraged to conduct ongoing recruitment efforts, including advertising on job boards and reaching out to underrepresented groups that face barriers to employment.

For the purposes of submitting an LMIA, you must be able to prove that you have made a sufficient effort to hire a Canadian or permanent resident to fill the job vacancy, which includes advertising the job on multiple platforms for a specific period of time.

Must keep records for 6 years

Job Match not a requirement for primary agriculture

Ongoing advertising on multiple job boards is a very good practice

Advertisement must be precise to cover all wages, benefits, working location, etc

Record keeping of applicants and your efforts of contacting (see Applicant Tracker template)

Agricultural employers can now choose to filter foreign applicants

6 month start date now allowed on Government of Canada Job Board for primary agriculture NOCs, due to unique agricultural occupation requirements & dropdown menu language being improved.



## Advertising Best Practices: Choosing your Advertising Sources<sup>1</sup>

- Post the job on the [Government of Canada Job Bank](http://jobbank.gc.ca) (jobbank.gc.ca). This is a **mandatory requirement for all streams**.
- Post the job locally and nationally on recognized employment sites such as [Workhorse Hub](http://workhorsehub.ca) (workhorsehub.ca), [Kijiji](http://kijiji.ca) (kijiji.ca), [Indeed](http://indeed.ca) (indeed.ca), [Listall](http://listall.ca) (listall.ca), [Locanto](http://locanto.ca) (locanto.ca), and others. Please note that employers in Quebec must also advertise the job on the [Emploi QC site](https://bit.ly/1M9K0aj) (https://bit.ly/1M9K0aj).
- Place online or print ads with local and regional newspapers and newsletters.
- Continue to advertise while your LMIA is in process. While this is not required for the SAWP or agricultural streams, it's highly recommended as a best practice.
- Ensure job ads are posted for a minimum of 14 calendar days.
- Ensure job ads are posted within three months of the date you submit your LMIA.
- Print all job-board advertisements the day they become publicly available online and again at least 14 days later. These printouts must be submitted with the LMIA application to show proof of duration.
- Place ads on community or store bulletin boards and ask the business to provide a signed, dated document that verifies the date the ad was posted and the date it was removed (or the number of days it has been on display if it is still displayed on site).
- Promote the job through local and regional employment centres.
- Participate in job fairs prior to and during job posting period.
- Promote the job to underrepresented groups, including youth, Aboriginal Peoples, visible minorities, immigrants, and the disabled through settlement agencies and other organizations. This is a best practice for all streams, and **it is a requirement for the low-wage stream**.

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<sup>1</sup> Thank you to Newland Chase and Jones Consulting for this advertising source list



## Advertising Best Practices: Content Checklist for Successful LMIA<sup>2</sup>

- Company operating name (ensure it matches the name that will be specified in the LMIA submission).
- Business address.
- For your additional advertising sources, state the position title that will be included in the LMIA submission and used on the farm. In other words, use a title such as Harvester or Fruit Picker, rather than using vague titles that are available on the Job Bank.
- Job duties for each position you need to fill. These duties will be broad on the Job Bank, which doesn't allow for much detail or customization, but these duties should be much more detailed and accurate when the job is posted on a platform with greater flexibility than the Job Bank.
- Terms of employment (e.g.: seasonal full time, temporary full time, permanent full time)
- Wage, which must include any incremental raises, performance pay or bonus, and must meet the current minimum wage or NCL wage. The wage must also match the wage specified in the LMIA submission. A wage range can be used in the ads, but the minimum wage in the range must meet the prevailing wage or NCL wage. See "[National Commodity List and Prevailing Wage Rates](#)" below.
- Benefits offered, if applicable (including “may pay bonus” for potential production bonus).
- Location of the workplace. If the specific address of the workplace is not provided, a local area, city or town can be included as long as the general area is close to the farm. If the worker is required to work at more than one location, all locations must be listed.
- Contact information that candidates can use to send their application (phone number, email, fax, or physical mailing address).
- Skills requirements, including education levels and work experience. Education levels must match those included in the LMIA submission, and if no education is required, that must be stated in the ad. Work experience must match or be close to NOC requirements and must match those included in the LMIA submission. If no experience is required, that must in the ad. Acceptable to state "experience an asset".
- Working conditions. For example, if the applicant must be able to lift heavy objects or work outdoors.

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<sup>2</sup> Thank you to F.A.R.M.S. for this advertising content checklist for successful LMIAs.



activity should also be kept, including the date you interviewed them by phone and, if applicable, the date you interviewed them in person.

Keeping a written record of this activity allows you to demonstrate that you have interviewed every qualified Canadian or permanent resident that has applied for the job, which is a requirement of the LMIA application. It also lets you keep detailed notes about why you chose not to hire them.

Tracking your advertising and recruitment efforts in this way strengthens your LMIA application by showing that you have gone above and beyond the minimum recruitment and advertising requirements, which improves your chances of a successful, positive result. These records should be established before you submit your LMIA application and kept for 6 years.

[Appendix 1](#) includes a sample template to help you track these advertising and recruitment efforts.

## RECRUITMENT OF FOREIGN WORKERS

**PLEASE NOTE: If you plan to submit an LMIA for the SAWP stream of the TFWP**, you will not be responsible for recruiting foreign workers directly, and you do not need to read this section. However, you may wish to review it in order to familiarize yourself with recruiting best practices.

**If you plan to submit an LMIA for the agricultural stream or the low-wage or high-wage streams**, you are responsible for meeting specific recruitment obligations outlined in this section. If you do not meet these obligations, your LMIA is likely to result in a negative letter, which means you will not be able to hire a foreign worker.

### Rules & Regulations in Canada

Employment & Social Development Canada (ESDC), Immigration, Refugees & Citizenship Canada (IRCC), and provinces have strict rules and regulations for the recruitment of Temporary Foreign Workers (TFW's). While the Seasonal Agriculture Worker Program (SAWP) facilitates ethical recruitment of international workers with the support of foreign governments, employers are responsible for recruiting their own TFW's under the Agricultural Stream and the Low & High Wage Streams. Farm employers are allowed to hire third party representatives to support their recruitment efforts in the foreign countries and the consulate services of many countries are also helpful in making connections to find workers.

### What is ethical recruitment?

- Complies with the law
- Is fair and transparent
- Protects the human rights of workers

### Employer Pays Principal

The employer must pay for recruitment; this is a rule of the TFWP. While an employer is not responsible for paying fees associated with a TFW's work permit application, they must pay

### What is ethical recruitment?

A simple definition



Complies with the law



Fair and Transparent



Protects the human rights of workers

for all fees associated with recruitment services (LMIA related fees, Recruiter’s fees, advertising fees, etc.). Immigration Consultant and Recruiter fees can range from \$1,000 - \$10,000 (covering a variety of services). If a TFW is referred to an employer free of charge, or for a small fee, then it is possible that the Recruiter could be charging the TFW for the job. **This is illegal, and could result in “human trafficking” charges against the employer.** Likewise, if an Immigration Consultant is providing support for a nominal fee, it is possible that they are not authorized. Also workers who help you recruit new workers, make sure to double check they are not charging recruits without your authorization or knowledge.

## Using Third-Party Recruiters

To support recruitment and the application process farm employers can hire a 3<sup>rd</sup> party. If you are using a 3<sup>rd</sup> party, it is important that employers seek out ethical 3<sup>rd</sup> party representatives who are professional in their approach. **It is ultimately the employer’s responsibility to ensure that their TFW’s are not charged to work on their farm (i.e. paying a recruiter to secure them the job in Canada).** Failing to prevent such unethical behaviour on the part of a service provider could result in monetary penalties to your business.

A Recruiter and Immigration Consultant are not one in the same; an Immigration Consultant cannot provide international recruitment services, nor can a Recruiter provide immigration support, unless either party has the necessary licences in place to do both.

**International Recruiters** may assist an employer in advertising a position, reviewing resumes and screening candidates. Whether in Canada or overseas, a Recruiter must hold an employment agency licence for the province that the TFW is destined to work in. Some provinces also require international recruitment licences.

### Due Diligence

- **Before engaging the services of a Recruiter**, familiarize yourself with the licencing requirements for your jurisdiction and request proof of the Recruiter’s ability to recruit internationally. Think through questions to ask your recruiters and workers to validate that your recruitment channels are ethical and the workers are not being charged.
  - **Ask the Recruiter:** Do you, or any 3<sup>rd</sup> party agents you use in X country, charge the workers for your services? What fees do you pass on to the workers, if any?
  - **Ask the Worker:** Did you pay anyone a fee to get this job – such as a Recruiter or co-worker? As a best practice, have the worker sign an attestation letter confirming that they did not pay any fees in exchange for the job offer in Canada.
  - **Attestation Letter:** As part of your due diligence, employers can ask the new worker to sign a letter attesting that they have not paid a recruiter.

**International Recruitment Integrity System (IRIS)** is affiliated with the International Organization for Migration (IOM), the United Nations, the provincial governments of Alberta and Saskatchewan, and IRCC. IRIS is leading a new pilot project in Saskatchewan and Alberta with the goal of opening up a new ethical recruitment corridor in the Philippines based on the “employer pays” principle. The goal of the project is to eliminate use of unethical recruiters, often found in the host country, who charge TFW’s a fee in exchange for the opportunity to work in Canada. Fundamental principles of IRIS include:

- Prohibition of Recruitment Fees & Related Costs to Jobseekers
- Respect for Freedom of Movement
- Respect for Transparency of Terms & Conditions of Employment
- Respect for Confidentiality and Data Protections
- Respect for Access to Remedy



## Section SIX

# Meeting Provincial TFWP Requirements

In addition to the federal requirements for the TFWP, the provinces listed below also maintain additional requirements and registries. Sometimes, these requirements must be fulfilled before you apply for the LMIA, so before you begin the application process, make sure you have met all the necessary provincial requirements.



- **British Columbia:** TFWP Protection Act in force, regulations are being developed.



- **Saskatchewan** (<https://bit.ly/2gxeNSq>): Employers who hire foreign workers must register with Ministry of Labour Relations (LRWS) and obtain Certificate of Registration with the Foreign Worker Recruitment & Immigration Services Act (FWRISA).



- **Manitoba** (<https://bit.ly/2UTgdZ0>): Employers who hire foreign workers must register with Employment Standards and adhere to the Workplace Recruitment & Protection Act (WRAPA).



- **Ontario** (<https://bit.ly/2YjDHJ9>): Employers who hire foreign workers must adhere to the Agricultural Employees Protection Act of Ontario (AEPA), which protect the rights of agricultural employees.



- **Quebec** (<https://bit.ly/2OlaZ5W>): Employers who hire foreign workers must consult the information provided in by the ministère de l'immigration, de la Diversité et de l'Inclusion.



- **New Brunswick** (<https://bit.ly/2FrQVuH>): Employers who hire foreign workers must register with the Registry of Employers of Foreign Workers.



- **Nova Scotia** (<https://bit.ly/2Tskllo>): Employers who hire foreign workers must obtain an employer registration certificate from the Director of Labour Standards.

# Section SEVEN

## Submitting a Successful LMIA



Once you have fulfilled any preliminary requirements, such as completing a housing inspection and advertising the job to Canadians and permanent residents, you are ready to submit your LMIA.

This section of the guide provides step-by-step checklists for each of the streams to ensure that you submit the documents required and avoid delays in processing the application.

Within this section, you'll find general submission tips to help you improve your chances of achieving a positive outcome.

Find the **most current checklist for the SAWP stream** here: <https://bit.ly/2HDIEqj>

Find the **most current checklist for the agricultural stream** here: <https://bit.ly/2HENIQn>

Find the most current checklist for the high-wage stream here: <http://bit.ly/2UB1cyn>

Find the most current checklist for the low-wage stream here: <http://bit.ly/2VzvEG2>

Find the **contract that must be submitted with the LMIA in Quebec** here: <https://bit.ly/2XZXwEZ>



## Producer Tips for LMIA Success<sup>3</sup>

- **Submit copies, not originals.** If an application is submitted and it is not complete, Service Canada staff will inform you that the application will not be processed. Incomplete applications and supporting documents will not be retained or returned to the employer. As a result, employers are advised to submit copies, not original documents.
- **Check for the latest form.** Always check the TFWP website to download the current LMIA form and employer contract before you begin your LMIA. The forms can change without notice, and submitting the wrong form may result in Service Canada refusing to process your application and destroying it. In this case, you will have to start the process again from the beginning.
- **Plan ahead.** It can take up to 6 months or longer to progress for end to end processing of the submission of the LMIA to the the successful work permit process for some streams, so it's important to start early and plan ahead.
- **Cooperate.** Make yourself available to Service Canada case officers and be courteous at all times.
- **Request email communication.** When submitting the LMIA form, keep the "do not contact by email" box unchecked. This will encourage Service Canada case officers to conduct communications by email rather than regular post or fax, which will speed up the process considerably.
- **Be consistent.** Make sure the information you provide is consistent across all documents, such as the application form, the job advertisements, and the employment contract.
- **File everything.** It's essential to maintain documentation for each LMIA application and worker for 6 years. This includes advertisements posted, resumes received, legal agreements, any changes to employment contracts, flight details, payroll records, timecards, and copies of the temporary foreign worker's work permit.
- **Provide updates.** Update Service Canada if anything changes, preferably prior to the change. Examples of changes include wage increases, the addition of housing that wasn't previously inspected, a change in work locations, a change in the commodities you produce, etc.
- **Record abnormal deductions.** Keep records of approval for any paycheque deductions that are out of the ordinary. For example, if you are assisting the employee with a loan to cover their first month or two of settlement costs (a cell phone and winter clothes, for example), make sure you have an agreement in writing with the worker to deduct those costs form their paycheque.
- **Focus on recruitment.** Show Service Canada that you have gone above and beyond the recruitment requirements by participating in job fairs and exploring a range of other options.
- **Keep good records.** Keep accurate training and employment records.
- **Be proactive.** If you experience significant delays in the processing of your LMIA, call Service Canada, alert them to the fact, and ask for urgent processing.
- **Prove the need.** Do everything you can to prove the lost profits and other economic impacts that job vacancies and labour shortages cause on your farm. You can do this by tracking the number of vacancies on your farm and you can also use the CAHRC [Labour Market Information fact sheets](#) by commodity, province or nationally as back up information for your LMIA. (<https://bit.ly/2FbToJt>).

<sup>3</sup> Thank you to F.A.R.M.S. for LMIA checklist from annual guide

## Top 5 Reasons for LMIA Refusals

For a complete list of Service Canada's 21 Conditions/Factors, which are used by case officers when assessing an LMIA application and during inspections, see New Information Section, TFWP 21 Conditions. The top 5 reasons why LMIA applications are refused are:

1. Insufficient efforts to hire Canadians (Condition 12)
2. Wages (Condition 4)
3. Working conditions (Condition 5)
4. Not actively engaged in business (Condition 1)
5. Not able to fulfill conditions of contract

## Detailed Top Five Reasons for LMIA Refusals

### 1. Insufficient Efforts to Hire Canadians/Permanent Residents (Condition #12)

**Background:** Employers must demonstrate that they have attempted to hire Canadians/Permanent Residents for the role, by providing proof that they have met the minimum advertising requirements of the program.

**Issue:** Applications are submitted without sufficient proof that the minimum advertising requirements were met. This may include the following mistakes:

- Insufficient proof that the advertisements ran for the minimum period of time (i.e. 14 days for primary agriculture).
- Insufficient proof that the advertisements were posted on the necessary platforms (i.e. for the agriculture stream this would require at minimum a posting on the Government of Canada's Job Bank + 1 additional method that is consistent with the normal practice for the occupation).
- Failing to include minimum required information in the ads. This could include **references to bonuses**, hours worked, all locations of work, and more.
- Excessive advertising requirements, such as requiring too much experience (i.e. requiring a minimum of 5 years related work experience in an occupation that typically only requires 1 year of related experience), or requesting a level of education that is too high for the occupation.

**Tips:** To adequately demonstrate that your business has a genuine intent to hire Canadians, consider doing the following:

- Ensure you are reviewing and complying with the minimum advertising requirements for your application stream prior to beginning your recruitment efforts, and again prior to submitting the LMIA application.

- Go above and beyond – advertise on additional platforms, not just the minimum, and keep your advertisements live throughout the application process to demonstrate a genuine intent to recruit Canadians.
- Print the ads the day they are posted, and again on the final day of advertising. Please ensure the date stamp is on the printout. Submit these with your application as proof that ads were live for the minimum advertising period.
- Do not tailor the ads to the Temporary Foreign Worker you wish to hire (i.e. requesting minimum education/experience consistent with the TFW’s resume). Tailor the ads to the role itself, and what you would require of any Canadian in that role.

## 2. Wages Inconsistent With Program Requirements (Condition #4)

**Background:** Employers must ensure that the wage offered to the TFW is consistent with the National Commodity List (NCL) wage (for the SAWP and Agricultural Stream) or the Prevailing Wage for the occupation/region (for the Low and High Wage Streams). In Quebec, wages employers pay need to be consistent with the wages posted on the Ministère de l'Immigration, de la Diversité et de l'Inclusion (in French only). However, employers must also ensure the wages and benefits are consistent with that being provided to Canadian/Permanent Resident employees in the same role with similar experience/skill set.

**Issue:** Common mistakes include:

- Failing to increase the wage of a TFW when the prevailing wage rate or NCL wages change.
- Failing to advise ESDC of changes to their TFW’s wage and/or benefits.
- Not including all benefits in the job ads or LMIA application – i.e. not declaring that a bonus may be paid to the foreign worker.

**Tips:** Keep in mind the following best practices:

- Wage rates change without notice. Set up a regular reminder to check the NCL Wage Rates or Prevailing Wage Rates, as applicable, every 3 months. If the wage increases, you must provide a wage adjustment to your foreign workers.
- Inform ESDC in writing of any intent to change your foreign worker’s wages or benefits – whether it be due to a change in the Wage Rates, an internal policy change (i.e. new bonus program), or a performance-based wage increase. Keep a copy of your submission to ESDC for your own records.
- Ensure you set up your advertisements and LMIA application right from the start. Include all benefits (i.e. state that a “**production bonus may be provided**”), and indicate if you intend to provide “performance-based wage increases”. This will ensure ESDC is open to you making changes/increasing wages during the course of the TFW’s employ (ensuring that you always advise them of such changes first).

### 3. Working Conditions Inconsistent With Program Requirements (Condition #5)

**Background:** Canadian employment laws protect all workers in Canada, including foreign workers. Employers must ensure they pay workers for all work, that the work place is safe, and ensure there are proper breaks and time off allocated to the worker. Employment conditions in most occupations are covered by provincial and territorial legislation.

**Issue:** Common mistakes include:

- Having the foreign worker work in an area that they are unauthorized to do so, which may include using the foreign worker in a different position that falls under the same NOC, assuming that this is okay because it's the same NOC code. For example, a foreign worker may be hired to work as a Specialized Livestock Worker (NOC 8252) and be moved to the role of Farm Supervisor (also NOC 8252); this is not permissible.
- Employers may try to help their foreign worker with settlement, and later deduct certain charges from their pay without proper authorization. For example, providing the foreign worker with a \$500 loan to buy clothing, household goods, and deducting that loan from a future paycheck without having an agreement for such deductions in writing.

**Tips:** Keep in mind the following best practices:

- Your foreign worker's job duties must stay consistent with the Job Description you included in your advertisements and LMIA application. If inspected, an Officer will consider the Job Description NOT what the NOC allows broadly. If you are changing the foreign worker's job duties, you must inform ESDC and assess whether a new LMIA/Work Permit is required (regardless of whether the new duties fall under the same NOC).
- Have the Employment Standards for your province and the related farm exemptions related to overtime and breaks handy to explain the farm rules as they exist in your province and keep records and provide evidence of the worker safety training you have provided.
- If making abnormal deductions from a foreign worker's pay, ensure they have first signed an agreement outlining the purpose of such deductions, and their agreement to have those costs deducted.

#### 4. Employer Unable to Demonstrate Actively Engaged in the Business (Condition #1)

**Background:** When applying for an LMIA, an employer must prove that there exists an actual, bona fide operating business that is providing a good or service that is linked to the job offer.

**Issue:** Common mistakes include:

- Failing to demonstrate that the signatory is authorized to act on behalf of the corporation and is involved in the day-to-day operations.
- Failing to provide adequate documents to confirm the existence of the business.
- Inadequately articulating what good or service the business provides.

**Tips:** Keep in mind the following best practices:

- When submitting the LMIA application, ensure that the individual who is signing-off on the application and acting as the principal contact is authorized to act on behalf of the company, make decisions with respect to the working conditions and wages/benefits of employees, and who can speak to the businesses day-to-day activities and the role the TFW will fill. Only the principal or alternate contact listed on the LMIA application can sign.
- In the case of a business with multiple business numbers, or a cooperative, the above still applies.

## 5. Employer Unable to Demonstrate Ability to Fulfill Contract

**Background:** Employers must demonstrate that they have the available resources to support the employment of the foreign worker. Further, they must demonstrate that they will provide all necessary resources and/or equipment required for the foreign worker to perform their job duties.

**Issue:** Common mistakes include:

- Employers do not provide sufficient proof that they have the financial capacity to support the foreign worker’s wages and benefits.
- Employers fail to demonstrate that certain resources are required as a “norm” in the industry – i.e. a feedlot requiring that a Pen Checker have a horse to do their job.

**Tips:** Keep in mind the following best practices:

- Certain types of applications, including first-time applicants and those who have not had an LMIA approved in the past 2 years, must include proof of business legitimacy. Review the current requirements to prove business legitimacy (including what and when it must be provided) prior to submitting your LMIA application. This will allow you to avoid having ESDC refuse to process the application, which can cause considerable delays in the process.

Currently, ESDC does not accept 3rd party attestations from banks. They accept CRA-issued documentation or attestations from lawyers and Chartered Accountants<sup>4</sup>. According to recent industry meetings, this may change in the future to allow for other attestations, i.e. a bank.

- If you require the foreign worker to provide their own resources – i.e. horse on a feedlot – ensure this is included in your job ads and LMIA application. Further, be prepared to demonstrate that this is a standard for Canadian employees industry-wide.

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<sup>4</sup> <https://www.canada.ca/en/employment-social-development/services/foreign-workers/business-legitimacy.html>

## Section EIGHT

# SAWP: Meeting Employer Responsibilities



Once you have received a positive LMIA result, your foreign worker may begin the process of securing a work permit and you may begin preparing to welcome them to Canada and to your farm. Remember that all the rules applied to the treatment of Canadian farm workers also apply to foreign workers on your farm. In

addition, you will need to meet specific requirements of the SAWP stream as well as other federal, provincial, and municipal rules.

This section of the guide covers some of the key responsibilities you will need to meet for the foreign workers you hire through the SAWP stream.

### Employment Contract

While you do not need to submit the employment contract with the LMIA application, once the LMIA returns a positive result, the contract must be signed by the worker, employer, and the home country government representatives. The contracts must be kept on file for 6 years.

The contract must include:

- The worker's name spelled exactly as it appears on their passport
- The location of work and business address
- The department and manager details
- The start date
- The terms of employment and wage, breaks, and vacation
- The benefits package

It's also important that the LMIA spelling of all workers' names matches the contract(s). There are clauses in the contract that cover details regarding: transportation, housing, and bridging medical coverage. Within the SAWP contracts, a clause

#### SAWP CONTRACTS

Always make sure to check the TFWP website for the latest contract.  
Seasonal Agriculture Worker Program:  
<http://bit.ly/2VycLU7>

requires that the employer report any worker illness/injury to the Consulate/Liaison Service in 48 hours.

## Biometrics

All foreign workers hired through the SAWP stream need to apply for work permits and have their biometrics (fingerprints and photographs) taken in their home country before travelling to Canada.

This process is part of Canada's biometrics program, which is a Government of Canada initiative led by IRCC in partnership with the Canadian Border Services Agency (CBSA), Shared Services Canada (SSC), and the Royal Canadian Mounted Police (RCMP), with the overall aim of facilitating entry of genuine travelers while deterring, detecting and stopping entry of those who pose a risk to the health, safety and security of Canadians.

All foreign nationals applying for a temporary resident visa, work, study or temporary resident permit (excluding US nationals) need to provide biometrics when making an application at a Visa Application Centre (VAC). If applying online, the applicant will receive a request to provide biometrics within an allotted time (30 days). The same is true of permanent residence applications, though the allotted time will vary (30 – 60 days).

The process costs \$85 per applicant, with a maximum total fee of \$170 for families. The sooner an applicant provides their biometrics, the sooner Immigration, Refugees and Citizenship Canada can start processing their work permit application. Biometrics are required only once every 10 years.

You can help your foreign worker have their biometrics taken in their home country by [using this link](https://bit.ly/2qK26bE) (https://bit.ly/2qK26bE) to find the Visa Application Centre closest to them. You can also email the IRCC at [ircc.commbiometrics-biometriecomm.ircc@cic.gc.ca](mailto:ircc.commbiometrics-biometriecomm.ircc@cic.gc.ca) if you have questions about the process.

Please note that workers hired through the SAWP stream are NOT eligible to obtain point-of-entry biometrics at the airport.

## Round-Trip Transportation

Employers must pay for round-trip transportation costs. However, in order to simplify flight purchasing procedures, you are allowed to pay for a one-way ticket at the beginning of the work contract and a return ticket at the end. If you know the exact date of the worker's end-of-contract, you may prefer to buy a return ticket for your worker immediately.

When workers are hired through the SAWP stream, employers are able to recover up to 50% of the flight costs (as stipulated in the SAWP contract) from the worker through payroll deductions. (This does not apply to employers in British Columbia.)



## Daily Travel



Employers must provide daily transportation for the worker between their work and home locations, and between work locations, at no cost. An exception can be made in cases where the worker provides their own mode of transport (such as purchasing a vehicle). Employers must keep all transportation-related receipts on file for a minimum of 6 years.

## Social Insurance Numbers

Employers are required by law to obtain a Social Insurance Number (SIN) for every person they employ. The SIN now has an annual expiry date for non-residents, so returning seasonal workers need to reapply. Many airports offer SIN services, which can be a convenient and time saving way for the worker to obtain a SIN immediately upon arrival. For airports offering SIN services, the service is offered until 9 p.m. Monday through Friday. If the worker arrives after 9 p.m. or on a weekend, you will have to support them in applying for the SIN at your local Service Canada office.

For SAWP employers that F.A.R.M.S. supports, please refer to their Employer Information Booklet for instructions on SIN from F.A.R.M.S. and from the Mexican Government.

## Health Insurance

Employers must ensure that all foreign workers are registered for provincial and territorial health insurance as soon as they become eligible. When the worker arrives, you must take them to the local provincial service centre and apply for a health card. Each province has different times to process health cards as well as waiting periods for eligibility. The waiting period to be eligible for the provincial/territorial health insurance is available on the provincial Ministry of Health web sites for each province/territory.

Healthcare access and the process to obtain healthcare differs greatly for each province. Some provinces allow you to sign up foreign workers upon arrival or before they arrive, depending on the stream and the province. Others have a 3 month wait or longer. In BC for example, workers hired through the SAWP stream are not covered by provincial health care and need to have private health care insurance for the time they are employed. Mexican workers must use the Great West Life Assurance Company as mandated on the TFWP website. Employers hiring from Mexico must submit payments to Great West, and can recover these costs through payroll deductions. The liaison officer for the foreign government will provide instructions and assistance to employers regarding these deductions.



Some SAWP workers, such as Jamaican workers in Nova Scotia, are covered by private insurance healthcare cards offered by their consulate through the Cowan Insurance Group, a private insurer.

If provincial healthcare is not immediately available, farm employers need to pay for the foreign worker's private health insurance, called bridging insurance. Coverage must begin from the time the worker arrives in Canada until they are covered by the appropriate provincial/territorial health insurance plan. The private insurance coverage provided to the worker must be similar to the provincial/territorial health insurance plan. The [Ombudservice for Life and Health Insurance](https://bit.ly/2JxS3IV) (<https://bit.ly/2JxS3IV>) offers a tool to help you identify a private insurer that provides bridging insurance.

For healthcare check your provincial page under [Section 15: Contact Info: Who You Need to Know](#).

## SAWP Housing Requirements

### SAWP Housing Requirement Summary TFWP:

- must provide housing at no cost to worker

Please see [Section 15](#) for TFWP housing inspector information and provincial housing guidelines.

## SAWP Housing Details

Employers must provide TFWs with adequate, suitable and affordable housing as defined by the Canadian Mortgage and Housing Corporation. The housing can be either on-farm (e.g. bunkhouse) or off-site (e.g. commercial establishment). Employers must ensure the occupancy of each accommodation location does not exceed the maximum occupancy permitted. They must also ensure that sufficient housing will be made available for all TFWs per approved accommodation from the date of arrival to the date of departure.



## Housing Inspection

Employers must provide proof that the on-farm or off-site housing has been inspected by the appropriate provincial/territorial/municipal body or by an authorized private inspector with appropriate certifications. If the authorized inspector or jurisdiction does not have a standard format for reporting official housing inspections, employers must ensure that [Schedule F – Housing inspection report seasonal agricultural worker program and agricultural stream](#) is used to report the results.

Effective January 1, 2018, new requirements need to be followed to confirm 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.

These additional requirements state that 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.

Additionally, in Saskatchewan Employers must:

- request a letter from Service Canada for the inspection to be performed by the regional offices of Sask Health; and
- forward the letter to Sask Health, allowing sufficient time when they apply to accommodate the timeframes for obtaining an inspection (Sask Health can usually complete inspections within 30 days).

Additionally, employers in British Columbia must:

- 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.

### SASKATCHEWAN:

**Find a TFWP Home Inspector In Your Province: Saskatchewan Public Health Inspectors List:**

<https://www.saskatchewan.ca/residents/health/public-health/public-health-inspectors>

### BRITISH COLUMBIA:

**TFWP Schedule F does not apply, the BCAC/WALI inspection form must be used. Find a TFWP Home Inspector In Your Province: BCAC inspection form and housing inspector sanctioned inspector list available here:**

<http://walicanada.ca/workerhousing/>

Failure to meet the requirements for the housing inspection report without justification will result in the LMIA application being considered incomplete.

Although a housing inspection report with a “pass with conditions” status will still be accepted for the purpose of processing an LMIA application, a decision will not be rendered until the employer has provided evidence that all conditions on the housing inspection report have been addressed.

### Employer Action

Incomplete housing inspections or inspections marked “pass with conditions” will be returned by Service Canada to the applicant for correction and re-submission. Avoid delays and send only complete housing inspections with no conditions requiring corrective action. Certain situations that delay your ability to conduct a housing inspections will allow for the inspection to be submitted after the LMIA, but prior to the worker’s arrival. Specific rules apply, refer to **New Information** for delayed inspections or on new construction of worker housing, and **Who You Need to Know: Contact Information**.

Employers are responsible for any costs that may be associated with having the housing inspected. Under no circumstances can employers recover these costs from the TFW.

## Section NINE

# Agricultural Stream: Meeting Employer Responsibilities



Once you have received a positive LMIA result, your foreign worker may begin the process of securing a work permit and you may begin preparing to welcome them to Canada and to your farm. Remember that all the rules applied to the treatment of Canadian farm workers also apply to foreign workers on your farm. In

addition, you will need to meet specific requirements of the agricultural stream as well as other federal, provincial, and municipal rules.

This section of the guide covers some of the key responsibilities you will need to meet for the foreign workers you hire through the agricultural stream.

### Employment Contract

Ag Stream contracts still need to be submitted with the LMIA application, once the LMIA returns a positive result, the contract must be signed by the worker and employer. The contract must be kept on file for 6 years.

The contract must include:

- The worker's name, spelled exactly as it appears on their passport
- The location of work and business address
- The department and manager details
- The start date
- The terms of employment and wage, breaks, and vacation
- The benefits package

- Always make sure to check the TFWP website for the latest contract.
- Agricultural Stream: <http://bit.ly/2InQYL5>
- Agricultural Stream for Quebec must use the ministère de l'immigration, de la Diversité et de l'Inclusion (MIDI) contract: <http://bit.ly/2Z06MJW>

## Work Permit

In order to apply to IRCC for a work permit, the foreign worker will need you to send them a copy of the positive LMIA letter and the employment contract (signed by you, as the employer). These documents must accompany the work permit application. If the foreign worker is applying at the VAC, they must also include a set of biometrics (fingerprints and photos) with their application; this will be requested by IRCC later, if applying online. The instructions for obtaining biometrics are covered below.

The process of obtaining a work permit can take 6 months or longer for workers hired through the agricultural stream.

## Biometrics

This process is part of Canada's biometrics program, which is a Government of Canada initiative led by IRCC in partnership with the Canadian Border Services Agency (CBSA), Shared Services Canada (SSC), and the Royal Canadian Mounted Police (RCMP), with the overall aim of facilitating entry of genuine travelers while deterring, detecting and stopping entry of those who pose a risk to the health, safety and security of Canadians.



All foreign nationals applying for a temporary resident visa, work, study or temporary resident permit (excluding US nationals) need to provide biometrics (fingerprints and a photograph) when making an application at a Visa Application Centre (VAC). If applying online, the applicant will receive a request to provide biometrics within an allotted time (30 days). The same is true of permanent residence applications, though the allotted time will vary (30 – 60 days).

The process costs \$85 per applicant, with a maximum total fee of \$170 for families. The sooner an applicant provides their biometrics, the sooner Immigration, Refugees and Citizenship Canada can start processing their application. Biometrics are required only once every 10 years.

You can help your foreign worker have their biometrics taken in their home country by [using this link](https://bit.ly/2qK26bE) (<https://bit.ly/2qK26bE>) to find the Visa Application Centre closest to them. You can also email the IRCC at [ircc.commbiometrics-biometriecomm.ircc@cic.gc.ca](mailto:ircc.commbiometrics-biometriecomm.ircc@cic.gc.ca) if you have questions about the process.

## Point of Entry (POE) Biometrics for Visa-Exempt Countries

Point of entry biometrics are available at the airports. If your workers are coming from visa-exempt countries, they can obtain the work permit and biometrics at the airport. Visa-exempt countries include many European countries, Australia, New Zealand, Great Britain, Mexico, and Chile.

## Round-Trip Transportation

Employers must pay for round-trip transportation costs. However, in order to simplify flight purchasing procedures, you are allowed to pay for a one-way ticket at the beginning of the work contract and a return ticket at the end. If you know the exact date of the worker's end-of-contract, you may prefer to buy a return ticket for your worker immediately.



## Daily Travel

Employers must provide daily transportation for the worker between their work and home locations, and between work locations, at no cost. An exception can be made in cases where the worker provides their own mode of transport (such as purchasing a vehicle). Employers must keep all transportation-related receipts on file for a minimum of 6 years.



## Social Insurance Numbers

Employers are required by law to obtain a Social Insurance Number (SIN) for every person they employ. The SIN now has an annual expiry date for non-residents, so returning seasonal workers need to reapply. Some airports offer SIN services, which can be a convenient and time saving way for the worker to obtain a SIN immediately upon arrival. For airports offering SIN services, the service is offered until 9 p.m. Monday through Friday. If the worker arrives after 9 p.m. or on a weekend, you will have to support them in applying for the SIN at your local Service Canada office.

## Health Insurance

Employers must ensure that all foreign workers are registered for provincial and territorial health insurance as soon as they become eligible. When the worker arrives, you must take them to the local provincial service centre and apply for a health card. Each province has different times to process health cards as well as waiting periods for eligibility. The waiting period to be eligible for the provincial/territorial health insurance is available on the provincial/territorial Ministry of Health web sites for each province/territory.



Healthcare access and the process to obtain healthcare differs greatly for each province. Some provinces allow you to sign up foreign workers upon arrival or before they arrive, depending on the stream and the province. Others have a 3 month wait or longer. In BC for example, workers hired through the SAWP stream are not covered by provincial health care and need to have

private health care insurance for the time they are employed. Mexican workers must use the Great West Life Assurance Company as mandated on the TFWP website. Employers hiring from Mexico must submit payments to Great West, and can recover these costs through payroll deductions. The liaison officer for the foreign government will provide instructions and assistance to employers regarding these deductions.

If provincial healthcare is not immediately available, farm employers need to pay for the foreign worker's private health insurance, called bridging insurance. Coverage must begin from the time the worker arrives in Canada until they are covered by the appropriate provincial/territorial health insurance plan. The private insurance coverage provided to the worker must be similar to the provincial/territorial health insurance plan. The [Ombudservice for Life and Health Insurance](https://bit.ly/2JxS3IV) (<https://bit.ly/2JxS3IV>) offers a tool to help you identify a private insurer that provides bridging insurance.

For healthcare check your provincial page under [Section 15: Contact Info: Who You Need to Know](#).

## Agricultural Stream Housing Requirements

### Agricultural Stream Requirement Summary:

- Employer must provide housing.
- Employer can deduct \$30 a week from low-skilled workers for on and off-site housing, and high- skilled workers on-site.
- Employer can deduct no more than 30% of gross income from high-skilled workers off-site.



Please see [Section 15](#) for TFWP housing inspector information and provincial housing guidelines.

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural/requirements.html>

## Agricultural Stream Housing Details

Employers must provide TFWs with adequate, suitable and affordable housing as defined by the Canadian Mortgage and Housing Corporation. The housing can be either on-farm (i.e. bunkhouse, farmhouse) or off-site (i.e. commercial establishment).



Employers must ensure the occupancy of each accommodation

location does not exceed the maximum occupancy permitted. They must also ensure that sufficient housing will be made available for all TFWs per approved accommodation from the date of arrival to the date of departure.

Employers supplying:

- **on-farm housing** – lower & higher-skilled workers
- can deduct a maximum of \$30 per week (pro-rated for partial weeks) from the TFW's wage, unless applicable provincial/territorial labour standards specify a lower amount.
- **off-site housing** – lower-skilled workers
  - can deduct a maximum of \$30 per week (pro-rated for partial weeks) from the TFW's wage, unless applicable provincial/territorial labour standards specify a lower amount.
- **off-site housing** - higher-skilled workers
  - must ensure that the rent does not cost more than 30% of the TFW's gross monthly earnings.
  - if the employer is the leaseholder or the owner of the dwelling, where multiple TFWs are living, the employer must determine the rent according to the market rate. The rent must be divided equally between the TFWs.

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**Note:** The TFW is not required to stay in the housing provided by the employer and may choose to leave in favour of private accommodation. However, the TFW may need to provide advance notice to the employer or the commercial establishment regarding the departure date. The employer should obtain written & signed confirmation of this from the TFW, to provide to a Service Canada officer in the event they are ever audited.\*

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***\*Please refer to the New Information section of the Guide, the 2019 Service Canada Operations Question and Answers clarify that a housing inspection is not required if the farm worker decides to arrange and live on their own and further clarify other important housing information.***

## **Housing inspection**

Employers must provide proof that the on-farm or off-site housing has been inspected by the appropriate provincial/territorial/municipal body or by an authorized private inspector with appropriate certification. If the authorized inspector or jurisdiction does not have a standard form for reporting official housing inspections, employers must ensure that [Schedule F – Housing inspection report seasonal agricultural worker program and agricultural stream](#) is used to report the results.

Effective January 1, 2018, new requirements need to be followed to confirm 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.

These additional requirements state that 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.

Additionally, in Saskatchewan Employers must:

- request a letter from Service Canada for the inspection to be performed by the regional offices of Sask Health; and
- forward the letter to Sask Health, allowing sufficient time when they apply to accommodate the timeframes for obtaining an inspection (Sask Health can usually complete inspections within 30 days).

**SASKATCHEWAN:**

**Find a TFWP Home Inspector In Your Province: Saskatchewan Public Health Inspectors List:**

<https://www.saskatchewan.ca/residents/health/public-health/public-health-inspectors>

Additionally, employers in British Columbia must:

- 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.

**BRITISH COLUMBIA:**

**TFWP Schedule F does not apply, the BCAC/WALI inspection form must be used. Find a TFWP Home Inspector In Your Province: BCAC inspection form and housing inspector sanctioned inspector list available here:**

<http://walicanada.ca/workerhousing/>

Failure to meet the requirements for the housing inspection report without justification will result in the LMIA application being considered incomplete.

Although a housing inspection report with a “pass with conditions” status will still be accepted for the purpose of processing an LMIA application, a decision will not be rendered until the employer has provided evidence that all conditions on the housing inspection report have been addressed.

**Employer Action**

Incomplete housing inspections or inspections marked “pass with conditions” will be returned by Service Canada to the applicant for correction and re-submission. Avoid delays and send only complete housing inspections with no conditions requiring corrective action. Certain situations that delay your ability to conduct a housing inspections will allow for the inspection to be submitted after the LMIA, but prior to the worker’s arrival. Specific rules apply, refer to **New Information** for delayed inspections or on new construction of worker housing, and **Who You Need to Know: Contact Information**.

Employers are responsible for any costs that may be associated with having the housing inspected. Under no circumstances can employers recover these costs from the TFW.

## Section TEN

# Low & High Wage Streams (not on NCL): Meeting Employer Responsibilities



Once you have received a positive LMIA result, your foreign worker may begin the process of securing a work permit and you may begin preparing to welcome them to Canada and to your farm. Remember that all the rules applied to the treatment of Canadian

farm workers also apply to foreign workers on your farm. In addition, you will need to meet specific requirements of the low-wage or high-wage stream that you hired the worker through, as well as other federal, provincial, and municipal rules.

This section of the guide covers some of the key responsibilities you will need to meet for the foreign workers you hire through the Low-Wage and High-Wage Streams.



### Employment Contract

**If you are applying through the low-wage stream, you must submit the employment contract with the LMIA application.** If you are applying through the high-wage stream, you do not have to submit the employment contract with the application. However, once the LMIA returns a positive result, the contract (or job offer) must be signed by the worker and employer. The contract must still be kept on file for 6 years.

The contract must include:

- The worker's name, spelled exactly as it appears on their passport
- The location of work and business address
- The department and manager details
- The start date
- The terms of employment and wage, breaks, and vacation
- The benefits package

- **Always make sure to check the TFWP website for the latest contract.**
- **Low Wage Stream:** <http://bit.ly/2VzvEG2>
- **High Wage Stream:** Currently no contract is required, however as a best practice a signed contract or job offer letter should be kept on file. Check current requirements here: <http://bit.ly/2UB1cyn>

## Work Permit

In order to apply to IRCC for a work permit, the foreign worker will need you to send them a copy of the positive LMIA letter and the employment contract (signed by you, as the employer). These documents must accompany the work permit application. If the foreign worker is applying at the VAC, they must also include a set of biometrics (fingerprints and photos) with their application; this will be requested by IRCC later, if applying online. The instructions for obtaining biometrics are covered below.

The process of obtaining a work permit can take 6 months or longer for workers hired through the low-wage and high-wage streams.

## Biometrics

This process is part of Canada's biometrics program, which is a Government of Canada initiative led by IRCC in partnership with the Canadian Border Services Agency (CBSA), Shared Services Canada (SSC), and the Royal Canadian Mounted Police (RCMP), with the overall aim of facilitating entry of genuine travelers while deterring, detecting and stopping entry of those who pose a risk to the health, safety and security of Canadians.



All foreign nationals applying for a temporary resident visa, work, study or temporary resident permit (excluding US nationals) need to provide biometrics when making an application at a Visa Application Centre (VAC). If applying online, the applicant will receive a request to provide biometrics within an allotted time (30 days). The same is true of permanent residence applications, though the allotted time will vary (30 – 60 days).

The process costs \$85 per applicant, with a maximum total fee of \$170 for families. The sooner an applicant provides their biometrics, the sooner Immigration, Refugees and Citizenship Canada can start processing their application. Biometrics are required only once every 10 years.

You can help your foreign worker have their biometrics taken in their home country by [using this link](https://bit.ly/2qK26bE) (https://bit.ly/2qK26bE) to find the Visa Application Centre closest to them. You can also email the IRCC at [ircc.commbiometrics-biometriecomm.ircc@cic.gc.ca](mailto:ircc.commbiometrics-biometriecomm.ircc@cic.gc.ca) if you have questions about the process.

### Point of Entry (POE) Biometrics for Visa-Exempt Countries

Point of entry biometrics are available at the airports. If your workers are coming from visa-exempt countries, they can obtain the work permit and biometrics at the airport. Visa-exempt countries include many European countries, Australia, New Zealand, Great Britain, Mexico, and Chile.

### Round-Trip Transportation

**Employers who hired a worker through the low-wage stream** must pay for round-trip transportation costs. However, in order to simplify flight purchasing procedures, you are allowed to pay for a one-way ticket at the beginning of the work contract and a return ticket at the end. If you know the exact date of the worker's end-of-contract, you may prefer to buy a return ticket for your worker immediately.



Employers who hired a worker through the high-wage stream are not required to pay for round-trip transportation costs.

### Social Insurance Numbers

Employers are required by law to obtain a Social Insurance Number (SIN) for every person they employ. The SIN now has an annual expiry date for non-residents, so returning seasonal workers need to reapply. Some airports offer SIN services, which can be a convenient and time saving way for the worker to obtain a SIN immediately upon arrival. For airports offering SIN services, the service is offered until 9 p.m. Monday through Friday. If the worker arrives after 9 p.m. or on a weekend, you will have to support them in applying for the SIN at your local Service Canada office.

## Health Insurance

Employers must ensure that all foreign workers are registered for provincial and territorial health insurance as soon as they become eligible. When the worker arrives, you must take them to the local provincial service centre and apply for a health card. Each province has different times to process health cards as well as waiting periods for eligibility. The waiting period to be eligible for the provincial/territorial health insurance is available on the provincial Ministry of Health web sites for each province/territory.



Healthcare access and the process to obtain healthcare differs greatly for each province. Some provinces allow you to sign up foreign workers upon arrival or before they arrive, depending on the stream and the province. Others have a 3 month wait or longer. In BC for example, workers hired through the SAWP stream are not covered by provincial health care and need to have private health care insurance for the time they are employed. Mexican workers must use the Great West Life Assurance Company as mandated on the TFWP website. Employers hiring from Mexico must submit payments to Great West, and can recover these costs through payroll deductions. The liaison officer for the foreign government will provide instructions and assistance to employers regarding these deductions.

If provincial healthcare is not immediately available, farm employers need to pay for the foreign worker's private health insurance, called bridging insurance. Coverage must begin from the time the worker arrives in Canada until they are covered by the appropriate provincial/territorial health insurance plan. The private insurance coverage provided to the worker must be similar to the provincial/territorial health insurance plan. The [Ombudservice for Life and Health Insurance](https://bit.ly/2JxS3IV) (<https://bit.ly/2JxS3IV>) offers a tool to help you identify a private insurer that provides bridging insurance.

For healthcare check your provincial page under [Section 15: Contact Info: Who You Need to Know](#).

## Low & High Wage Stream (not on NCL) Housing Requirements

The farmers using the Low Wage or High Wage streams are not subject to the housing regulations that apply to the SAWP and Agricultural Stream; no inspection is required to complete the LMIA. Similar to meat processors, who also use the Low Wage and High Wage streams, farm employers in these streams are required to help the workers find affordable housing that is no more than 30% of the worker's gross salary. Farms that are not



## LOW AND HIGH WAGE STREAMS (NOT ON NCL): MEETING EMPLOYER RESPONSIBILITIES

on the NCL include commodities like grain and oilseed, maple products, forages, seed corn and seed.

## Section ELEVEN

# Other Farm Worker Options Including Immigration

### Hiring Workers through the Dual-Intent Stream (ESDC/TFWP)

If you have a job vacancy in a year-round occupation in one of the higher skilled National Occupational Classifications (NOC levels 0, A or B), such as Livestock Technicians and Supervisors, and Farm Managers, or Retail Butchers, the Dual-Intent stream could be an option for you. However, this stream does not support the hiring of seasonal workers or those who perform jobs that align with the lower-skilled NOCs.

The Dual-Intent stream is accessible to employers who plan to support the worker in obtaining a work permit and permanent residency. For this stream, the worker must apply for permanent residency under the federal Express Entry system, which means they must qualify for one of three programs:

- Canadian Experience Class
- Federal Skilled Worker Program
- Federal Skilled Trades Program

If you apply through this stream and the worker you hire is qualified, you can still access Primary Agriculture exemptions and avoid the housing regulations of the Agricultural Stream that can be restrictive for farm workers seeking a Pathway to Permanent Residency by allowing the workers to integrate more easily into the community without the housing regulations. Other benefits include a streamlined permanent residency application process.

Every individual farm worker is different, however, and a point-based assessment needs to be conducted to determine if the worker is likely to receive an Invitation to Apply under one of the three Federal Express Entry immigration programs. Many employers have difficulty accessing this stream because it requires complex analysis and forward-thinking to ensure that an applicant will be able to apply for PR. This can be hard for an employer or applicant to do, without understanding Canada's immigration rules, regulations, programs, and point system. For this reason, this stream is underutilized for agricultural workers at this point in time.

[Learn more about hiring a skilled worker to support their permanent residency](https://bit.ly/2TWfolG) (https://bit.ly/2TWfolG).

## Hiring Workers through a Working Holiday Visa

Producers can temporarily hire young workers through the [International Experience Canada](https://bit.ly/2U6qO5W) (<https://bit.ly/2U6qO5W>) initiative, which includes the Working Holiday, Young Professionals, and International Internship (Co-op) programs.

International Experience Canada manages bilateral agreements between Canada and over 30 countries that allow young people from around the world to travel and work in Canada for up to one year. Participants of the Working Holiday program have open work permits, while Young Professionals and International Internship participants have employer-specific work permits. All three programs allow them to work anywhere in Canada without the need for an LMIA. This hiring option is useful for agricultural businesses looking to temporarily fill a labour shortage or find skilled workers. For example, the option is popular among grain farmers on the prairies who need skilled workers, who connect with international agricultural students, to run their machinery for the summer months.

Each agreement between Canada and a participating country has its own criteria, application quotas, and submission deadlines. Each agreement also outlines the age of participants, which typically range from 18 to 29, 30, or 35. Individuals who want to take part in the program must apply to it themselves.

[International Rural Exchange Canada](http://irecanada.ca) ([irecanada.ca](http://irecanada.ca)) is a group who helps job match agricultural students to Canadian farmers and promotes the program to Canadian agricultural students, who also take advantage of the opportunity to work and holiday abroad.

## Immigration Options for Farm Workers

Half of the paid work on Canadian farms involves seasonal work; the other half involves year-round work, such as the work that takes place on cattle, hog and mushroom farms.

For commodities and farms that provide year-round occupations, there are some economic immigration streams that provide access to farm workers in the higher National Occupation Classification codes such as Supervisors, Livestock Technicians, and Farm Managers. If you are offering a year-round, full time job and you recognize that you need help on a permanent basis, you can review and understand the federal and provincial immigration options for farm workers before you find your recruit.



To determine what your employment goal is you need to ask yourself, are you providing a seasonal or year-round job? Another important part of the recruitment process is to ask the potential farm worker candidate if they are interested in applying to become a Permanent

Resident, noting that immigration to Canada is not the end goal for all international farm employees.

When you think through your employment end goal and find out if your recruit wants to immigrate, this can help you and your international farm employee find success, if this is the desired goal. You can do the background work to see if the National Occupation Classification code being used qualifies for immigration federally or provincially. If not, both you and the TFW can make a well-informed choice, deciding whether or not to proceed with the initial work permit knowing that they may not have PR options down the road.

Within Canada's economic immigration streams, there is both a federal and provincial component. Each province receives a number of immigration spots that allow the province to determine who they want to immigrate to fill job vacancies in occupations the province wants to fill. In 2018 and 2019, the provinces allocations were increased.

Federal Express Entry (EE) criteria for immigration and Provincial Nominee Programs (PNP) are merit based, with criteria that may include a points system, as well as minimum Canadian Language Benchmark (CLB) Levels in English or French, levels of education, eligibility to perform work that align with higher-skilled National Occupation Classification jobs such as Farm Managers, Livestock Technicians, and Farm Supervisors, and Low Income Cut Off (LICO) amounts.

Canada's PNP streams are different from province to province. Key differences in each province include some LMIA exempt direct immigration options, but not all provinces have this. Other differences between the PNPs include the minimum language levels, education, and NOCs required of the foreign worker. See [SECTION 15: Who You Need to Know](#) your provincial page for your province's PNP details and other immigration options that apply in your area.

The strict requirements of the PNP and federal EE regarding language level and education drastically reduce the number of current agricultural foreign workers who are eligible to apply for immigration both federally and provincially. One problematic area is the lack of equivalency between secondary and post-secondary education in Canada and various foreign countries. In some cases, the foreign worker may have the required level of education, but will not have high school equivalency in your province, in which case they will not be given enough points to qualify for immigration. For example, in the Philippines, high school ended at the equivalent of Canada's Grade 10. If the provincial nominee program requires a Grade 12 education, a foreign worker from the Philippines may not be eligible even if they have excellent agricultural experience and skills.

For this reason, in recognition of these issues restricting experienced and skilled agricultural TFWs, there are now new options that have been initiative by the Federal Government providing some federal immigration spots providing Pathway to Permanent Residency for all skill levels.

The [Atlantic Immigration Pilot](https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/atlantic-immigration-pilot/hire-immigrant/requirements.html) is one of these new programs (<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/atlantic-immigration-pilot/hire-immigrant/requirements.html>)

**Review the new 2019 immigration options for rural and agricultural employees to see if these are helpful for your year-round farm job and your international farm employee.**

**NEW:** In 2019 there are two new federal immigration options that provide more federal immigration options for agricultural workers seeking a Pathway to Permanent Residency to stay in Canada.

These include the new **Agri-Food Immigration Pilot** announced in the federal Budget 2019 that includes a new limited number of farm worker immigration allocations for all skill levels with criteria aligned with the work experience and skills needed on farms, including:

- 8611 Harvesting labourers (NOC D)
- 8431 General farm workers (NOC C)
- 8252 Agricultural service contractors, farm supervisors and specialized livestock workers (NOC B)

LINK WHEN AVAILABLE TO GO HERE

There is also the community based **Rural and Northern Immigration Pilot (RNIP)** also released in 2019 that will allow annual allocations to rural economic development authorities that make applications and are chosen to participate. [For more info visit the IRCC program info about the new RNIP.](#)

If you need to fill a year-round, full time job and you recognize that you need help on a permanent basis, you will need to review the federal and provincial immigration options for farm workers. Consider the following:

- Determine whether the National Occupation Classification code for the job you need to fill qualifies for immigration federally or provincially.
- Research the success rates and rules of the program in your province, and set your recruitment parameters around the qualifications of the program.
- If you use a recruiter or professional agency, share this information with them so they can screen international candidates to ensure they meet the requirements.
- Include the required immigration criteria areas as part of your interview process for international candidates.
- If you decide to use an immigration consultant, work with one who is accredited and familiar with both the agriculture sector and the program you are seeking to access.

## OTHER FARM WORKER OPTIONS INCLUDING IMMIGRATION

- Ask the right questions to ensure you are working with an ethical recruiter that does not charge workers to come to Canada **(See the Ethical Recruitment section)**
- If you use a consultant, ensure that the consultant is a member in good standing of the ICCRC by visiting their webpage (<https://bit.ly/2VZkeLE>) or the applicable provincial law society.

By following these recruiting for success steps and taking time to understand Canada's immigration program options, you will be able to help set your farm business and your worker up for Permanent Resident success.

## Section TWELVE

# Managing International Workers on Your Farm: Best Practices

When your foreign worker arrives in Canada and begins working on your farm, you are responsible for ensuring that the workplace meets specific occupational health and safety standards for the workplace and agricultural housing. For many TFWP streams, you are also responsible for the safety and comfort of their living areas.

By meeting the regulatory requirements for the stream you hired the worker through, you can protect yourself from potential fines and legal issues. However, its a good idea to go beyond meeting the basic legal requirements and follow best practices for managing both Canadian and foreign workers. By ensuring that all workers feel welcomed and supported, you can improve productivity and worker retention rates on your farm.



### Welcoming Your Foreign Workers

In addition to the stress of starting a new job, foreign workers may be dealing with language and cultural barriers as well as coping with new surroundings and an unfamiliar climate. Because your new employees may not speak the language, they will need your help, and perhaps even help from a translator. Being separated from their family, friends, native language and familiar surroundings is socially isolating and stressful for foreign workers.

This list of best practices was collected from farm employers across Canada who have hired foreign workers and helped them settle into their new jobs. By following these best practices, you can improve the worker experience, ensure greater productivity and retention, and become an employer of choice, continuing to attract workers in the future.



**Upon Arrival: Employer Action from Producer Best Practice Tips**

- Before the foreign workers arrive, contact your local bank to set up appointments for workers who may need to open new personal bank accounts. If you have hired any returning foreign workers, ask the bank whether their personal accounts are still active.
- If the workers arrive on the weekend, remember that the banks won't be open to allow them to cash an advance cheque. To ensure that they have enough money to purchase enough food and supplies during the first few days, plan to have cash advances ready for them, along with letters that the workers can sign to authorize this disbursement from their first paycheques.
- Provide snacks and meals for workers when they arrive at the airport or once they reach the farm or their living quarters. Snacks and meals should also be provided to workers before they begin the return journey to their country of origin.
- Provide workers with basic groceries so that they can prepare meals without having to find a supermarket and go shopping on their first day in a new country. Alternatively, offer to give workers a ride to stores where they can shop for groceries and other personal needs.



**After Arrival: Employer Action from Producer Best Practice Tips**

- Help workers to obtain a Social Insurance Number at the airport or at the local Service Canada office. Also help them set up healthcare cards by supporting them in collecting documentation, filling out paperwork, and submitting applications.
- Take a photocopy of the worker's work permit and passport to keep on file. (Note: Employers are NOT permitted to retain the original documents; the worker must hold on to these at all times.)
- Have a signed Letter of Employment ready for all new foreign workers. In many provinces, they will need this letter to apply for a healthcare card.
- Depending on their country of origin, the foreign worker's driver's license will only be valid for a three-month period. If they need to be able to drive for a longer period, they may need your help in applying for a provincial driver's license.
- Assist workers who wish to be able to transfer money home by accompanying them to the bank and helping them set up a money transfer.
- Ensure that workers know that if they have questions or concerns about work or personal matters that you will help them find a solution.
- Consider hiring a translator to help workers get settled into their new location and roles.
- Post bilingual signs around the workplace to help workers understand specific terms associated with work-related tools, locations, and activities.
- Consider hiring more than one worker from the same culture so that foreign workers have someone to converse with and share the experience of transitioning to life in Canada.
- Arrange special events to encourage foreign and Canadian workers to socialize together, such as staff lunches to celebrate birthdays and holidays.
- Provide an employee handbook, and if possible, make it available in the foreign worker's native language. Provide orientation training that includes a review of the handbook and gives workers an opportunity to ask questions. **See CAHRC Employee Handbook translated into English/French/Spanish.**
- Provide house rules that set expectations around cleaning and safety considerations, such as turning off the oven burners, operating a fire extinguisher. **See NEW QAMP House Rules Infographic/Poster developed for farm employers to post in agricultural housing translated into English/French/Spanish.**
- If the workplace and housing location is remote, and if the workers do not have access to reliable transportation, offer to take them to and from a location where they can shop and run errands. Consider offering transportation to and from recreational events as well.
- Follow up with workers to ensure that their healthcare cards arrive on time and that their personal information is stated correctly on the cards. If cards are delayed, assist the worker in communicating with the provincial issuer to track progress.
- Inform the worker's public and private healthcare provider when the worker departs Canada.

## Banking and Taxes

It is critical for you, as the employer, to explain to the foreign worker how taxes are calculated and deducted from a pay cheque so that they understand that those deductions are legal requirements. If you are paying the foreign worker by direct deposit, it's also important to explain this process so that they know how to access, withdraw, and transfer their pay using online banking or a bank card. If the worker has minimal English language skills, it may be worthwhile to hire a translator to explain these matters when the worker begins their contract. Ensure the worker understands:

- How frequently they are paid and what the method of payment is (cheque, direct deposit, etc.)
- What a T-4 is and why they need one to complete their income tax form at the end of the year
- How to complete their income tax form
- Who they can talk to if they have questions or confusion about the payroll system

## Workplace Safety

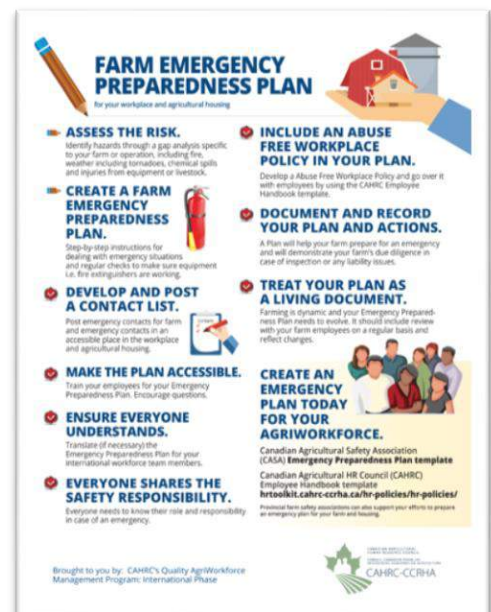
As an employer of both Canadian and foreign workers, you have a legal responsibility to protect their health and safety. In addition to the specific requirements stipulated by the TFWP, you must follow the rules for Workers' Compensation, Employment Standards, and Occupational Health and Safety (OHS). These rules can vary by province, so it's important to check the rules that apply to the province where your business is located. See [Section 15: Contact Info – Who You Need to Know](#) for a list of relevant contacts for each province.

## Farm Emergency Preparedness Plan

Every employer should have a Farm Emergency Preparedness Plan in place. This plan should cover situations in which the workplace or worker housing is affected by fire or, where applicable, tornadoes and other major weather occurrences. It's a good idea to do a gap analysis template to review your emergency response.

It is important to ensure all the fire alarms are in good, working order and that workers know where the fire extinguishers are and what the emergency plan is.

Ensure important procedures are in place, and readily available and understandable to foreign workers and your Canadian workforce, so that they know what to do, and who to contact, in the event of a workplace emergency. You can develop a Farm Emergency Preparedness Plan and a **simple fact sheet** for workers



so that the contact information needed is readily available in the event of an emergency, and dependent on the type of emergency – i.e. water leakage = landlord, fire = 911, etc.

The Canadian Agricultural Safety Association (CASA) offers an [Emergency Preparedness Plan template](https://bit.ly/2U1TSeM) (https://bit.ly/2U1TSeM) that you can download to create a plan for your farm.

Provincial agricultural safety associations can also support your efforts prepare an emergency plan for your farm and housing.

However, it's not enough to simply hand out an emergency plan for workers to read and sign. You need to make sure that all workers understand their safety responsibility. Ask your workers to review the Plan, and then set aside time to review it with them and answer their questions. Consider having the plan translated into foreign workers' native language.

**To support you in your agricultural housing CAHRC has developed this infographic poster in English, French, Spanish, Tagalog and Thai:**

- QAMP House Rules for farm employers to post in agricultural housing [LINK WHEN AVAILABLE](#)
- QAMP Employer Emergency Preparedness Poster [LINK WHEN AVAILABLE](#)



## Worker Management AgriHR Toolkit



Managing and supporting an agricultural workforce can be a challenging and complex task, whether you have a human-resources professional on staff or you manage your staff directly,

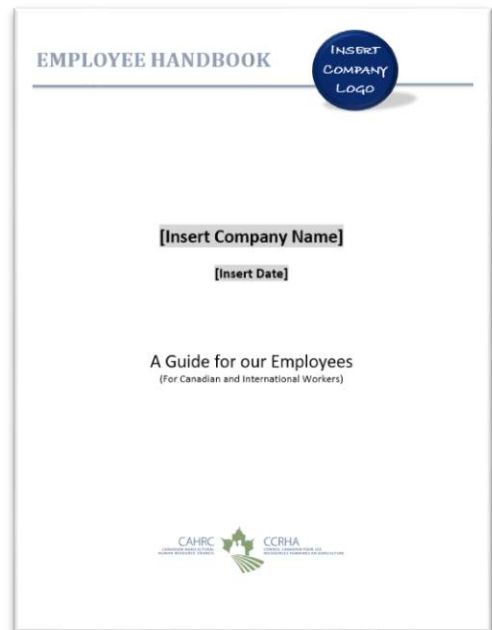
The **AgriHR Toolkit**, developed by the Canadian Agricultural Human Resource Council, is designed to support agricultural employers in managing their workforce effectively. Based on years of research and field testing conducted in Canada and internationally, the toolkit includes everything employers need to improve their people-management skills and develop key resources to find, retain, and support workers.

The AgriHR Toolkit also includes an **CAHRC Employee Handbook** template containing best-practice workplace policies. The handbook can be customized with your farm logo and any additional policies and procedures you want to include. The ***abuse-free workplace policy*** is designed specifically to match the requirements of the Temporary Foreign Worker Program. This written policy may be requested during the integrity inspections conducted by Service Canada.

The AgriHR Toolkit will include the International Quality AgriWorkforce Management Program materials to help employers manage foreign workers more effectively.

**The Employee Handbook is available in English, French and Spanish within the CAHRC AgriHR Toolkit under HR Policies/Employee Handbook.**

[Learn more about the AgriHR toolkit or subscribe to it for CAD\\$99](http://hrtoolkit.cahrc-ccrha.ca) (hrtoolkit.cahrc-ccrha.ca).



# Section THIRTEEN

## What to Expect: Integrity Inspections

When you hire foreign workers through any stream of the TFWP, you must continue to meet certain conditions and requirements, keep records that demonstrate program compliance, and keep ESDC and Service Canada informed of any changes or errors relating to an approved LMIA.

To ensure that employers comply with program requirements, the ESDC and Service Canada conduct Integrity Services inspections that can take place at any time and without prior notice.

If you are found non-compliant as a result of an inspection, you could be subject to:

- A warning;
- Monetary penalties ranging from \$500 to \$100,000 per violation, up to a maximum of \$1 million over one year, per employer (NOTE: as published on the website, to date fines have been applied to businesses ranging from \$1,000 to \$8,750)
- A ban of one, two, five or ten years, or permanent bans for the most serious violations;
- The publication of a business' name and address on the [ESDC/IRCC public website](https://bit.ly/2v6Xpe2) (https://bit.ly/2v6Xpe2) with details of the violation(s) and/or consequence(s); and/or
- The revocation or suspension of previously-issued LMIAs.

Inspections may be conducted anytime within a six-year period beginning with the first day of employment for the foreign worker.

In this section, you will learn about the tips and tools you need to prepare for an Integrity Services inspection.

### TFWP: 21 Conditions and Compliance

In order to successfully comply with the TFWP requirements, you need to follow these rules, including the key conditions, and ensure you are compliant before an inspection takes place. For a complete list of these conditions, see Fact Sheet 1 under [Section 14: TFWP – New Information](#).



## Types of Inspections

There are two types of inspections that Service Canada (ESDC) can conduct:

1. **Administrative** reviews, which are mostly **paper-based inspections** that may include telephone communications with the employer; and
2. **On-site inspections**, which can take place with or without advance notice to the employer. The inspector visits the employer's worksite to conduct inspection activities, which may include interviews with the employer and workers. Follow-ups may be done by telephone or mail.

Employers may be chosen for an administrative or on-site inspection for the following three reasons:

- 1) The employer has been **randomly selected**; or  
A risk-based inspection has been triggered because:
- 2) There is **reason to suspect employer non-compliance** (e.g. a tip was received), or
- 3) There has been **past employer non-compliance** (i.e. employer was found non-compliant in previous review or inspection).

## What the Inspector Can Do On Your Farm

Upon arrival at an employer's place of business, **Service Canada inspectors are required to present their identification and communicate the reasons for their visit.** A valid ESDC identification card includes the inspector's photo, name, ID number, and signature, and identifies them as an investigator for the Temporary Foreign Worker Program.

You can also verify the identity of the Service Canada inspectors by contacting the Employer Contact Centre toll-free at 1-800-367-5693. The hours of operation are 7:00 a.m. to 8:00 p.m. EST, Monday to Friday.

In order to verify compliance with program conditions, as detailed in the positive LMIA, an inspector may:

- Ask the employer and any person employed by the employer any relevant questions.
- Require that the employer provide documents and allow the officer to examine the worksite and accommodations provided to the foreign workers. (Note that inspectors may not ask for any document or record if it is not relevant to compliance with program requirements.)
- Make copies of documents on-site, or require the employer to make copies of documents, or remove documents from the location in order to make copies.
- Take photographs and make video or audio recordings of any element relevant to compliance with program conditions.

- Require the employer to use any computer or other electronic device on the premises, in order to allow the officer to examine any relevant document contained in or available to it. Note that inspectors cannot access an employer's computer themselves and conduct a search for relevant documents.
- Be accompanied or assisted on the premises by any person required by the inspector.

In order to collect relevant information to verify compliance, inspectors may need to interview the employer, foreign workers or other workers. If required, the inspector will arrange for translation services or have translation devices. Inspectors may interview workers individually or in groups.

## Potential Inspection Outcomes

An inspection will lead to one of two outcomes:

1. **Satisfactory:** When you demonstrate compliance with the conditions inspected and/or have provided reasonable and acceptable justification and compensation (as applicable) for discrepancies; or
2. **Non-Compliant:** When you do not demonstrate compliance with the conditions inspected or cannot justify your non-compliance as per the Regulations.

## What You Can Do:

### Request Extension: Harvest & Farm Deadlines

The Department does consider the employer's business hours when scheduling inspections in an effort to minimize any potentially negative impacts to the employer's daily business activities. Throughout the course of the inspection, employers may ask the inspector for a deadline extension. This can be done either verbally or in writing. Extensions are granted on a case-by-case basis and take into consideration the circumstances for the employer's request.

#### WHAT TO EXPECT: INSPECTIONS

### What You Can Do

- **Cooperate:** Have required documents ready
- **Ask to see Service Canada ID**
- Ask for an **extension** to the inspection: Farm Business Timelines
- Request to **escalate:** Disagree with Inspector:  
1-800-367-5693  
Hours of operation: 7:00 am to 8:00 pm EST, Mon to Fri
- Communicate and ask inspector to follow your farm's **biosecurity protocols**



## Request to Escalate Process

Currently there is no appeal mechanism if you disagree with the outcome of an inspection. However, a farm employer undergoing an inspection can "request to escalate." If you feel that a Service Canada inspector is operating outside the parameters of the inspection, you can contact the Employer Contact Centre at toll-free: 1-800-367-5693 between 7:00 a.m. and 8:00 p.m. EST, Monday to Friday.

The information provided by the employer to the Employer Contact Centre will be escalated to Integrity Services Branch National Headquarters (ISB–NHQ), who will respond to the employer's concerns within 48 hours. The employer will also be contacted by the Department regarding their concerns. If producers have questions or disagree with an inspection decision, they can also reach out to their agricultural association to help document the case.

## Best Practices for Inspections

While undergoing an inspection can be intimidating, these best practices can help to smooth the process:

- **Be Proactive** - Take time to understand what *could* be reviewed in an inspection and work towards compliance beforehand.
- **Ask Inspector/Investigator for Government of Canada ID** – To protect your farm, verify the identity of the inspector and ask for contact information in case follow-up is required.
- **Be Open** – Cooperate with your Service Canada inspector and work with them to help the process run smoothly. This will help speed up the process.
- **Be Prepared** - Confirm what documents will be reviewed during the inspection and gather all materials so they are ready for the inspection.
- **Take Notes** – Make sure to take notes regarding the process, and keep records of the documents and information/answers you provide to the inspector.



You can also improve compliance by proactively following these best practice tips provided by the Service Canada Integrity Services Branch<sup>5</sup>:

- Before a foreign worker’s work permit is issued, review the LMIA application and supporting documentation carefully and inform ESDC immediately of any errors on the LMIA application and annexes.
- Retain documentation relating to the employment of the foreign worker for a period of 6 years.
- Ensure that the working conditions of the foreign worker meet or exceed generally accepted Canadian standards.
- Obtain signed consent from the foreign worker for deductions, working additional hours, and postponing days of rest.
- Be aware that the informal transferring or sharing of foreign workers between employers contravenes the Immigration and Refugee Protection Act (IRPA) and is punishable by a fine of up to \$50,000 and imprisonment.
- Inform Service Canada of any substantial change relating to the foreign worker’s employment with your organization.
- Inform Service Canada of any substantial changes to the organization, such as the sale of the business or a change in ownership.
- Take foreign workers to obtain their Social Insurance Number immediately as well as provincial medical coverage if applicable.
- Provide all reasonable assistance to investigators conducting inspections, including attending all interviews and inspections (including on-site inspections), answering questions, and providing documents.
- Notify Service Canada immediately upon discover of discrepancies between employment conditions and program requirements.
- Provide documentation and written explanations to Service Canada investigators for discrepancies noted, and outline actions taken to minimize the effect and prevent reoccurrence.
- Ensure the workplace is free from abuse and that workers are advised of the policies in place to report instances of abuse.
- Regularly review the accommodations provided to foreign workers for over-crowding or health and safety issues.
- Adhere to the conditions of employment outlined in the employment contract.



**Ensure that all documents are available for the inspector to review and/or copy, including:**

- Business license or permit and Business Lease agreement (if applicable);**
- Description of duties performed by the temporary foreign worker(s);**
- Timesheets indicating hours worked with daily start and end times, vacation taken etc.;**
- Payroll statements indicating hourly wage, total hours worked and all deductions;**
- Proof that wages were paid (direct deposit slips/cancelled cheques/e-transfer/etc.);**
- Proof of piecework paid;**
- Proof of registration or clearance letter from provincial/territorial workers' compensation;**
- Schedules 100 and 125 of company's income tax return;**
- Abuse-free workplace policy; and**
- Housing inspection report(s) and housing rental agreement (if applicable).**

<sup>5</sup> Thank you to Service Canada Integrity Services Branch for this checklist

## What Documents Do you Need to Keep for 6 Years?



A checklist from F.A.R.M.S. providing a comprehensive list of what documentation you need to keep for 6 years is provided here<sup>6</sup>:

- Signed contract (signed by worker, employer, and foreign government for SAWP)
- Additional signed deduction agreements if applicable (for example: an agreement for a pay advance provided to a worker and recovered from their pay cheque, or a worker request to have Internet, satellite, or TV services deducted from their pay)
- Copy of LMIA application
- Copies of all advertisements listed on LMIA applications (must show duration of ads)
- Payroll statements including number of hours worked, hourly wage, and all deductions
- Timesheets including daily start and end times
- Proof that the worker was sent home at the end of the season or contract
- Proof of payment for the worker's round trip airfare, where applicable (credit card receipts, bank statements, airfare, invoice)
- Proof of enrollment in a provincial health and safety compensation organization such as Workers Compensation or the Worker Safety and Insurance Board
- Documentation of all training including pesticide training (informal or formal)
- Housing inspection reports
- Rental agreements (if housing that the foreign worker stayed in is not owned by employer)
- Vacation pay and proof of hours worked including harvest (refer to contracts and provincial Employment Standards and Farm Exemptions for details)
- Abuse-free workplace policy (included in the employee handbook or posted in the workplace)
- Documentation for all work locations listed on LMIA application
- **For SAWP only:** worker transfer documentation
- **For SAWP only when the foreign worker was hired from Mexico:** Proof of private health care coverage (such as Great West Life), and proof that the worker was charged no more than 50% of the employer's actual cost for uniforms

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<sup>6</sup> Thank you to F.A.R.M.S. for this checklist of documents farm employers using the TFWP should keep for 6 years

## Impact of Inspections on Pending LMIA's

In the majority of cases, being selected for an inspection or an administrative review will not impact an employer's pending LMIA application. An application will only be held in pending status when there is reason to believe that the health and safety of a foreign worker is at risk. These cases are prioritized by Service Canada to ensure the protection of workers and to prevent an employer's application from being unnecessarily delayed. Once it is determined that there is no immediate risk, the LMIA will continue to be processed while the inspection is concluded. Employers can help reduce processing delays by responding promptly to Service Canada requests for information or documentation.

However, employers report that LMIA's for all risk-based inspections are held immediately. It can take many weeks and queries to release an LMIA that is put on hold while an inspection is still ongoing, even if there is no health or safety risk to workers.

## Top 5 Reasons for Non-Compliance

Inspectors check for 21 conditions during an Integrity Service inspection, but there are **5 top reasons** why employers are often found non-compliant. These are:

1. Wages (Condition 4)
2. Occupation [National Occupation Classification (NOC) code compliance] (Condition 3)
3. Working conditions (which includes accommodation conditions) (Condition 5)
4. Abuse-free workplace (Condition 6)
5. Employer cooperation/document retention/document production (Condition 15, 16, 17, 18)

For a complete list of the 21 conditions that inspectors check for during an Integrity Service inspection, see Fact Sheet 1 under [Section 14: TFWP – New Information](#).

## Details Top 5 Reasons for Non-Compliance

### 1. Wages (Condition #4)

**Background:** During an inspection, an employer must provide proof that wages were paid and that they are “substantially the same” as those in the offer of employment and those that were advertised. Any variations must have been disclosed to ESDC.

The top wage-related issues include:

- Failing to increase the wage of a foreign worker when the prevailing wage rate or NCL wages change.
- Failing to advise ESDC of changes to the foreign worker's wage and/or benefits.

- Not including all benefits in the job ads or LMIA application – i.e. not declaring that a production bonus might be paid in the advertising.

To avoid these issues, follow these tips:

- “Substantially the same” is a vague, subjective term used by ESDC and there is no benchmark as to what amount of raise is acceptable, such as a suggested percentage. As a matter of practice, employers should inform ESDC of any intent to change a TFW’s wage or benefits prior to implementing such changes.
- If producers want to pay workers a bonus, they need to ensure that ‘**may pay bonus**’ is included in advertising, even if the amount of the bonus or the ability to pay the bonus is not certain (if it is tied to production profits, for example). Otherwise, the farm may be found non-compliant, as potential Canadian workers need to be informed of the bonus opportunity.

## 2. Occupation [National Occupation Classification (NOC) code compliance] (Condition #3)

**Background:** Employers must provide each TFW with employment in the same NOC and, more importantly, within the same occupation with identical job duties as those that were stated in the offer of employment and job advertisement.

**The top occupation-related issues include:**

- Having the TFW work in an area that they are unauthorized to do so, which may include using the TFW in a different position that falls under the same NOC, assuming that this is okay because it’s the same NOC code. For example, a TFW may be hired to work as a Specialized Livestock Worker (NOC 8252) and be moved to the role of Farm Supervisor (also NOC 8252); this is not permissible.
- A TFW may only work under the conditions of the Agriculture Stream OR the Low and High Wage Streams. If operating a mixed farm, this could cause a predicament as the TFW may only work with one commodity – i.e. Swine, which is under the Agriculture Stream – and not with mixed commodities under other streams – i.e. silaging, which falls under the Low-Wage Stream.

**To avoid these issues, follow these tips:**

- Your TFW’s job duties must stay consistent with the Job Description you included in your advertisements and LMIA application. If inspected, an Officer will consider the Job Description NOT what the NOC allows broadly. If you are changing the TFW’s job duties, you must inform ESDC and assess whether a new LMIA/Work Permit is required (regardless of whether the new duties fall under the same NOC).

- For a mixed farm, the LMIA must be applied for under the Agriculture Stream (i.e. livestock technician working with swine) or the Low and High Wage Streams (i.e. farm machinery operator, working with silaging). The worker cannot do both, even if the job duties fall under the same NOC. If an inspector discovers that a TFW is working with both commodities, the employer may be found non-compliant.

### 3. Working Conditions (which includes accommodation conditions) (Condition #5)

**Background:** Employers must provide each TFW with working conditions that are “substantially the same” as those in the offer of employment, and those that were outlined in the advertisements and LMIA application.

**The issue related to working conditions is:**

- There are provincial housing standards, as well as ESDC standards, that must be met. Some housing is not meeting the conditions imposed under provincial legislation and/or the TFWP’s requirements.

**To avoid this issue, follow these tips:**

- Under the agricultural and SAWP streams, an inspector may enter the home(s) where foreign workers are living and measure the space to ensure it complies with provincial standards of living space. Ensure you have an adequate ratio of washrooms to workers, and a place to wash clothes.
- Inspectors will look for things such as a sufficient number of fire alarms that are installed correctly and in the right place, whether burners are operational and safe on the stove, if a refrigerator light is working, if the fire extinguisher works, and if you have an emergency plan for housing and workplace in place and operational with your workforce where everyone is aware of their responsibilities and duties in case of an emergency such as fire.

### 4. Abuse-Free Workplace (Condition #6)

**Background:** Employers must demonstrate that they are providing a workplace that is free of abuse, and are encouraging policies and rules in their organization to foster such an environment.

**The top issue related to maintaining an abuse-free workplace is:**

- Inspectors have been known to request that an Employer provide proof of a workplace policy with respect to abuse and harassment on the job. If no such policy exists, they often ask that an Employer create and provide one prior to the inspection being completed.

**To avoid this issue, follow this tip:**

- In the AgriHR toolkit, CAHRC has a template for an Employee Handbook that includes an “Abuse Free” Workplace policy that you may use.

## 5. Employer Cooperation / Document Retention and Production (Condition #15, 16, 17, 18)

**Background:** Employers are required to retain all documents associated with the LMIA application process and subsequent employment of the TFW for a period of 6 years, and must provide any requested documentation to an inspector.

### **The top issue related to cooperation and document retention/production is:**

- Employers are not keeping all required documents on file for 6 years and are therefore unable to present requested documents during an inspection.

### ***To avoid this issue, follow these tips:***

- Maintain all documents related to the LMIA application process for a period of 6 years. This includes copies of any resumes/applications received in the recruitment phase, copies of advertisements and all supporting documents submitted with the LMIA application, copy of the LMIA application itself.
- Maintain all documents related to the foreign workers included on the LMIA for a period of 6 years. This includes a copy of the foreign worker's work permit, signed employment contract, pay statements, agreements related to deductions, time-off requests, timesheets, etc. As a rule of thumb, anything related to the foreign worker's employment, no matter how big or small, must be maintained in their file for 6 years.
- Maintain a record of notifications you made to Service Canada and the TFWP in order to alert them ahead of time about any changes in employment conditions or requirements. Keep a record of the responses that Service Canada and the TFWP provided.

# Section FOURTEEN

## TFWP: New Information



### FACT SHEET 1

#### TFWP 21 Conditions for Integrity Inspections<sup>7</sup>

During an inspection, inspectors will verify whether employers have upheld the conditions set out in the positive LMIA letter and annexes. These conditions include:

1. Employers must remain **actively engaged**, during the validity of the work permit of the foreign worker, in the business for which the offer of employment was made, unless the offer was made for employment as a live-in-caregiver.
2. Employers must comply with federal and provincial/**territorial laws that regulate employment and recruitment in the province/territory in which the foreign worker is employed.**
3. Employers must provide each foreign worker with employment in the same **occupation** as stated in the offer of employment
4. Employers must provide each foreign worker with **wages** that are substantially the same but not less favourable than those in the offer of employment
5. Employers must provide each foreign worker with **working conditions** that are substantially the same but not less favourable than those in the offer of employment
6. Employer must make reasonable efforts to provide **a workplace that is free of abuse.**
7. Employers must meet any specific agreed-to commitments, made at the time the LMIA was issued in relation to direct **job creation** for Canadians and permanent residents
8. Employers must meet any specific agreed-to commitments, made at the time the LMIA was issued in relation to **job retention** for Canadians and permanent residents
9. Employers must meet any specific agreed-to commitments, made at the time the LMIA was issued in relation to **hiring or training** Canadians and permanent residents
10. Employer must meet any specific agreed-to commitments, made at the time the LMIA was issued in relation to **development of skills and knowledge for the benefit of Canadians or permanent residents**

<sup>7</sup> Source: ESDC **March 12, 2019**: <http://bit.ly/2In63fQ>

11. Employer must meet any specific agreed-to commitments, , made at the time the LMIA was issued in relation to **transfer of skills and knowledge for the benefit of Canadians or permanent residents**
12. Employer must demonstrate reasonable efforts to **hire** Canadians or permanent residents if that was one of the factors that led to the issuance of a work permit
13. Employer must demonstrate reasonable efforts to **train** Canadians or permanent residents if that was one of the factors that led to the issuance of a work permit
14. Employers must be able to demonstrate that any information they provided in the context of LMIA application was **accurate**
15. **Employer must retain any document** that relates to compliance with these conditions for a period of six years, beginning on the first day of employment of the foreign national
16. Employer must **report** at any specified time and place to answer questions and provide documents to verify compliance with conditions
17. Employer must **provide** any documents that are required as part of an inspection
18. Employer must **attend** any inspection (unless the employer was not notified of it) that is on premises or place, in which a foreign national performs work and/or any premises or place provided as accommodation to the foreign national, give all reasonable assistance to the person conducting that inspection and provide that person with any document or information that the person requires.
19. Employer must ensure the foreign national resides in a private household in Canada and provides care, child care, senior home support care or care of a disabled person, in that household without supervision (specific to Live-in Care givers)
20. Employer must provide the foreign worker with adequate furnished and private accommodations in the household (specific to Live-in Care givers)
21. Employer must have sufficient financial resources to pay the foreign worker the wages that were offered (specific to Live-in Care givers)

## FACT SHEET 2

### Service Canada Operations (LMIAs) Questions & Answers

March 2019

**SUMMARY:** Brought to you through the Quality AgriWorkforce Management Program: International Phase. This Question and Answer Fact Sheet brings you the latest information co-created with Service Canada, regarding the Temporary Foreign Worker Program's agricultural Labour Market Impact Assessment rules and guidelines. This is helpful information that can help you achieve a successful Labour Market Impact Assessment, to fill job vacancies on your farm, when Canadian farm workers do not apply.

#### Housing

1. **Question: Housing Inspection – LMIA:**

If an Agricultural Stream farm worker chooses to arrange and live in their own accommodation is a housing inspection required by the farm employer to complete their LMIA application?

**Answer:**

The TFW is not required to stay in the housing provided by the employer. If the TFW chooses to not stay in the housing provided by the employer, the TFW will need to present information specifying the location where they will be residing (proof of address). In those cases, no housing inspection report will be required when submitting an LMIA. Service Canada is in the process of finalizing a form to be submitted with the application should the TFW choose alternative housing.

#### Wages

2. **Question: Upcoming NCL Wage Rate Change:**

Will the National Commodity List (NCL) Wage Rate be changing in January?

**Answer:**

The NCL wage rates have been finalized January 2019 and are now posted on the departmental website.

3. **Question: Wages change in middle of process:**

When your company's NCL wage rate or prevailing wage rate changes in the middle of an LMIA advertising date range, does the agricultural employer need to start the advertising process all over again to fulfil the required length with the new rate for the LMIA?

**Answer:**

A change to the median wages on the Job Bank may explain the difference between the wage offered and the median wage. If this is the case, there are steps that can be taken:

- If the wage increased by less than 10% of the wage offered on the LMIA, then this change is acceptable, the employer will not need to re-advertise the position; however, he or she must agree, in writing, to pay the new prevailing wage;
- If the wage increased by 10% or more of the wage offered on the LMIA, then the employer must re-advertise for a period of four weeks. The application will be held during this time and the employer does not need to reapply.
- Grace period: If the Job Bank median wage change occurred within four weeks prior to the application being submitted or after it was submitted, the employer will not need to re-advertise the position; however, he or she must agree, in writing, to pay the new prevailing wage.
- If the wage is less than the wage offered on the LMIA, then the employer does not need to re-advertise the position but is still required to meet the prevailing wage.
- If the wage listed in the recruitment met the Job Bank Median Wage posted at the receipt of application, the officer will honour the recruitment efforts, but advise the employer that they will need to confirm, in writing, that they are willing to pay the new minimum wage.

4. **Question: Bonuses:**

If a farm would like to pay a production bonus to both Canadian and TFW's at the end of the season, but do not know what the bonus will be until the end of season profits are calculated, how should they advertise the role for the purposes of applying for the LMIA?

**Answer:**

Job seekers must be fully apprised of the job offer, including wages and working conditions, in order to determine if the position aligns to their expectations. Compensation noted in advertising should be consistent with the LMIA application information, the employment contract and, of course, the actual compensation paid to the worker for work performed. Employers must describe how the bonus is earned and any conditions attached to payment of the bonus.

**Examples:**

- Workers who are employed for a minimum of 10 weeks will be paid a 1% bonus (farm gross crop yield X market price) on December 31, 2019; or
- For every 100 lbs of potatoes, harvested workers will receive an additional 0.25 per hour, which will be paid bi-weekly.
- "May pay bonus" is also acceptable.

5. **Question: TFW vs. Canadian wage differences:**

Is a new entry-level TFW livestock technician on a cattle and hog farm or a new supervisor on a grain/mixed farm supposed to earn the same as an experienced Canadian livestock technician and supervisor?

**Answer:**

Our application form asks for the salary of all employees working in the same occupation with the same skills and years of experience at the work location. Considering this, an experienced Canadian livestock technician or supervisor would not be considered in the prevailing wage determination if an entry-level position is being sought and was advertised.

**Question: TFW vs. Canadian wage differences:**

If the producer has checked the National Commodity List (NCL) and/or Prevailing Wage Rates, but the experienced Canadian farm workers on their farm earn wages that are higher, what is the correct process for the farm employer to follow for the advertising and the LMIA application?

**Answer:**

The prevailing wage for low and high-wage positions is defined as the higher of:

- The regional median hourly wage posted on Job Bank’s Wage Report;
- The wage as defined by other publicly available labour market information that is considered a reliable source; or
- The wage the employer is paying current employees working in the same occupation and same work location with the same skills and years of experience.

The prevailing wage for Seasonal Agricultural Work Program (SAWP) and the Agricultural Stream is defined as the higher of:

- The NCL wage for the specified occupation, commodity and region (or in Quebec, the Quebec wage tables);
- The provincial/territorial minimum wage; or
- The wage the employer is paying Canadians and permanent residents performing the same type of work at the same work location.

6. **Question: Wage Ranges – Contingent Wages or Wage Range: Can a farm advertise the position with a wage range?**

**Answer:**

Contingent wages will generally not be accepted as part of the wage assessment and the officer should ask for a ‘guaranteed wage’ from the employer before proceeding with the assessment. However, in specific industries, **where the contingent wages are an industry**

**standard**, the officer can request a wage range from the employer which incorporates the average hourly compensation including the contingent wages of the existing workforce, in the same position. For the wage to be considered satisfactory, the bottom end of the wage range must meet the prevailing wage of the occupation/NOC. Ensure that contingent wages are applied to the foreign national in the same way that it is applied to Canadians and permanent residents in the workplace. It is incumbent on the employer to demonstrate that contingent wages is the Industry Standard.

7. **Question: Wage Ranges – Non-Contingent Wages:**

Can a farm advertise the position with a wage range if they are doing so not for the purposes of providing the TFW with a contingent salary, but rather with the intention of attracting more applicants? For example, an employer may intend to pay a TFW \$17.50 based on the role and their experience. However, they may currently pay up to \$21.00 to Canadian staff in the same role, but who have quite a bit more experience than the TFW. The employer may wish to advertise the position with a range, in order to ensure they attract applicants with the same skill-level as the TFW they are interested in hiring, as well as to attract higher-skilled Canadians, who they are also interested in hiring in the role. Otherwise, highly qualified Canadians may not apply for the job if it is only advertised at \$17.50. Likewise, if it is advertised at \$21.00, lesser skilled Canadians may not be hired because the farm would not be willing to pay them at that rate.

**Answer:**

In this instance, advertising with a wage range would be accepted. However, when applying for the LMIA the employer cannot list the range as the wage for the TFW. They must declare a guaranteed wage that is at least equal to the lowest salary advertised and meet the prevailing wage.

## Advertising

8. **Question: Stream Variations:**

What are the advertising requirements under each stream?

**Answer:**

Employers should refer to the website for up-to-date requirements prior to advertising the position and applying for the Labour Market Impact Assessment. At present, the employer should advertise at the prevailing wage rate.

As well, for all primary agricultural positions under the Agriculture Stream:

- Employers should advertise on the Job Bank (or the provincial/territorial equivalent) and should choose at least one of the additional methods of recruitment consistent with the normal practice for the occupation; and

- Advertisements must be posted for a minimum of 14 calendar days during the three-month period prior to the employer applying for a labour market impact assessment (LMIA).

## Mixed Farming & Resources of the job

9. **Question: Mixed Farm – which stream?:** If an agricultural employer on a mixed farm with cattle and grain has advertised the position, and a Canadian farm worker has not applied, what Stream of the Temporary Foreign Worker Program (TFWP) should the farm employer use to hire a farm worker who is required to perform the following job duties that are part of a modern mixed farm operation:

- seed and harvest crops such as alfalfa and barley to produce silage,
  - feed cattle in a feedlot including...
  - mixing of vitamins and supplements and preparing silage for the cattle's feed.
- What stream should the farm employer use to fill this job vacancy?

**NOTE:** These job duties represent normal agricultural practices and job duty expectations on a mixed farm operation and the farm employer only can afford to pay one worker for these job duties. If the farmer were hiring a Canadian farm worker they would be expected to perform the same mixture of duties on smaller to medium sized cattle and mixed farm operations where skills for all for all of these job duties are required.

### Answer:

Under the current streams it is not possible for a mixed farm with commodities that fall both on, and off, the NCL to obtain an LMIA and hire a TFW to work under SAWP or the Agricultural Stream. To be admissible to SAWP and Agricultural Stream they would have to ensure that the TFW will only work with with commodities that are on the NCL. The employer would have to ensure there is sufficient work available with the one commodity to warrant full-time employment. An employer wishing to hire a TFW to work on commodities that are both on and off the NCL, they would have to apply through the High Wage or Low Wage streams of the program.

Employers can hire temporary foreign agricultural workers (TFW's) under four streams; however, each stream has specific criteria that must be met.

#### 1) Seasonal Agricultural Worker Program (SAWP)

- TFW's must be from Mexico or certain Caribbean countries;
- Production must be included on the NCL;
- Activities must be related to on-farm primary agriculture; and
- Positions can be in lower or higher-skilled occupations;

## 2) Agricultural Stream

- TFW's can be from any country;
- Production must be included on the NCL;
- Activities must be related to on-farm primary agriculture; and
- Positions can be in lower or higher-skilled occupations

## 3) Stream for Low-Wage Positions

- Production is not included on the NCL; and
- Employers can hire TFW's for any low-wage agricultural position.

## 4) Stream for High-Wage Positions

- Production is not included on the NCL; and
- Employers can hire TFW's for any high-wage agricultural position

Regardless of the stream that is chosen, employers must ensure that they meet all of the requirements for the particular stream.

10. **Question: Horse & Tack – “resource” of the job:** Feedlot and cattle operations often require that their employees use a horse to do their job. Due to animal welfare issues, employers require that employees purchase their own horse for the job; this requirement is extended to TFW's. The employer provides loans to the TFW to purchase the horses, covers all related costs (feed, veterinary fees), and assists in selling the horses (typically for a higher price) if the TFW chooses to leave their employ. Is horse and tack a standard and acceptable employment requirement for a feedlot or cow/calf operation?

**Answer:**

There are many factors to consider before rendering a decision on whether horse and tack are a standard and acceptable employment requirement for a feedlot or cow/calf operation. Firstly, we would have to look at the NOC advertised and consult the following factors:

- Are the employer's job requirements necessary for the proper or efficient performance of a job and duties?
- Are the job requirements in the interests of effectiveness, safety, and productivity?
- Is there a reasonable connection between the job duties and job requirements?

If the criteria is questionable or not identified in the NOC description then we would have to contact the employer or third party to clarify and provide them with an opportunity to explain why/how the job requirements or duties are reasonable for this position. The following points could be required to help Service Canada make a determination:

1. Why is [name job requirement] a requirement for this position?
2. From the list of job duties provided, which duties must be performed by an employee with [name job requirement] and why?

3. What proportion of time will be spent performing each of these duties?
4. How many people do you currently employ in this position? How many of them have [name job requirement]? How many other employees, in other positions, have [name job requirement]?
5. Describe any negative consequences you can foresee if you are unable to hire someone with [name job requirement].
6. Are there any job requirements or duties missing or are any of the listed job requirements or duties unrelated to your workplace?
7. Are the job requirements and duties you have listed for the [job title] position typical for the [name of industry]?

Of the questions above, questions four and seven (bolded) should factor in heavily in the decision. In other words, is the requirement to own a horse an industry standard? If the employer can demonstrate that this is the case, then we can accept this requirement. If this cannot be demonstrated, then this requirement should be considered as excessive.

Other considerations: The employer's recruitment efforts must include key details of the job requirements. Any conditions of employment (i.e. conditions used to screen out candidates) must be communicated to potential applicants. If equipment, tools, vehicle or, as in this case, a live animal is a condition of employment then this should be clearly indicated in all recruitment efforts. In the case of a live animal, any special skills, training or certifications must also be listed. The ad should clearly indicate whether the worker "must have" or "have the ability to obtain". Any assistance/support the employer is willing to provide to the applicant in meeting the requirements should also be clearly indicated. The LMIA application job offer must be consistent with the employer's recruitment efforts in order to ensure that the Canadian labour market has been tested and that the employer has clearly demonstrated that no Canadians or permanent residents are available to fill the position.

## Business Legitimacy & Responsibility

### 11. **Question: Actively Engaged:**

Service Canada requires that an employer demonstrate they are "actively engaged in the business". How can an employer demonstrate this? Further, is the person who is submitting the LMIA application responsible for the management of the TFW's?

#### **Answer:**

Actively engaged is one of four genuineness assessment factors. An employer who is unable to demonstrate that they are actively engaged will receive a negative LMIA decision. All four genuineness factors must be met for an offer of employment to be considered genuine. A negative finding of one or more factors will result in a negative assessment of genuineness of the job offer and a negative LMIA.

Active engagement means that the employer is currently operating a legitimate business, providing a good or service where an employee could work. In addition, they must have designated financial authority for the business (signing power) ultimately; they are responsible for the TFW's.

By signing the LMIA application form, employers that receive a positive LMIA and subsequently employ a foreign national, agree to comply with all Temporary Foreign Worker Program requirements as specified in the Immigration and Refugee Protection Act and Immigration and Refugee Protection Regulation. This includes the safety of the foreign workers.

**12. Question: Multiple Business Numbers & Farm Cooperatives:**

How is responsibility affected when there are farms with multiple business numbers or farm cooperatives?

**Answer:**

Prior to assessing the genuineness of the job offer (active engagement), the officer must identify the entity making the job offer. An offer of employment is made by an employer or group of employers to a foreign national thereby establishing an employer—employee relationship. The determination of who is the employer/group of employers of the foreign national is made during the application process, to identify the correct employer/group of employers and they understand their obligations to foreign nationals.

Where there is doubt over which entity a foreign national would be working for, including situations where more than one entity share characteristics of an employer or whether the foreign national appears to be self-employed, some analysis may be required to determine who the employer is.

- An employer is an entity (e.g. person, business, corporation or organization) that makes an offer of employment to one or more foreign nationals who provide labour in return for compensation for a specified period of time. The employer is generally the entity that hires, controls working conditions and remunerates the foreign national; or
- A group of employers are two or more entities who agree to be employers of the foreign national(s) and share employer functions (simultaneously or subsequently) with respect to one or more foreign nationals who provide labour in return to the group of employers for compensation for a specified period of time.

**13. Question: Ability to fulfill:**

An employer must demonstrate the ability to fulfill the conditions of the employment contract, by providing proof of their financial solvency. What documents will Service Canada accept to prove financial solvency?

**Answer:**

Service Canada is currently developing guidelines to allow for attestations from banks as an accepted method to prove ability to fulfill. Ability to fulfill measures an employer's capacity to fulfill the financial engagement of the employer towards the foreign national. To establish this, the employer must provide documentation to demonstrate that the job offer is genuine. To ensure a job offer is genuine, the employers' financial capacity may need to be validated by obtaining Canada Revenue Agency (CRA) documents. CRA documents provide information of a financial nature that may be useful to assess "Actively Engaged" and "Reasonably Able to Fulfill". Some of the documents needed include:

- LMIA Application;
- Attestation;
- Contract, letter or invoice, foreign employer Only;
- T2 Schedule 100 Balance Sheet Information and Schedule 125 Income Statement;
- T2042 Statement of Farming Activities;
- T2125 Statement of Business or Professional Activities;
- T3010 Registered Charity Information Return;
- T4 or Pay Stub, foreign national is already working for the employer; or
- Notice of Assessment, Financial Ability Section of the Application Form & LICO, Private Household Employer only.

All offers of employment must undergo a genuineness assessment to ensure that TFW's are protected and that integrity is maintained. CRA issues a Notice of Assessment (NOA) to all Canadian taxpayers after processing their tax returns. This tax assessment summarizes the results and states the amount of taxes to be paid or refunded as part of this assessment; employers must submit a copy of their NOA from the CRA with their LMIA application. The TFW Program uses the Financial Ability Section of the application form to determine if the employer is reasonably able to fulfill the terms of the job offer.

However, the TFWP website clearly states, and has for some time, that an attestation from a lawyer or chartered accountant is acceptable <http://bit.ly/2D5b9tT>

## FACT SHEET 3 FALL 2018

### ESDC Primary Agriculture Changes for the 2018-2019 Season

#### CHANGES TO HOUSING POLICY

Following the cross-Canada Primary Agriculture Consultations, several employers identified unintended consequences related to the 2018 Housing Policy changes, such as the inability to obtain housing inspection reports for temporary foreign workers (TFWs) staying in hotels; delayed Labour Market Impact Assessments (LMIA) because housing inspection reports could not be obtained for new builds or leases; and no clear policy position for transfer workers that do not change housing. To address these concerns, starting in the 2018-2019 season, the Temporary Foreign Worker (TFW) Program has increased flexibility in these areas, while maintaining worker protection measures.

All accommodations must meet the established housing policy requirements for the Primary Agriculture Stream. Unless otherwise indicated, the following measures would affect all Primary Agriculture Streams.

#### Commercial Accommodations

- Employers farming some commodities, such as apiary, are required to use commercial accommodations (e.g. hotels, motels, bed and breakfasts) for their workers because it is an industry practice to move from farm to farm. As most employers cannot request a housing inspection report for commercial accommodations, it was difficult to meet the obligation to produce a housing report.
- Accordingly, ESDC will introduce the following measures to address this barrier:
  - When submitting an LMIA, the employer will be required to identify **all** commercial accommodations (where possible) where the TFW will be housed while in Canada and provide proof of the ratings and reservation with their LMIA Application.
  - Employers should ensure that commercial accommodations provide one bed for every worker, and workers should not be required to share a bed with individuals, other than their spouse.
  - Whenever possible, employers should provide workers with commercial accommodations equipped with cooking facilities, however, in the event that these facilities are not available, employers should provide their workers with meals, and may refer to the appropriate employment agreements for information on deduction options.
  - If the commercial accommodations are rated three stars (3) and above, the housing inspection may be waived if the employer provides proof of the star rating and the reservation with their LMIA application.

- If the commercial accommodations are rated under three (3) stars, the Service Canada officer will apply a reasonability test, including:
  - Research using online resources (e.g., the website, trip review sites, recent news regarding the location and the surrounding area).
    - If the Service Canada officer is not satisfied after reviewing the available online information, the employer may be asked to provide additional documentation:
  - If the commercial accommodations are part of a chain, there can be reasonable expectation that the accommodations would meet Primary Agriculture housing requirements; and
  - If the commercial accommodations operate as an independent business, employers may be asked to provide additional information to support their application such as documentation that the accommodations has been inspected by the relevant provincial/territorial/municipal health or other authorities for the accommodations and passed. This could be obtained from a public website if posted publicly, or from the proprietor of the hotel.
    - Service Canada officers should be notified, in writing, of major changes to the TFW accommodations including if:
      - Circumstances require the reservation to be modified for a period of time longer than seven (7) days;
      - the location of the accommodations changes;
      - additional locations are required (i.e. business operations require additional commercial accommodations or locations)
        - If any employer makes a **major change** to commercial accommodations for TFWs that were previously disclosed as part of their LMIA application:
    - Employers should provide a copy of this record with a rationale for the change to their Service Canada officer within 72 hours.
    - This information would be uploaded to the appropriate LMIA file for the employer
    - A copy, as well as any applicable supporting documentation (e.g. reservation records), should be retained by the employer in the event of an inspection.
      - If the employer must make **minor amendments** to a previously disclosed plan for commercial accommodations, due to reasonable circumstances (e.g. weather conditions, production demands):
        - Employers should maintain a record of these amendments over the course of the season.
        - A copy of this record does not need to be submitted to Service Canada.
        - A copy of the changes, as well as any applicable supporting documentation (e.g. reservation records), should be retained by the employer in the event of an inspection.

## Housing Unavailable for Inspection

- Some employers have accommodations that are used for the TFWs however they are not available in time for the housing inspection to be conducted within the eight months necessary for the employer to apply for their LMIA because:
  - They are not constructed yet (new builds/ pre-fabricated homes); or
  - The accommodations will be leased.
- Accordingly, the following information will be accepted as part of the LMIA application:

## New builds and Pre-Fabricated Homes

- For pre-fabricated housing, the employer may submit evidence, such as the contract with the pre-fabricated supplier with an expected delivery date, and identify an alternative option if the building is not ready in time for the workers arrival (e.g. a commitment to book hotel accommodations if housing is no longer available);
- Employers will be expected to have these structures completed and inspected no less than one (1) month before the first worker arrives;
- Once available, employers should provide the housing inspection report to Service Canada officers, no less than one (1) month before the first worker arrives;
- If the housing does not meet TFW Program requirements, the positive LMIA may be revoked; and
- Given TFWs must pay for work permits prior to arrival, if the housing does not meet the established requirements, the employer should reimburse the worker the cost of the work permit.

## Lease Agreements

- Employers are required to provide proof of the lease agreement and identify an alternative option if the lease is not ready in time for the workers arrival (e.g. a commitment to book hotel accommodations or arrange another lease if housing is no longer available). If a lease agreement is not possible, the employer may submit a letter from the landlord, stating their intention to lease the property and the dates for the lease.
- Employers will attest that they will submit a housing inspection report no less than one (1) month before the first worker arrives;
- Once available, employers will be responsible to provide the housing inspection report to Service Canada;
- If the housing does not meet TFW Program requirements, the positive LMIA may be revoked; and
- Given TFWs must pay for work permits prior to arrival, if the housing does not meet the established requirements, the employer should reimburse the worker the cost of the work permit.
- Service Canada officers should be notified, in writing, of major changes to the leased accommodations for TFW, including if:
  - Circumstances require the accommodations to be modified for a period of time longer than seven (7) days;
  - the location of the accommodations changes;

- additional locations are required (i.e. business operations require additional commercial accommodations or locations)
- If any employer makes a change to the leased accommodations for TFWs that were previously disclosed as part of their LMIA application:
  - Employers should provide a copy of this record with a rationale for the change to their Service Canada officer within 72 hours.
  - This information would be uploaded to the appropriate LMIA file for the employer
  - A copy, as well as any applicable supporting documentation (e.g. reservation records), should be retained by the employer in the event of an inspection.

### Transfer Workers Remaining in Original Accommodations

- Under the SAWP Program, transfer of workers is permitted; however, there is currently no policy for transfer workers who stay in their current dwelling, even though they are working for a different employer.
- As of August 1, 2018, if a SAWP employer transfers workers to another SAWP employer, and the workers will remain in the same approved accommodations on the former employer's property, the housing inspection report used by the transferring employer to assess the accommodations may be used by the receiving employer within that calendar year.
- To do this, the receiving employer must include with their LMIA application, an attestation signed by both employers that includes the following information:
  - The name and location of the business of the receiving employer;
  - The names of all transferring workers;
  - The start and end dates of the transferred employment;
  - The LMIA number for the transferring employer;
  - The address of the accommodations where the workers will live; and
  - The housing inspection used for the transferring employer's positive LMIA.
- The attestation must also identify if all the workers in the accommodations will be transferred to the receiving employer; or if both the transferring and receiving employers will have workers living in the accommodations.
- If all workers in the accommodations will be transferred to the receiving employer, the attestation must include a statement that the receiving employer agrees and acknowledges that:
  - The receiving employer will assume all responsibility for the cost of any housing repairs and for any housing-related integrity activities that occur during any period of time that they employ workers living in the accommodations; and
  - Any pending inspections, or potential non-compliance related to housing identified during an inspection, may result in the deferral or suspension of LMIA's for the receiving employer.

- If both the transferring and receiving employers will have workers living in the accommodations, the attestation must include a statement that both employers agree and acknowledge that:
  - Both employers will be equally responsible for the cost of any housing repairs and for any housing-related integrity activities that occur during any period of time that they employ workers living in the accommodations; and
  - Any pending inspections, or potential non-compliance related to housing identified during an inspection, may result in the deferral or suspension of LMIAs for both employers.

### Housing for Additional Transfer Workers

- Effective as of the 2019 season, if the initial LMIA is granted, the corresponding housing inspection may be used for subsequent LMIAs for transfer and/or replacement workers living in the same accommodations within that calendar season, provided the total number of workers in the accommodations do not exceed maximum occupancy.

### BC Conditions for Housing Inspections

- In response to housing concerns in BC, certain interim measures were implemented for the 2018 season and will be extended for BC employers for.
  - All BC employers must use the BCAC form to complete the housing inspection for the LMIA application; and
  - All BC employers must use the BCAC list of housing inspectors.

## LABOUR MARKET IMPACT ASSESSMENT (LMIA) APPLICATIONS

### Biometrics Measures

- As of December 31, 2018, all foreign workers will be required to provide biometrics information to obtain entry into Canada.
- To streamline processing of LMIA applications for employers who require workers early in the season, we are implementing the following:
  - For the upcoming season, LMIA applications will be accepted earlier than usual for primary agriculture employers who are requesting workers to arrive in January and February 2019. This would provide employers who typically need workers early in the season sufficient time to receive an LMIA decision and provide workers additional time to secure a work permit given the anticipated surge in applicants.
  - For agriculture positions commencing in 2019, the usual LMIA validity period of six months will be extended so that LMIAs are valid until December 15, 2019 (the date on which all SAWP workers must leave Canada each year) or for six months, whichever is longer. This will ensure that employers would not have to re-apply for an LMIA should their approved LMIA expire while waiting for workers' work permits to be processed.

- To standardize processing across Canada, the TFW Program will allow processing of SAWP LMIA applications that include multiple TFW arrival dates with the same wage and NOC within one LMIA application to lessen the administrative burden on employers.

### Submission of Employment Contracts with LMIA Application

- Currently, SAWP employers must include a copy of the SAWP contract with their LMIA application; however, the SAWP contract is a standard contract that cannot be altered, and is usually unsigned at the time the LMIA application is submitted.
- Currently, employers using the Agricultural Stream must submit a contract with their LMIA application, using either the sample contract on the Service Canada website or an alternative contract with all the same elements as the sample contract.
- To reduce paperwork for employers:
  - a copy of the SAWP employment contract will no longer need to be included with the LMIA application.
  - Employers using the Agricultural Stream will not be required to submit a copy of the employment contract, provided they use the sample contract available on the Service Canada website.
- Employers will still be required to have a copy of the employment contract on file, signed by both the employer and workers (after they arrive), in the event of an inspection.

## Section FIFTEEN

### Contact Info: Who You Need to Know



#### Canadian Agricultural Human Resource Council (CAHRC)

1410 Blair Place, Suite 404, Ottawa, ON, K1J 9B9

613-745-7457

[info@cahrc-ccrha.ca](mailto:info@cahrc-ccrha.ca)

[www.cahrc-ccrha.ca](http://www.cahrc-ccrha.ca)



[CAHRC AgriHR Toolkit](http://hrtoolkit.cahrc-ccrha.ca) (hrtoolkit.cahrc-ccrha.ca): Based on years of research and field testing conducted in Canada and internationally, this toolkit offers everything you need to improve your people-management skills and develop key resources, such as the **Employee Handbook in English/French/Spanish**, to help you support your employees.

#### Housing Inspections

Housing Inspections (SAWP + Ag Stream): \_\_\_\_\_

(find out who is in charge of housing inspections in your area and write it here)

**\*See the Provincial Contact Info Page for more housing inspection contact information and other provincial rules and regulations you need to manage housing for your international AgriWorkforce.**

## Service Canada

In cases where a delay in processing your LMIA is resulting in undue hardship, you can request the "urgent case" template shared with your local agricultural association.

For all other enquiries regarding the TFWP, including questions about the status of your LMIA, reporting a change or error in your LMIA, reporting a conflict or incident with a foreign worker hired through the TFWP, or making a voluntary disclosure of non-compliance, contact the National Employer Contact Centre from Monday to Friday between 7:00 a.m. and 8:00 p.m. EST at **1-800-367-5693 and 1-866-840-0222 (toll-free in Quebec)**

[Find a list of processing centres here](https://bit.ly/2uoUgFE) (<https://bit.ly/2uoUgFE>).

## Integrity Service Branch: Inspections

For issues related to Integrity Service Inspections, request a template from your local agricultural association to help with your case

To make a request to escalate the inspection process, call toll-free 1-800-367-5693 between 7:00 a.m. and 8:00 p.m. EST, Monday to Friday.

## Work Permits

For work permit issues, refer to the template provided to your local agricultural association to help you provide info that will help your case.

To make enquiries on behalf of a foreign worker regarding their work permits, the worker must fill out an "Authority to Release Personal Information to a Designated Individual" (IMM 5475).

[This form can be found here](https://bit.ly/2TY1q31) (<https://bit.ly/2TY1q31>).

Once the authorization is established, the employer can make case-specific enquiries via the [IRCC Webform](#) (<https://bit.ly/2CYMzvF>) for in-Canada applications or write to the [Visa Office](#) (<https://bit.ly/2AZtGWe>) for overseas applications.

## Immigration, Refugee and Citizenship Canada Liaison Service

For questions regarding farm employee immigration and work permits employers and employees can contact:

Domestic Network, Immigration, Refugees and Citizenship Canada Outreach Officers at [IRCC.DNEngagement-SensibilisationRN.IRCC@cic.gc.ca](mailto:IRCC.DNEngagement-SensibilisationRN.IRCC@cic.gc.ca)

## Agricultural Associations Supporting Farmers on Ag Labour

The following organizations are partners in QAMP. If you live in BC, Ontario & Atlantic, or Quebec please refer to their website, contact information and additional guides for important information. These associations that support job matching and recruitment are very helpful; some charge a minimal fee per application.

Partnered with the QAMP are special foreign farm worker recruitment services provided by:

- WALI for BC: [www.walicanada.ca](http://www.walicanada.ca)
- F.A.R.M.S. for Ontario and Atlantic: [www.farmsontario.ca](http://www.farmsontario.ca)
- FERMES for Quebec: [www.fermequebec.ca](http://www.fermequebec.ca)

Other Partners in Quality AgriWorkforce Management Program: International Phase:

- [Canadian Federation of Agriculture \(CFA\)](http://cfa-fca.ca) (cfa-fca.ca)
- [Canadian Horticultural Council \(CHC\)](http://hortcouncil.ca) (hortcouncil.ca)
- [Ontario Fruit and Vegetable Growers' Association \(OFVGA\)](http://ofvga.org) (ofvga.org)
- [Canadian Cattlemen's Association \(CCA\)](http://cattle.ca) (cattle.ca)
- [Alberta Cattle Feeders Association \(ACFA\)](http://cattlefeeders.ca) (cattlefeeders.ca)
- [Alberta Pork \(AP\)](http://albertapork.com) (albertapork.com)
- [Ontario Pork Industry Council \(OPIC\)](http://opic.on.ca) (opic.on.ca)
- [Ontario Pork \(OP\)](http://ontariopork.on.ca) (ontariopork.on.ca)
- [Mushrooms Canada \(MC\)](http://mushrooms.ca) (mushrooms.ca)

## Consulates Primary Agriculture Stream: SAWP & Agricultural Stream to Support Your Farm Workers



Home countries for the farm workers participating in the SAWP and Agricultural Stream offer various support services for nationals from their respective countries. In an emergency, the consulate should be the first point of contact following the hospital (more information is about these rule is in your SAWP or Ag Stream contract). Consulates offer support services that help connect workers to the provincial Workers' Compensation process, coordinate services such as private health care insurance for workers, and contact the family in case of emergency. Some consulates also offer orientation training for farm workers before they arrive in Canada and regular or periodic farm site visits in some provinces.

### Contacts for Consular Services: Seasonal Agriculture Worker Program

Foreign workers hired through this stream must be citizens of Mexico or participating Caribbean countries that include: Barbados; Jamaica; Mexico; Trinidad and Tobago; OECS (Organization of the Eastern Caribbean States) which includes: Antigua and Barbuda; Dominica; Grenada; Montserrat; St. Kitts-Nevis; St. Lucia; St. Vincent and the Grenadines.

### SAWP Contract Direction to Farm Employer re Healthcare and Workplace Safety:

- [SAWP Caribbean Contract Agreement](#): “To be responsible for transportation to and from a hospital or clinic whenever the worker needs medical attention. The Government Agent will work in partnership with the employer to ensure proper medical attention is provided to the WORKER in a timely fashion.”
- [SAWP Mexican Contract Agreement](#): “With respect to work-related injuries, the EMPLOYER shall take the WORKER (if required) to the closest hospital or clinic, or the EMPLOYER shall pay for such transportation if he is unable to take the worker to receive medical attention.

Country	Contact Name	Consulate Location and Mailing Address	Consulate Email	Phone
Barbados <a href="https://www.foreign.gov.bb">https://www.foreign.gov.bb</a>	Joanna Benn-Griffith - First Secretary	Barbados High Commission 55 Metcalfe St #470, Ottawa, ON K1P 6L5	<a href="mailto:ottawa@foreign.gov.bb">ottawa@foreign.gov.bb</a>	613-236- 9517
Jamaica <a href="http://www.jhcotta.wa.ca/contact-us.html">http://www.jhcotta.wa.ca/contact-us.html</a>		Jamaican High Commission – Ottawa 350 Sparks Street, Suite 910, Ottawa, ON, K1R 7S8		

## CONTACT INFORMATION: WHO YOU NEED TO KNOW

	Carlton G. Anderson, Chief Liaison Officer	Jamaican Liaison Service for Canada  200-230 Sheppard Avenue West  North York, ON, M2N 1N1	<a href="mailto:canderson@jamliser.com">canderson@jamliser.com</a> ; <a href="mailto:jamliser@bellnet.ca">jamliser@bellnet.ca</a>	416-733-4359  Fax 416-733-4260
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Organisation of Eastern Caribbean States  <a href="https://www.oecs.org/">https://www.oecs.org/</a>	Charmaine Williams, Assist Liaison Officer	Eastern Caribbean Liaison Service 303-1 Concorde Gate Toronto, ON, M3C 3N6	<a href="mailto:Charmaine.williams@oecs.int">Charmaine.williams@oecs.int</a>	416 523-4662 (cell)
Mexico  <a href="https://embamex.sre.gob.mx/canada">https://embamex.sre.gob.mx/canada</a>	Juan Gabriel Morales, Head of the Consular Section	<u>Mexico – Ottawa Office</u>  Head of the Consular Section  1000-45 O’Connor St. Ottawa, Ontario, K1P 1A4	<a href="mailto:jmorales@sre.gob.mx">jmorales@sre.gob.mx</a>	613-233-6665
	Ana Melissa Sánchez, Assistant to the Consular Section	<u>Mexico – Ottawa Office</u> 1000-45 O’Connor St. Ottawa, Ontario, K1P 1A4	<a href="mailto:aconsularacan@sre.gob.mx">aconsularacan@sre.gob.mx</a>	613-787-5177
	Alberto Bernal, SAWP Consul	Mexico – Leamington Office (for ON) Consulate of Mexico in Leamington 350 Highway 77, Leamington, ON, N8H 3V5	<a href="mailto:alejando.fernandez@cmexlea.ca">alejando.fernandez@cmexlea.ca</a> ; <a href="mailto:myriam.soto@cmexlea.ca">myriam.soto@cmexlea.ca</a>	519-325-1460 866-657-6635  Emergency Number: 519-324-1481 (available 24/7 for emergencies)  1-866-657-6635 (for exclusive use only by Mexican workers)
	Alejandro Noriega, SAWP Coordinator	Mexico – Leamington Office (for ON) Consulate of Mexico in Leamington 350 Highway 77, Leamington, ON, N8H 3V5	<a href="mailto:anoriega@sre.gob.mx">anoriega@sre.gob.mx</a>	519-325-1460 866-657-6635  Emergency: 519-324-1481 (available 24/7 for emergencies) 1-866-657-6635 (for exclusive use only by Mexican workers)

CONTACT INFORMATION: WHO YOU NEED TO KNOW

	Carlos Omar Matías Herrera, SAWP Consul	Mexico - Toronto Office (for ON) Consulate General of México in Toronto 11 King St W #350, Toronto, ON M5H 4C7	<a href="mailto:cherrera@sre.gob.mx">cherrera@sre.gob.mx</a>	416-368-2875
	Adriana Villanueva, SAWP Coordinator	Mexico - Montreal Office (for QC) Consulate General of México in Montreal Peel 2055, piso 10, Montreal, Quebec, H3A 1V4	<a href="mailto:avillanueva@sre.gob.mx">avillanueva@sre.gob.mx</a>	514 288-2502, ext. 243
	Hugo Velázquez Vázquez, SAWP Coordinator	<u>Mexico - Vancouver Office (for BC)</u> Consulate General of Mexico in Vancouver 411 – 1177 West Hastings Street Vancouver, BC, V6E 2K3	<a href="mailto:hvelazquezv@sre.gob.mx">hvelazquezv@sre.gob.mx</a>	604-684-1859
	Jesús Cano, SAWP Coordinator	<u>Mexico - Calgary Office (for AB)</u> Consulate General of Mexico in Vancouver 411 – 1177 West Hastings Street Vancouver, BC, V6E 2K3	<a href="mailto:icano@sre.gob.mx">icano@sre.gob.mx</a>	403-264-1259, ext. 26
Republic of Trinidad and Tobago <a href="https://foreign.gov.tt/missions-consuls/tt-missions-abroad/diplomatic-missions/high-commission-ottawa-canada/">https://foreign.gov.tt/missions-consuls/tt-missions-abroad/diplomatic-missions/high-commission-ottawa-canada/</a>	Liana Sukhbir, First Secretary,	High Commission for the Republic of Trinidad and Tobago 200 First Ave, Ottawa, ON K1S 2G6	<a href="mailto:hcottawa@foreign.gov.tt">hcottawa@foreign.gov.tt</a>	613-232-2418

\*Download this information as a printable PDF.

## Contacts for Consular Services: Agricultural Stream



Farm employers using this stream can use it to fulfil seasonal and year-round agricultural employment requirements that can include contracts up to 2 years (24 months). It does not include any country specific criteria.

### [Agricultural Stream Contract Direction to Farm Employer re Healthcare and Safety:](#)

- “Healthcare Insurance: 7.1 The employer agrees to arrange and pay for the temporary foreign worker’s private health insurance at no cost to the temporary foreign worker. The coverage will begin from the time the TFW arrives in Canada until the temporary foreign worker is covered by the appropriate provincial/territorial health insurance plan. The private insurance provided to the temporary foreign worker will be equivalent to the insurance plan.”
- “Workplace Safety: 8.1.1 The employer agrees to arrange, and pay for, the temporary foreign worker’s workplace safety insurance coverage from the provincial/territorial workplace safety insurance provider (e.g. Workers Compensation Board, or equivalent), where required by law; 8.1.2 the employer agrees to arrange, and pay for, the temporary foreign worker’s workplace safety insurance coverage from a private insurance provider. The coverage provided by the employer to the temporary foreign worker will provide the same or better coverage as that offered by the province or territory and all employees on the worksite will be covered by the same provider. The coverage provided to the temporary foreign worker from a private workplace safety insurance provider must be acceptable under provincial/territorial regulations and must correspond to the temporary foreign worker’s first day of work in Canada. NOTE: the employer agrees not to recover the cost related to workplace safety from the wages of the temporary foreign worker.”

Country	Contact Name	Consulate Location and Mailing Address	Consulate Email	Phone
Organisation of Eastern Caribbean States <a href="https://www.oecs.org/">https://www.oecs.org/</a>	Charmaine Williams, Assist Liaison Officer	Eastern Caribbean Liaison Service 303-1 Concorde Gate Toronto, ON, M3C 3N6	<a href="mailto:Charmaine.williams@oecs.int">Charmaine.williams@oecs.int</a>	416 523-4662 (cell)
Guatemala <a href="http://www.canada.minex.gob.gt">www.canada.minex.gob.gt</a>	Allan Perez	Embassy of Guatemala 130 Albert Street, Ste 1010 Ottawa, ON, K1P 5G4	<a href="mailto:consular@embaguate-canada.com">consular@embaguate-canada.com</a>	613-233-7188
Honduras <a href="http://www.embassyhonduras.ca/">http://www.embassyhonduras.ca/</a>	Tania Casco	Head of Consular Office Embassy of Honduras Consulado Honduras Ottawa 130 Albert Street, Suite 805, Ottawa, ON, K1P 1B1	<a href="mailto:consuladohondurasottawa@gmail.com">consuladohondurasottawa@gmail.com</a>	613-233-8900

## CONTACT INFORMATION: WHO YOU NEED TO KNOW

Philippines <a href="http://ottawape.dfa.gov.ph/">http://ottawape.dfa.gov.ph/</a>	Mr. Alan L. Deniega Consul General	Philippine Embassy Ottawa Office 30 Murray St., Ottawa ON K1N 5M4	<a href="mailto:ottawa.pe@dfa.gov.ph">ottawa.pe@dfa.gov.ph</a>	613-233-1121 613-613-2846 (emergencies only)
Philippines	Ms. Margarita Fabon-Victorino Labour Attaché	Philippine Overseas Labour Office (POLO) – Vancouver 601-999 Canada Place Vancouver BC V6C 3E1	<a href="mailto:polo.vancouver@yahoo.ca">polo.vancouver@yahoo.ca</a>	604-641-1234 604-767-3354 (hotline)
Philippines	Ms. Rachel Zozobrado-Lagayo Labour Attaché	Philippine Overseas Labour Office (POLO) – Toronto 200-160 Eglinton Avenue East Toronto ON M4P 3B5	<a href="mailto:polortr@bellnet.ca">polortr@bellnet.ca</a> <a href="mailto:polotoronto.2019@gmail.com">polotoronto.2019@gmail.com</a>	416-975-8252 647-992-7656 (hotline)

### Contacts for Consular Services: Interested in Participating in Agricultural Stream

Country	Contact Name	Consulate Location and Mailing Address	Consulate Email	Phone
Nepal <a href="https://ca.nepalembassy.gov.np/">https://ca.nepalembassy.gov.np/</a>	<a href="#">Prakash Adhikari</a>	<a href="#">Embassy of Nepal</a> <a href="#">408 Queen Street</a> <a href="#">Ottawa, ON, K1R 5A7</a>	<a href="mailto:nepalembassy@rogers.com">nepalembassy@rogers.com</a>	613- 680-5513
Dominican Republic <a href="http://www.dominicanembassycanada.gob.do/index.php/en/">http://www.dominicanembassycanada.gob.do/index.php/en/</a>	Erika Álvarez Wendy Goico	Embassy of the Dominican Republic  130 Albert, Suite 1605 Ottawa, ON, K1P 5G4	<a href="mailto:ealvarez@drembassy.org">ealvarez@drembassy.org</a>  <a href="mailto:wgoico@drembassy.org">wgoico@drembassy.org</a>	613-569-9893  X2123 X2130

\*Download this information as a printable PDF.

Provincial Contacts



British Columbia	Alberta	Saskatchewan
Manitoba	Ontario	Quebec
Nova Scotia	New Brunswick	Prince Edward Island
Newfoundland and Labrador		

The resources in this section include contacts for the provincial organizations that can help you arrange essential documentation and support for foreign workers, including social insurance numbers, workers compensation, healthcare, provincial nominee programs, and more.

Pay careful attention to any provincial TFW registries or rules, which will impact your LMIA application and recruitment and employment of foreign workers.

## British Columbia

Employer Obligation		Important Information	Farm Exemptions & Contacts
1)	Provincial TFW Registry and Rules	British Columbia: TFWP Protection Act in force, regulations are being developed.  <a href="#">Foreign worker rights in BC</a>	
2)	Social Insurance Numbers	<a href="#">Find a Service Canada office in BC</a>	
3)	TFWP Housing	<a href="#">Mandatory BC Housing Guidelines and Inspection Form</a>	<a href="#">Mandatory Approved Home Inspector List</a>
4)	Healthcare	<a href="#">How to apply for BC healthcare</a>	Health Insurance BC toll free: 1-800-663-7100
5)	Workers' Compensation	<a href="#">WorkSafe BC website</a>	
6)	Occupational Health and Safety (OHS) and Farm Safety	1-800-563-5471 <a href="#">BC Workplace Occupational Health and Safety Regulation</a>	Ag Safe toll free: 1-877-533-1789 <a href="#">Ag Safe BC website</a>
7)	Employment Standards and Primary Agriculture Exemptions	<a href="#">BC Employment Standards</a>	1-800-663-3316  BC Employment Standards Primary Ag Exemptions: <a href="#">BC Farm Workers Fact Sheet</a>
8)	Immigration Options Provincial Nominee Program + Other Options	<a href="#">British Columbia Provincial Nominee Program</a> Criteria BCPNP <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage</li> <li>• National Occupation Classification Code: NOC B; NOC C or D occupation, at a wage that meets industry standards</li> <li>• LMIA Requirement: No LMIA</li> <li>• Language Level: CLB 4</li> <li>• Experience: 2 years exp – anywhere</li> </ul>	<a href="mailto:PNPInfo@gov.bc.ca">PNPInfo@gov.bc.ca</a>

## Alberta

Employer Obligation		Important Information	Farm Exemptions & Contacts
1)	Provincial TFW Registry and Rules	N/A	<b>N/A</b>
2)	Social Insurance Numbers	<a href="#">Find a Service Canada office in Alberta</a>	
3)	TFWP Housing	<p>Federal TFWP Inspection Form for SAWP + Agricultural Stream</p> <p><a href="#">Schedule F – Housing inspection report seasonal agricultural worker program and agricultural stream</a></p> <p>+AB Housing Guidelines: <a href="#">Alberta Health Services</a></p>	<p><b>Find out who your local TFWP housing inspection authority is in your area and write it here.</b></p> <p>Inspections must be conducted by an Alberta Health inspector or private inspect with a Certified Master Inspector (CMI) designation or a Registered Home Inspector (RHI) designation.</p> <p><b>Find a</b> list of licenced, private inspectors at <a href="#">Certified Master Inspectors</a> or <a href="#">Canadian Association of Home and Property Inspectors</a>.</p>
4)	Healthcare	<p><a href="#">Alberta Health Care Insurance Plan (AHCIP) eligibility requirements</a></p> <p><a href="#">Health care coverage for temporary residents</a></p> <p><a href="#">Forms</a> for AHCIP and Blue Cross</p>	AHCIP: 780-427-1432
5)	Workers' Compensation	<a href="#">Workers' Compensation Board Alberta website</a>	Alberta Workers' Compensation toll free: 1-866-922-9221
6)	Occupational Health and Safety (OHS) and & Farm Safety	<p>1-866-415-8690</p> <p><a href="#">Alberta OHS laws</a></p> <p><a href="#">Albert farm and ranch workplace legislation</a></p>	<p>Alberta OHS: 1-866-415-8690</p> <p><a href="#">Ag Safe Alberta website</a></p>
7)	Employment Standards and Primary Agriculture Exemptions	<p><a href="#">Alberta Employment Standards</a></p> <p><b>1.1.1.1.1</b></p>	<p>1-877-427-3731</p> <p>AB Employment Standards Primary Ag Exemptions:<a href="#">Farm and ranch employment standards exceptions</a></p>

## CONTACT INFORMATION: WHO YOU NEED TO KNOW

8)	<p>Immigration Options Provincial Nominee Program + Other Options</p>	<p><a href="#">Alberta Immigration Nominee Program</a> AINP- Alberta Opportunity Stream Criteria:</p> <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage</li> <li>• National Occupation Classification Code: NOC C,D B at a wage that meets industry standards</li> <li>• LMIA Requirement: LMIA Needed</li> <li>• Language Level: CLB 4 for NOC C/ D and CLB 5 For B</li> <li>• Experience : 12 months exp in Alberta or 24 months in past 30 months in NOC anywhere</li> </ul> <p>1.1.1.1.2</p>	<p>Government of Alberta toll free: 310-0000 (in Alberta)</p> <p>Service Alberta (outside of Alberta: 780-427-2711)</p>
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## Saskatchewan

Employer Obligation	Important Information	Farm Exemptions & Contacts
1) Provincial TFW Registry and Rules	Before you can hire a foreign worker in Saskatchewan, you must <a href="#">register with the Ministry of Labour Relations (LRWS) and obtain a Certificate of Registration with the Foreign Worker Recruitment and Immigration Services Act (FWRISA)</a>	
2) Social Insurance Numbers	<a href="#">Find a Service Canada office in Saskatchewan</a>	
3) TFWP Housing	<p>Federal TFWP Inspection Form for SAWP + Agricultural Stream</p> <p><a href="#">Schedule F – Housing inspection report seasonal agricultural worker program and agricultural stream</a></p> <p>+SK Housing Guidelines: Mandatory TFWP Requirement: Request a letter from Service Canada for the inspection to be performed by the regional offices of Sask Health; The Employer will forward the letter to Sask Health and must apply with sufficient time to accommodate the timeframes for obtaining an inspection. (Sask Health can usually complete inspections within 30 days).</p>	<p><b>Saskatchewan farm employers using SAWP or the agriculture stream must use an inspector from the <a href="#">Saskatchewan Public Health Inspectors List</a></b></p>
4) Healthcare	<a href="#">Eligibility requirements for health benefits</a>	<p>eHealth Saskatchewan toll free: 1-800-667-7551</p> <p><a href="#">Find the Saskatchewan Healthcare Form online</a></p>
5) Workers' Compensation	<a href="#">Saskatchewan Workers' Compensation Board website</a>	<p>Saskatchewan Workers' Compensation: 306-787-4370 <a href="mailto:employerservices@wcbask.com">employerservices@wcbask.com</a></p> <p>FAQs about Workers' Compensation <a href="#">coverage for farming and ranching</a> operations in Saskatchewan</p>

## CONTACT INFORMATION: WHO YOU NEED TO KNOW

6)	Occupational Health and Safety (OHS) and Farm Safety	<p>Saskatchewan OHS toll free: 1-800-567-7233</p> <p><a href="#">Information on safety in the workplace</a></p>	<p>Saskatchewan Agricultural Health and Safety Network website</p> <p><a href="#">Information on farm safety for Saskatchewan farms</a></p>
7)	Employment Standards and Primary Agriculture Exemptions	<p><a href="#">Employment Standard</a></p>	<p>1-800-667-1783</p> <p>SK Employment Standards Primary Ag Exemptions: <a href="#">Primary Ag Exemption (clarification on those not receiving exemption and Employment Standards authority on farms and ranches)</a></p>
8)	Immigration Options Provincial Nominee Program + Other Options	<p><a href="#">Saskatchewan Immigration Nominee Program</a></p> <p>Saskatchewan Immigration Nominee Program: The Skilled Worker Stream                      NOC B no LMIA is needed. NOC C General Farm Worker Semi-Skilled LMIA Required.                      Criteria:</p> <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage</li> <li>• National Occupation Classification Code: NOC B / NOC C</li> <li>• LMIA Requirement: NOC B NO LMIA Needed/ NOC C LMIA Required</li> <li>• Language Level: CLB Level 4 for NOC B and C</li> <li>• Experience : NOC B Have at least one-year work experience in the past ten years in your intended occupation</li> </ul> <p>NOC C: Have worked for more than six months for the employer offering you the job, with a valid work permit ( program is called Semi Skilled Agriculture Worker With Existing WP)</p>	<p>immigration@gov.sk.ca</p>

## Manitoba

Employer Obligation	Important Information	Farm Exemptions & Contacts
1) Provincial TFW Registry and Rules	<a href="#">Workplace Recruitment and Protection Act (WRPA)</a>	
2) Social Insurance Numbers	<a href="#">Find a Service Canada office in Manitoba</a>	
3) TFWP Housing	<p>Federal TFWP Inspection Form for SAWP + Agricultural Stream</p> <p><a href="#">Schedule F – Housing inspection report seasonal agricultural worker program and agricultural stream</a></p> <p>+ MB Housing Guidelines Contact:  <b>Office of the Fire Commissioner</b> →            For Manitoba housing guidelines or to book a housing inspection, contact the <b>Office of the Fire Commissioner</b></p>	<p><b>Office 1 of the Fire Commissioner</b>            508-401 York Avenue            Winnipeg MB R3C 0P8            204-945-3322            Fax: 204-948-2089            1-800-282-8069  <a href="mailto:firecomm@gov.mb.ca">firecomm@gov.mb.ca</a></p> <p><b>Office 2 of the Fire Commissioner</b>  <b>MB Emergency Services College</b>            1601 VanHorne Avenue East            Brandon MB R7A 7K2            204-726-6855            Fax: 204-726-6847            1-888-253-1488</p>
4) Healthcare	<p><a href="#">Information for foreign nationals working in Manitoba temporarily</a></p> <p>1.1.1.1.2.1  <a href="#">Questions and answers about Manitoba healthcare coverage</a></p>	<a href="#">Online Manitoba Health Card registration</a>
5) Workers' Compensation	<a href="#">Manitoba Workers' Compensation Board website</a>	1-800-362-3340
6) Occupational Health and Safety (OHS) and Farm Safety	<p>Manitoba OHS: 204-957-SAFE (7233)            Toll-free: 1-855-957-SAFE (7233)            204-697-1140</p> <p><a href="#">Manitoba Workplace Health and Safety Legislation</a></p>	<a href="#">Manitoba Farm Safety Program website</a>
7) Employment Standards and Primary Agriculture Exemptions	<a href="#">Manitoba Employment Standards</a>	<p>Manitoba Employment Standards toll free: 1-800-821-4307</p> <p>MB Employment Standards Primary Ag Exemptions: <a href="#">Manitoba Employment Standards for Agriculture</a></p>

CONTACT INFORMATION: WHO YOU NEED TO KNOW

8)	<p>Immigration Options Provincial Nominee Program + Other Options</p>	<p><a href="#">Manitoba Employer Direct Recruitment - Manitoba Provincial Nominee Program</a></p> <p>Manitoba Employer Direct Recruitment- Through Manitoba Provincial Nominee Program: Criteria:</p> <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage</li> <li>• National Occupation Classification Code: NOC C and D</li> <li>• LMIA Requirement: NO LMIA – Must prove labour shortage</li> <li>• Language Level: CLB level 4</li> <li>• Experience : 3 yrs exp in last 5 yrs in related field and have worked 6 months in current job</li> </ul> <p>Great pathway for AG workers, and even incorporates Harvesting Labourers NOC General Farm Worker 8611.</p> <p>Manitoba Federal Skilled Worker- Through Manitoba Provincial Nominee Program Criteria:</p> <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage</li> <li>• National Occupation Classification Code: NOC 0, A or B</li> <li>• LMIA Requirement: NO LMIA</li> <li>• Language Level: CLB level 7</li> <li>• Experience : 1 full year experience in Canada</li> </ul>	<p>immigratemanitoba@gov.mb.ca</p>
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## Ontario

Employer Obligation	Important Information	Farm Exemptions & Contacts
1) Provincial TFW Registry and Rules	<a href="#">Agricultural Employees Protection Act</a>  <a href="#">Ontario Labour Ministry Brochure re TFW rights</a>	
2) Social Insurance Numbers	<a href="#">Find a Service Canada office in Ontario</a>	
3) TFWP Housing	Federal TFWP Inspection Form for SAWP + Agricultural Stream  <a href="#">Schedule F – Housing inspection report seasonal agricultural worker program and agricultural stream</a>  +Housing Guidelines on F.A.R.M.S. website: <a href="#">Housing guidelines</a>	<b>Find out who your local TFWP housing inspection authority is in your area and write it here.</b>  <b>Book Your Inspection:</b> Contact Your Municipal Health Authority <a href="http://www.health.gov.on.ca/en/public/programs/">http://www.health.gov.on.ca/en/public/programs/</a>
4) Healthcare	<a href="#">F.A.R.M.S. Healthcare Tips</a>  <a href="#">Information about temporary foreign workers and OHIP</a>	Ministry of Health (toll free in Ontario): 1-866-532-3161  <a href="#">Download an Ontario healthcare form online</a>
5) Workers' Compensation		WSIB toll free: 1-800-387-5540  <a href="#">WSIB Ontario website</a>
6) Occupational Health and Safety (OHS) and Farm safety	Ontario Ministry of Labour toll free: 1-877-202-0008  <a href="#">Ministry of Labour health and safety information</a>	<a href="#">Occupational Health and Safety Guidelines for Farming Operations in Ontario</a>
7) Employment Standards and Primary Agriculture Exemptions	<a href="#">Ministry of Labour Employment Standards information</a>	1-800-531-5551  ON Employment Standards Primary Ag Exemptions: <a href="#">Ontario primary agriculture exemptions</a>
8) Immigration Options Provincial Nominee Program + Other Options	<a href="#">Ontario Immigration Nominee Program</a> In Demand Stream Criteria: <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage</li> <li>• National Occupation Classification Code: NOC C</li> <li>• LMIA Requirement: LMIA Required</li> </ul>	<a href="mailto:ontarionominee@ontario.ca">ontarionominee@ontario.ca</a>

## CONTACT INFORMATION: WHO YOU NEED TO KNOW

	<ul style="list-style-type: none"><li>• Language Level: CLB level 4</li><li>• Experience : 1 full year experience in Canada</li></ul> <p>TFW Job Offer Stream Criteria:</p> <ul style="list-style-type: none"><li>• Employment: Written offer of employment with industry standard wage</li><li>• National Occupation Classification Code: NOC B</li><li>• LMIA Requirement: LMIA Required</li><li>• Language Level: Not required</li><li>• Experience : 2 full year experience anywhere within the last 5 yrs within the NOC</li></ul> <p>In Demand is accessible for NOC C with the support of an LMIA, while the Job Offer Stream is for NOC B and also supported by an LMIA</p>	
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## Quebec

Employer Obligation	Important information	Contact Info
1) Provincial TFW Registry and Rules	<p>Consult the information about the <a href="#">recruitment of agricultural workers</a> provided in by the ministère de l'immigration, de la Diversité et de l'Inclusion</p> <p><a href="#">Agricultural workers' rights resources</a></p>	N/A
1.1. Social Insurance Numbers	<p><a href="#">Find a Service Canada Office in Quebec</a></p>	
3) TFWP Housing	<p>Federal TFWP Inspection Form for SAWP + Agricultural Stream</p> <p><a href="#">Schedule F – Housing inspection report seasonal agricultural worker program and agricultural stream</a></p> <p>Employers who use FERME use the services of the firm INSPEC-THOR. Inspector have created their own form, which includes all the information included in SCHEDULE F. The inspector fills the form on their Ipad and the print out looks similar to the SCHEDULE F.</p>	<p>INSPEC-THOR Inspection de logements 3048, rue Labelle Vaudreuil-Dorion (Québec) J7V 8H8</p> <p>Personne ressource: Serge Dubé : 514 617-8467</p> <p><a href="#">INSPEC-THOR website</a></p>
4) Healthcare	<p>The farm worker is protected by the RAMQ as soon as they arrive in Quebec. However, to avoid payment problems if medical care is required before the worker receives their card, it is necessary to proceed with pre-registration of the worker. The <a href="#">RAMQ registration form is available online</a>.</p> <p>Farm employer needs to provide documents including a copy of the document entitled Labour Market Impact Assessment (LMIA).</p>	

## CONTACT INFORMATION: WHO YOU NEED TO KNOW

5)	Workers' Compensation	NOTE: In Quebec, Workers' Compensation, OHS, and Employment Standards are under one Ministry: CNESST	1-844-838-0808  <a href="#">CNESST website</a>  <a href="#">Find a regional office near you</a>
6)	Occupational Health and Safety (CSST) and Farm Safety	<a href="tel:1-844-838-0808">1-844-838-0808</a>	CSST toll free: <a href="tel:1-877-644-4545">1-877 644-4545</a>  450-679-0540 ext. 8536  <a href="#">Farm safety resources from the Quebec Farmers Association (QFA)</a>
7)	Employment Standards and Primary Agriculture Exemptions (CNT)	1-800-265-1414	CNESST: 1-844-838-0808  <a href="#">Quebec Employment Standards Primary Ag Exemptions</a>
8)	Quebec Experience Stream	<p>Quebec Experience Stream- Temporary Foreign Worker</p> <ul style="list-style-type: none"> <li>• Intend to settle in Québec to hold a job</li> <li>• Have stayed temporarily in Québec for the primary purpose of working there and have respected the conditions of your stay</li> <li>• Be legally in Québec as a temporary foreign worker or under a youth exchange program (e.g., through a Working Holiday, Young Professionals or International Co-op Internship permit)</li> <li>• Have been employed full-time for at least 12 of the 24 months preceding the submission of your application</li> <li>• Demonstrate advanced intermediate knowledge of oral French</li> <li>• Undertake to provide for your basic needs and, if applicable, those of your spouse or de facto spouse and dependent children included in your application for a Certificat de sélection du Québec, for a minimum period of three months</li> <li>• Be at least 18 years old and hold a valid passport</li> </ul>	Montréal area: 514 864-9191  Québec (toll free): 1 877 864-9191  <a href="#">Immigration, Diversite et Inclusion Quebec website</a>

## Nova Scotia

Employer Obligation	Important Information	Farm Exemptions & Contacts
1) Provincial TFW Registry and Rules	<a href="#">Foreign Workers: Nov Scotia Employer Registration Fact Sheet</a>	
2) Social Insurance Numbers	<a href="#">Find a Service Canada office in Nova Scotia</a>	
3) TFWP Housing	<p>Federal TFWP Inspection Form for SAWP + Agricultural Stream</p> <p><a href="#">Schedule F – Housing inspection report seasonal agricultural worker program and agricultural stream</a></p> <p>+ <a href="#">NS Housing Guidelines</a></p> <p>+ <a href="#">NS Municipal Form Available from the Municipal Counties</a></p>	<p><b>Find out who your local TFWP housing inspection authority is in your area and write it here.</b></p> <p><b>Book Your Inspection:</b> Find a NS TFWP Home Inspector. Municipal County Inspections - Municipality of the County of Kings, Annapolis etc.:</p> <p><a href="http://www.countyofkings.ca/residents/services/permits/inspect.aspx">http://www.countyofkings.ca/residents/services/permits/inspect.aspx</a></p> <p>Need Engineer for Schedule F Inspection – 2 or 3 Private Firms provide in NS</p>
4) Healthcare	<p><a href="#">MSI eligibility information</a></p> <p><a href="#">Healthcare information for temporary foreign workers</a></p> <p><u>Private coverage coordinated by consulate liaison services.</u> For example, Jamaican liaison service supports workers’ providing Cowan Insurance cards that cover <u>prescriptions dental and medical.</u></p> <p>To be eligible for Nova Scotia Medical Services Insurance (MSI) benefits, you must have a valid work permit for a minimum of one full year (from the date of your arrival).</p>	To order an application form, call MSI toll-free within Nova Scotia at 1-800-563-8880

## CONTACT INFORMATION: WHO YOU NEED TO KNOW

5)	Workers' Compensation	<a href="#">Nova Scotia Workers' Compensation Board website</a>	<p>Workers' Compensation toll free: 1-800-870-3331 (mainland NS)</p> <p>Workers' Compensation toll free: 1-800-880-0003 (Sydney)</p>
6)	Occupational Health and Safety (OHS) and Farm Safety	<p>1-800-952-2687</p> <p><a href="#">Nova Scotia health and safety resources</a></p>	<p>OHS contact : 902-893-5649</p> <p><a href="#">Farm Safety Resource Kit for Nova Scotia farmers</a></p> <p><a href="#">Farm Safety on-farm inspection initiative</a></p>
7)	Employment Standards and Primary Agriculture Exemptions	<a href="#">Employment rights in Nova Scotia</a>	<p>1-888-315-0110</p> <p>NS Employment Standards Primary Ag Exemptions: <a href="#">Labour Standards Code for farm workers</a></p>
8)	Immigration Options Provincial Nominee Program + Other Options	<p><a href="#">Atlantic Immigration Pilot</a> Atlantic Immigration Pilot Criteria:</p> <p>Employer:</p> <ul style="list-style-type: none"> <li>• Must be designated by the province</li> <li>• LMIA Requirement: NO</li> </ul> <p>Employee:</p> <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage</li> <li>• National Occupation Classification Code: NOC B and C</li> <li>• Language Level: CLB 4</li> <li>• Experience: 1560 hrs of work in last 3yrs in related field.</li> </ul> <p><a href="#">Nova Scotia Nominee Program Criteria:</a></p> <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage</li> <li>• National Occupation Classification Code: NOC- 0,A,B,C and D</li> <li>• LMIA Requirement: Yes LMIA</li> <li>• Language Level: NOC 0 A-B needs CLB 5 and NOC C and D needs CLB level 4</li> <li>• Experience :NOC C and D 6 months experience in Nova Scotia and NOC 0-B 12 months within the last 5 yrs</li> </ul>	<p><a href="#">Atlantic Immigration Pilot</a>: 1-888-242-2100</p> <p><a href="mailto:nsnp@novascotia.ca">nsnp@novascotia.ca</a></p> <p><b>1.1.1.1.3</b></p>

## New Brunswick

Employer Obligation		Important Information	Farm Exemptions & Contacts
1)	Provincial TFW Registry and Rules	<a href="#">New Brunswick Registry of Employers of Foreign Workers</a>	
2)	Social Insurance Numbers	<a href="#">Find a Service Canada office in New Brunswick</a>	
3)	TFWP Housing	Federal TFWP Inspection Form for SAWP + Agricultural Stream  <a href="#">Schedule F – Housing inspection report seasonal agricultural worker program and agricultural stream</a>  + <a href="#">NB Housing Guidelines</a>	<b>Office of the Fire Marshal:</b> 506-453-2004
4)	Healthcare	<a href="#">New Brunswick Medicare eligibility</a>  <a href="#">New Brunswick Medicare and Drug Plans</a>	
5)	Workers' Compensation	<a href="#">Workers' Compensation: A Guide for New Brunswick Employers</a>	Workers' Compensation toll free: 1-800-222-9775
6)	Occupational Health and Safety (OHS) and Farm Safety	WorkSafe New Brunswick toll free: 1 800 222-9775 <a href="#">New Brunswick Occupational Health and Safety Policy</a>  <a href="#">New Brunswick Worksafe Acts and Regulation</a>  <a href="#">New Brunswick Workplace Safety &amp; Prevention Services Farm Safety Gazette</a>	<a href="#">New Brunswick Worksafe website</a>
7)	Employment Standards and Primary Agriculture Exemptions	<a href="#">New Brunswick Employment Standards</a>  <a href="#">New Brunswick employment standards and regulations</a>	1-888-452-2687  <a href="#">New Brunswick Employment Standards Primary Ag Exemptions</a>

CONTACT INFORMATION: WHO YOU NEED TO KNOW

<p>8)</p>	<p>Immigration Options Provincial Nominee Program + Other Options</p>	<p><a href="#">Atlantic Immigration Pilot</a></p> <p>Atlantic Immigration Pilot Criteria: Employer:</p> <ul style="list-style-type: none"> <li>• Must be designated by the province</li> <li>• LMIA Requirement: NO</li> </ul> <p>Employee: Employment: Written offer of employment with industry standard wage</p> <ul style="list-style-type: none"> <li>• National Occupation Classification Code: NOC B and C</li> <li>• Language Level: CLB 4</li> <li>• Experience : 1560 hrs of work in last 3yrs in related field.</li> </ul> <p><a href="#">New Brunswick Immigration Nominee Program</a></p> <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage</li> <li>• National Occupation Classification Code: Skill levels O, A, B ☐ Skill level C, Skill type 1, 3, 7, 8, 9 ☐ Skill level D, Skill type 1, 3, 7, 8, 9</li> <li>• LMIA Requirement: either is acceptable – points based</li> <li>• Language Level: CLB 4</li> <li>• Experience : points based on yrs of exp in the NOC and NOC C and D must have 1 yr exp in the province.</li> </ul>	<p>Atlantic Immigration Pilot: 1-888-242-210</p> <p>New Brunswick Immigration Nominee Program: <a href="mailto:immigration@gnb.ca">immigration@gnb.ca</a></p> <p>1.1.1.1.4</p>
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## Prince Edward Island

Employer Obligation	Information You Need to Know	Farm Exemptions & Contacts
1) Provincial TFW Registry and Rules	N/A	<b>N/A</b>
2) Social Insurance Numbers	<a href="#">Find a Service Canada office for Prince Edward Island</a>	
3) TFWP Housing	<p>Federal TFWP Inspection Form for SAWP + Agricultural Stream</p> <p><a href="#">Schedule F – Housing inspection report seasonal agricultural worker program and agricultural stream</a></p> <p>+<a href="#">PE Housing Guidelines</a></p>	<p><a href="#">Request an inspection online</a></p> <p>Department of Health and Wellness toll free: 1-800-958-6400</p>
4) Healthcare	<p><a href="#">PEI healthcare for SAWP and Ag Stream Workers:</a></p> <ul style="list-style-type: none"> <li>• 183 days or more to qualify for health care. Wait time 2 to 3 weeks from day of arrival.</li> <li>• Less than 183 days for SAWP then other healthcare insurance needs to be provided.</li> </ul> <p><a href="#">PEI Personal Health Card Application</a></p>	PEI Medicare toll free: 1-800-321-5492
5) Workers' Compensation	<a href="#">Workers' Compensation Board of PEI website</a>	PEI Workers' Compensation toll free: 1-800-237-5049 (in Atlantic Canada) SafetyMatters@Work
6) Occupational Health and Safety (OHS) and Farm Safety	<p>Toll free: 1-800-237-5049</p> <p><a href="#">PE OHS Act and Regulations</a></p> <p><a href="#">PEI Farm Safety Code of Practice</a></p>	Mitchell Jay, OHS Farm Safety Specialist 902-368-6562 <a href="mailto:mjay@wcb.pe.ca">mjay@wcb.pe.ca</a>
7) Employment Standards and Primary Agriculture Exemptions	<p><a href="#">PEI Employment Standards Guide</a></p> <p><a href="#">PEI Guide to Employment Standards</a></p>	<p>1-800-333-4362</p> <p>PEI Employment Standards Primary Ag Exemptions: <a href="#">Farmer Assistance Program</a></p>
8) Immigration Options Provincial Nominee Program + Other Options	<p><a href="#">Atlantic Immigration Pilot</a></p> <p>Atlantic Immigration Pilot Criteria: Employer:</p>	<p>Atlantic Immigration Pilot: 1-888-242-2100</p> <p>Prince Edward Island Provincial Nominee Program: <a href="mailto:immigratepei@gov.pe.ca">immigratepei@gov.pe.ca</a></p>

		<ul style="list-style-type: none"> <li>• Must be designated by the province</li> <li>• LMIA Requirement: NO</li> </ul> <p>Employee:</p> <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage</li> <li>• National Occupation Classification Code: NOC B and C</li> <li>• Language Level: CLB 4</li> <li>• Experience : 1560 hrs of work in last 3yrs in related field.</li> </ul> <p><a href="#">Prince Edward Island Provincial Nominee Program</a></p> <p>Critical Worker Stream Criteria:</p> <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage for 2 years</li> <li>• National Occupation Classification Code: NOC C and D</li> <li>• LMIA Requirement: “provide if necessary”</li> <li>• Language Level: CLB 4</li> <li>• Experience : 6 months in PEI working and 2 yrs exp in last 5 yrs in NOC</li> <li>• Age: 21 - 59</li> </ul> <p>Skilled Worker Stream Outside PEI Criteria:</p> <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage</li> <li>• National Occupation Classification Code: NOC O, A and B</li> <li>• LMIA Requirement: No clarity- Call Office</li> <li>• Language Level: CLB 4</li> <li>• Experience : 2 yrs exp in the last 5yrs in NOC</li> </ul>	<p>1.1.1.1.5</p>
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## Newfoundland and Labrador

Employer Obligation		Information You Need to Know	Farm Exemptions & Contacts
1)	Provincial TFW Registry and Rules	N/A	<b>N/A</b>
2)	Social Insurance Numbers	<a href="#">N/A</a>	<a href="#">Find a Service Canada office in Newfoundland and Labrador</a>
3)	TFWP Housing	<p>Federal TFWP Inspection Form for SAWP + Agricultural Stream</p> <p><a href="#">Schedule F – Housing inspection report seasonal agricultural worker program and agricultural stream</a></p> <p>+<a href="#">NL Housing Guidelines</a></p>	<b>Find out who your local TFWP housing inspection authority is in your area and write it here.</b>
4)	Healthcare	<a href="#">Medical Care Plan Eligibility</a>	
5)	Workers' Compensation	<a href="#">Workplace Health, Safety and Compensation NL website</a>	Workplace Health, Safety and Compensation NL toll free: 1-800-563-9000
6)	Occupational Health and Safety (OHS) and Farm Safety	<p>1-800-563-5471</p> <p><a href="#">Occupational Health and Safety Legislation Summary</a></p>	Provincial Office of Service NL: 709-729-4834
7)	Employment Standards and Primary Agriculture Exemptions	<p><a href="#">Newfoundland and Labrador Employment Standards FAQ</a></p>	<p>1-877-563-1063</p> <p><a href="#">Newfoundland Employment Standards Primary Ag Exemptions</a></p>
8)	Immigration Options Provincial Nominee Program + Other Options	<p><a href="#">Atlantic Immigration Pilot</a></p> <p>Atlantic Immigration Pilot Criteria:</p> <p>Employer:</p> <ul style="list-style-type: none"> <li>• Must be designated by the province</li> <li>• LMIA Requirement: NO</li> </ul> <p>Employee:</p> <ul style="list-style-type: none"> <li>• Employment: Written offer of employment with industry standard wage</li> <li>• National Occupation Classification Code: NOC B and C</li> <li>• Language Level: CLB 4</li> <li>• Experience : 1560 hrs of work in last 3yrs in related field.</li> </ul>	<p>Atlantic Immigration Pilot: 1-888-242-2100</p> <p>Newfoundland and Labrador Provincial Nominee Program: <a href="mailto:pnnp@gov.nl.ca">pnnp@gov.nl.ca</a></p>

## CONTACT INFORMATION: WHO YOU NEED TO KNOW

		<p><a href="#"><u>Newfoundland and Labrador Provincial Nominee Program</u></a></p> <ul style="list-style-type: none"><li>• Employment: Written offer of employment with industry standard wage and should be for 2 yrs</li><li>• National Occupation Classification Code: NOC 0 , A , B, C, D</li><li>• LMIA Requirement: Yes and – Job Vacancy Assessment</li><li>• Language Level: CLB 4</li><li>• Experience : FT job offer or currently in province</li></ul>	
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## Emergency Contact Information

❖ If you are in need of urgent help, call 911 for emergency services.

### Service Canada: Reporting abuse or misuse of the Temporary Foreign Worker Program

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/fraud.html>

We strongly encourage Canadians, employers and temporary foreign workers to report any potential cases of abuse of the Temporary Foreign Worker Program to the Government of Canada. If you are aware that someone has been misusing the program, please let Service Canada know.

❖ **Service Canada Confidential Tip Line: 1-866-602-9448**

Mail the information to us at the address below, or submit it at your local [Service Canada Centre](#).

National Investigative Services  
Integrity Services Branch, Service Canada  
165 Hotel-de-Ville, 6th Floor  
Gatineau, Québec, K1A 0J2

[Online Fraud Reporting Tool](#)

### Canadian Border Services Agency (CBSA)

<https://www.cbsa-asfc.gc.ca/security-securite/bwl-lsf-eng.html>

These are examples of some suspicious activities we are interested in: “Persons who have overstayed their status in Canada or who are working or studying in Canada without authorization”

❖ **Report suspicious cross border activities: 1-888-502-9060**

**Hours of operation** Monday to Friday from 9:00 a.m. to 9:00 p.m. Eastern Standard Time

### Crime Stoppers

To make an anonymous report about a crime or potential crime, call:

❖ **Crime Stoppers Tipline: 1-800-222-8477**

### Royal Canadian Mounted Police (RCMP)

<http://www.rcmp-grc.gc.ca/terr/index-eng.htm>

Non urgent RCMP recommendation: to report information regarding terrorism, criminal extremism or suspicious activities which could pose a threat to national safety and security.

❖ **National Security Tipline: 1-800-420-5805**

## About This Guide

This guide was developed as part of the Quality AgriWorkforce Management Program International Phase (QAMP). The QAMP was established to provide employers with the information, training and tools needed to efficiently and successfully support foreign workers while complying with employment regulations. Funded in part by Agriculture and Agri-Food Canada (AAFC) and developed by the Canadian Agricultural Human Resources Council (CAHRC), the QAMP provides employers with the information, training and tools needed to efficiently and successfully support foreign workers while complying with employment regulations.

As part of the QAMP program, CAHRC developed this guide in collaboration with agricultural industry associations, Service Canada, Employment and Social Development Canada, Agriculture and Agri-Food Canada, and Canadian producers from coast to coast. The process also included collaboration between governments (at the national and provincial level) and industry stakeholders. Strategic guidance was also supported by Canada's Agriculture and Agri-food Labour Task Force and by the CAHRC Board of Directors.

## ABOUT CAHRC

The Canadian Agricultural Human Resource Council (CAHRC) is a national, non-profit organization focused on addressing human resource issues facing agricultural businesses across Canada. Industry participation is the cornerstone of CAHRC, working with agriculture industry leaders, governments and educational stakeholders to research, develop and communicate solutions to the challenges in employment and skills development in the agriculture industry. CAHRC is located in Ottawa, Ontario, leading collaborative implementation efforts in support of the Canadian Agriculture and Agri-Food Workforce Action Plan for the sector. For more information visit [www.cahrc-ccrha.ca](http://www.cahrc-ccrha.ca)

## Acknowledgements

### **Thank you to our QAMP Team:**

The QAMP Guide was researched, compiled and written by the following people:

- Janet Krayden, Stakeholder Engagement Specialist for CAHRC;
- Cassandra Conacher, Sr. Corporate Immigration Consultant for Newland Chase Canada;
- Adam Jones, Consultant for Jones Consulting Services;
- Andrew Hurrell, Business Development & Stakeholder Engagement for CAHRC; and
- Hayden Jackson for Hayden Jackson Communications.
- Document design provided by Gord McWilliams from Carisse Graphic Design.

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Agricultural Association Partners for the QAMP project include: Canadian Federation of Agriculture (CFA); Canadian Horticultural Council (CHC); Foreign Agricultural Resource Management Services (F.A.R.M.S.); Ontario Fruit and Vegetable Association (OFVGA); Fondation des entreprises en recrutement de main-d'œuvre agricole étrangère (Ferme); Western Agriculture Labour Initiative (WALI); Canadian Cattlemen Association (CCA); Alberta Cattle Feeders Association (ACFA); Alberta Pork (AP); Ontario Pork Industry Council (OPIC); Ontario Pork (OP); Mushrooms Canada (MC).

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Alberta Pork Webinar; Alberta Pork Sector Validation; Alberta Beekeepers; BC Landscape and Nursery Association and BC Agriculture Council Validation; Mushrooms Canada Webinar; Keystone Agriculture Producers Portage la Prairie Manitoba Workshop; Agriculture Producers Association of Saskatchewan Regina Saskatchewan Workshop; Canadian Federation of Agriculture agricultural leaders Validation Ottawa Ontario; Canadian Horticultural Council Halifax Nova Scotia Workshop; Alberta Beef Industry Red Deer Alberta Workshop; Prince Edward Island Federation of Agriculture Charlottetown PEI Workshop; Ontario Fruit and Vegetable Growers and F.A.R.M.S. Webinar; Prince Edward County Winery Association Webinar; Canadian Cattlemen Association Ottawa Ontario Workshop; Ontario Greenhouse and Vegetable Growers Webinar; Consulate Liaisons Validation Ottawa Ontario; Agriculture and Agri-Food Labour Task Force Webinar.



## APPENDIX 2: Guide Acronyms

### **Ag Stream – Agricultural Stream**

#### **AIP - Agri-Food Immigration Pilot**

ATIP – Access to Information and Privacy Act

CBSA – Canada Border Services Agency

CEC - Canadian Experience Class

CLB – Canadian Language Benchmarks

EE - Express Entry

### **ESDC – Employment and Social Development Canada**

FST - Federal Skilled Trades

FSWP - Federal Skilled Work Program

IELTS - International English Language Testing System

IOM – International Organization for Migration

### **IRCC - Immigration, Refugees and Citizenship Canada**

**LMIA - Labour Market Impact Assessment**

**NCL - National Commodity List**

**NOC - National Occupational Classification**

**PNP - Provincial Nominee Program (Some provinces use “Immigrant Nominee Program” – i.e. OINP, AINP)**

PR - Permanent Residence

### **RNIP – Rural Northern and Immigration Pilot**

#### **SAWP - Seasonal Agriculture Worker Program**

SC – Service Canada Operations (process LMIAs)

ISB - Service Canada Integrity Services Branch (conduct Integrity Inspections)

TFW – Temporary Foreign Worker

TR – Temporary Resident

TRP – Temporary Resident Permit

VAC - Visa Application Center

VO - Visa Office

**WP – Work Permit**

