

OVERVIEW

Farm labour contractors provide labour to producers in connection with the planting, cultivating or harvesting of agricultural products. **Producers must use licensed farm labour contractors.**

Use this form to apply for a farm labour contractor licence or to renew an existing licence. You can also [apply online for faster processing](#).

BEFORE YOU START

Gather your documents

You'll need to provide the following documents along with your application:

- A letter from your bank or credit union confirming you will direct deposit wages for your workers, including the bank or credit union's name and branch address
- A clearance letter from [WorkSafeBC](#) for your business
- Inspection reports from the [Commercial Vehicle Safety and Enforcement Vehicle Inspections & Standards Program](#) for all vehicles used to transport workers
- A completed [Release of Information form](#)
- A completed [Farm Labour Contractor Examination](#)
- Calculate and pay the financial security (see opposite)

Prepare the following details to fill out your application:

Part 1 – Farm labour contractor information

- The legal name, BC registry number (if applicable) and WorkSafeBC account number of the farm labour contractor
- The farm labour contractor's contact information
- How many producers you worked with in the past year

Part 2 – About the contact person

- Information and contact details for the person filling out the application

Part 3 – About the directors

- Information and contact details for each director of the farm labour contractor

Part 4 – About the producer clients

- The name and contact details for the 3 clients for which you provided the most labour in the last year

Part 5 – Registered vehicles

- The owner, licence plate and registration number for each vehicle used to transport employees

Part 6 – Additional details

- How and when you will pay employees
- The types of work your employees will perform
- Whether you have been non-compliant with relevant agencies and legislation in the past

FINANCIAL SECURITY

Submit financial security in the form of an original irrevocable letter of credit from your financial institution. **Faxes and copies are not acceptable.** Use this formula to calculate the amount:

[Minimum wage](#) × Number of employees × 80 hours

If you have operated in compliance with Employment Standards for a year or more, reduce the hours in the calculation to:

- **At least 1 year:** 60 hours
- **At least 2 years:** 40 hours
- **3 years or more:** 20 hours

Mail your financial security to:

Employment Standards Branch
PO Box 9570 STN PROV GOVT
Victoria, BC V8W 9K1

If sending by Courier (or if a signature is required for delivery):

Employment Standards Branch
200-880 Douglas Street
Victoria, BC V8W 2B7

SUBMIT YOUR APPLICATION

For fast processing, we recommend submitting an online application found at:

services.labour.gov.bc.ca/FarmLabourContractor/

You will receive an automatic email that confirms your submission.

You can also submit this application package by:

Mail: **Employment Standards Branch**
PO Box 9570 Stn Prov Govt
Victoria, BC V8W 9K1

Toll-free fax: 1-855-490-0476

Email: EmploymentStandards@esb.gov.bc.ca

Need help filling out this form? Get help in the language of your choice. Call toll-free **1-833-236-3700**.

PART 1: FARM LABOUR CONTRACTOR INFORMATION

Does the farm labour contractor currently have a licence to operate in British Columbia?

☐ Yes (Enter licence number, expiry date and renewal period below) ☐ No

Licence number (Appears on the licence – for example, “BC-2022-012345” or “ER-012345”)

Expiry date

yyyy / mm / dd

What type of business is the farm labour contractor?

- ☐ Corporation
☐ Sole proprietorship
☐ Partnership
☐ Society or non-profit
☐ Other (please describe):

Does the farm labour contractor provide transportation for workers?

☐ Yes ☐ No

How many producers have you worked with in the last year?

Legal business or organization name

Operating name (if different)

B.C. registry number (if applicable)

WorkSafeBC registry number

Email address

Telephone number

Website address

Street address

City

Province/Territory/State

Country

Postal Code

PART 2: ABOUT THE CONTACT PERSON

First name

Middle name

Last name

Preference for being addressed

Other names they're known by

Email address

Telephone number

Street address

Apartment, suite, unit, floor etc.

City

Province/Territory/State

Country

Postal Code

PART 3: ABOUT THE DIRECTORS

You must provide information about each director of the farm labour contractor. If you need to include more people, you can print this page multiple times.

First name	Middle name	Last name
Preference for being addressed	Other names they're known by	
Email address	Telephone number	
Street address	Apartment, suite, unit, floor etc.	City
Province/Territory/State	Country	Postal Code
Has this person been involved with operating any other farm labour contractor business in British Columbia? <input type="checkbox"/> Yes (Provide the contractor name(s) below) <input type="checkbox"/> No		

PART 4: ABOUT THE PRODUCER CLIENTS

You must provide information about producer clients that the farm labour contractor has worked with in the last year. If you need to include multiple clients, you can print this page multiple times. If you worked with more than 3 clients, provide the 3 clients for which you provided the most labour in the last year.

Producer name		
Email address	Telephone number	
Street address or nearest intersection	City	Postal Code

PART 5: REGISTERED VEHICLES

You must provide information about each vehicle used to transport workers. If you use a vehicle not listed on this application, you must immediately provide information about the vehicle to the Employment Standards Branch. If you need to include more vehicles, you can print this page multiple times.

Include a copy of each vehicle's insurance documents and most recent Commercial Vehicle Safety and Enforcement inspection report when you send your application.

Registered owner name	
Vehicle registration number	Licence plate

PART 6: ADDITIONAL DETAILS

When did (or will) you first start operating? yyyy / mm / dd		How many employees do you plan to employ?	
Do you pay employees by direct deposit? <input type="checkbox"/> Yes (provide your financial institution name) <input type="checkbox"/> No		Financial institution name:	
Do you employ foreign workers? <input type="checkbox"/> Yes (provide the program name(s)) <input type="checkbox"/> No		Which immigration programs are used?	
Do you provide labour outside of agriculture? <input type="checkbox"/> Yes <input type="checkbox"/> No			
List all crops and areas of work that you are willing to provide labour for:			
Are you in compliance with the Workers' Compensation Act and the Occupational Health and Safety Regulation? <input type="checkbox"/> Yes <input type="checkbox"/> No		Are you in compliance with the Motor Vehicle Act Regulation Division 39 – Road Safety? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you been subject to any kind of compliance action from any of the following agencies: <input type="checkbox"/> WorkSafeBC <input type="checkbox"/> ICBC <input type="checkbox"/> RCMP/Other police force <input type="checkbox"/> Commercial Vehicle Safety and Enforcement (CVSE) <input type="checkbox"/> Superintendent of Motor Vehicles <input type="checkbox"/> Other (please describe):		Do any of the directors, partners, owners or shareholders: Owe unpaid wages in connection with any business activity? <input type="checkbox"/> Yes <input type="checkbox"/> No Have any unpaid judgments outstanding? <input type="checkbox"/> Yes <input type="checkbox"/> No Have any liens or suits pending in Court? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Has everyone employed by you in the past year been paid all wages in full? <input type="checkbox"/> Yes <input type="checkbox"/> No		How do you calculate the wages of your employees? <input type="checkbox"/> Hourly <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Flat rate <input type="checkbox"/> Piece rate <input type="checkbox"/> Other:	
How often do you intend to pay your employees? <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly (every 2 weeks) <input type="checkbox"/> Semi-monthly (twice a month) <input type="checkbox"/> Other:			



ACKNOWLEDGMENT

I hereby certify that the statements and information provided in this application are true and correct, and I understand that they are subject to verification.

I understand that any false or misleading representations in this application will result in the refusal or cancellation of my licence under the Employment Standards Act.

I agree to the release of information to the Employment Standards Branch from WorkSafeBC, ICBC, the RCMP, Commercial Vehicle Safety and Enforcement (CVSE) and the Superintendent of Motor Vehicles for the purpose of administering and ensuring compliance with the Employment Standards Act and Employment Standards Regulation.

I accept that becoming a Licensed Farm Labour Contract business requires the posting of a bond and that the Employment Standards Branch will confirm the bond amount, and due date.

Signature

Date (yyyy / mm / dd)

PAYMENT INFORMATION

You must pay the \$150 non-refundable fee for a farm labour contractor licence application under the *Employment Standards Regulation*. Choose your payment option (page 6) and follow the instructions to send your application and payment to Employment Standards.

PAYMENT CONTACT INFORMATION

Legal name of applicant (business name):

Contact person name:

Email address:

Telephone number:

PAYMENT OPTION ONE

Pay online (this option will reduce processing time)

Submit an application online at <https://services.labour.gov.bc.ca/FarmLabourContractor/> to reduce processing time and pay using a credit card (Visa, MasterCard or American Express)

- Have your credit card number, expiry date and CVV number ready

Credit card statement will show "Employment Standards". Credit card information is not retained.

PAYMENT OPTION TWO

Pay by phone

- Your request will not be considered received until the search fee is processed
- Do not send credit card information by email

Before you begin:

Complete this application and email to EmploymentStandards@esb.gov.bc.ca

- Have your credit card number, expiry date and CVV number ready
- Have a copy of this form on hand, including the name of the requestor provided on the form

As soon as your application is sent, phone 1-800-663-3316

- Follow the prompts to pay using a credit card

Credit card statement will show "Employment Standards". Credit card information is not retained.

PAYMENT OPTION THREE

Mail a cheque or money order

- Make the cheque or money order payable to the Minister of Finance
- Mail your completed application and payment to:

Regular Mail:

Employment Standards Branch

PO Box 9570 Stn Prov Govt

Victoria, BC V8W 9K1

Courier (or if a signature is required for delivery):

Employment Standards Branch

200-880 Douglas Street

Victoria, BC V8W 2B7

- We'll send you confirmation when we receive your application and payment

OVERVIEW

Farm labour contractors provide labour to producers in connection with the planting, cultivating or harvesting of agricultural products. **Producers must use licensed farm labour contractors.**

If you are applying for a farm labour contractor licence, you must answer this examination and attach it to your application form. If you choose to [apply online for faster processing](#), you will be prompted to upload this examination during the application process.

PART 1: CONTACT INFORMATION

Legal business or organization name		Operating name (if different)	
First name	Middle name	Last name	
Email address		Telephone number	

PART 2: QUESTIONNAIRE**True/False**

- The Director may refuse to issue a licence to an applicant who has had a previous licence cancelled.
☐ True ☐ False
- Farm labour contractors must always carry a valid licence while conducting the licensed activities and display a copy of the valid licence prominently on all vehicles used for transporting employees.
☐ True ☐ False
- Farm labour contractors must display the piece rates or hourly rate being paid to employees at all worksites or on all vehicles.
☐ True ☐ False
- A farm labour contractor can require someone who is seeking a job to pay a hiring fee.
☐ True ☐ False
- Farm labour contractors must keep a daily log at the worksite and make it available for inspection by the Director.
☐ True ☐ False
- Farm labour contractors are required to keep records of the weights of agricultural product that each employee picks, even if a piece rate is converted to an hourly rate of pay.
☐ True ☐ False

The personal information on this form is collected by the Province of British Columbia for the purposes of administering and enforcing the Employment Standards Act and/or the Temporary Foreign Worker Protection Act under the authority of s.26(a), (c) of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of this information, please contact the Employment Standards Branch at PO Box 9570 Stn Prov Govt, Victoria, BC V8W 9K1, by phone: 1-833-236-3700 or by email: EmploymentStandards@esb.gov.bc.ca.

7. If a farm labour contractor contravenes the *Employment Standards Act* or the *Employment Standards Regulation*, their licence may be cancelled or suspended.
- ☐ True ☐ False
8. A corporation that is licensed as a farm labour contractor must apply for a new licence within 7 days after any change in its directors or officers.
- ☐ True ☐ False
9. A farm labour contractor's licence can be valid for up to 3 years.
- ☐ True ☐ False
10. When served with a copy of a determination cancelling or suspending a farm labour contractor licence, the farm labour contractor must immediately surrender its licence to the Director.
- ☐ True ☐ False
11. Employees of farm labour contractors can be paid by cheque or cash if they work for just a few days and are being paid a piece rate.
- ☐ True ☐ False
12. Farm labour contractors must submit to the Director of Employment Standards all up-to-date licence numbers and registration numbers for each vehicle used for transporting employees and, if the vehicle is owned by the farm labour contractor, copies of the inspection certificate that must be maintained under section 25 of the *Motor Vehicle Act Regulations*.
- ☐ True ☐ False

Multiple Choice

13. Vacation pay is calculated at what percentage for an employee who has worked less than 5 continuous years?
- ☐ A. 6% per week
☐ B. 5% of gross earnings
☐ C. 4% of gross earnings
☐ D. 2% per week for a 2-week period
14. When can a farm labour contractor begin to operate?
- ☐ A. Immediately after the application is made
☐ B. Once the letter of credit has been submitted
☐ C. Only after a licence has been issued by the Director of Employment Standards

15. When can a farm labour contractor licence be transferred?

- ☐ A. When it is between family members
- ☐ B. A licence is not transferrable or assignable
- ☐ C. It can be transferred if you are not doing much work with it

16. What kinds of work can employees of a farm labour contractor perform?

- ☐ A. Pruning fruit trees
- ☐ B. Poultry catching
- ☐ C. Planting vegetables
- ☐ D. Thinning grape vines
- ☐ E. Harvesting fruit
- ☐ F. (B), (C), (D) and (E)
- ☐ G. All of the above

17. If a farm labour contractor cannot locate an employee to pay wages earned, the wages must be paid to:

- ☐ A. The employee's family
- ☐ B. The Director of Employment Standards
- ☐ C. The farm owner or producer

Fill In The Blank

18. A person who was a director or officer of a corporation at the time wages of an employee were earned or should have been paid is personally liable for up to _____ months' wages for that employee.

19. A farm labour contractor who provides transportation to a job site for its employee and does not then provide employment must pay the employee at least the minimum hourly wage for the longer of _____ hours or the elapsed time from the point of departure to the return to the same place that is no further away and that is acceptable to the employee.

20. Workers must not be required to pay _____ to get hired. Their wages must be deposited directly into their bank account on payday.

SCORE

_____ / 20

FOR INTERNAL USE ONLY

REV 2023-10-11



To: _____
(Name of Financial Institution)

Re: Farm Labour Contractor – Posting Security for Employees

The *Employment Standards Act* requires farm labour contractors to be licensed. A farm labour contractor's licence is valid for 3 years from the date of issue.

The purpose of this letter is to aid financial institutions with information about a farm labour contractor's requirement to post security for their employees.

The security must be posted under the *Bonding Act* and must be of a type that is listed in section 8 of the *Bonding Regulations*. Applicants for a farm labour contractor licence must post security equal to 80 hours at [minimum wage](#) for each employee:

June 1, 2023 – \$16.75 per hour

For example: As of June 1, 2023, a first-time farm labour contractor with 10 employees would use the following calculation:

$$\$16.75 \text{ (minimum wage)} \times 80 \text{ hours} \times 10 \text{ employees} = \$13,400.00$$

Irrevocable Letter of Credit (ILOC)

Under the *Employment Standards Act*, employees have 6 months from their last day worked to file a formal complaint. Therefore, if security is posted by way of an ILOC, it must remain valid for 6 months after the farm labour contractor's licence expires. The ILOC must be **automatically extended** from the expiry date and include such a clause.

The amount of posted security can be reduced as follows if a farm labour contractor has not contravened a "core requirement" of the *Employment Standards Act*:

Period of non-contravention	Multiplier (number of hours)
1 year to less than 2 years	60
2 years to less than 3 years	40
3 years or more	20

A **signed original** ILOC must be provided to the Employment Standards Branch. Faxed or other copies are not acceptable. Mail the ILOC to:

Employment Standards Branch
P.O. Box 9570 Stn Prov Govt
Victoria, BC V8W 9K1

THE FOLLOWING MUST APPEAR CORRECTLY ON THE ILOC:

1. The beneficiary's name and address must read:

Minister of Finance
Employment Standards Branch
P.O. Box 9570 Stn Prov Govt
Victoria, BC V8W 9K1

2. The ILOC must be **automatically renewed each year.**
3. The legal name of the farm labour contractor **must be correct.**

Examples:
ABC Farms Ltd.
First name Last name operating as XYZ Farms

If you have any questions or concerns, please email ESB.Compliance@gov.bc.ca.



RELEASE OF INFORMATION

I, _____, the duly authorized representative of _____,
Representative name in CAPITAL LETTERS FLC name in CAPITAL LETTERS

agree to the release of information to the Employment Standards Branch from

WorkSafeBC,

the Insurance Corporation of British Columbia (ICBC),

the Royal Canadian Mounted Police (RCMP),

the Commercial Vehicle Safety and Enforcement (CVSE), and

the Superintendent of Motor Vehicles

for the purpose of administering and ensuring compliance with the *Employment Standards Act* and *Employment Standards Regulation*.

This information will be used for the initial licence evaluation process and subsequent monitoring, including licensing reviews and compliance investigations.

Representative

Signature: _____

Date: _____
yyyy / mm / dd

Witness

Signature: _____

Address: _____



Duties of a Farm Labour Contractor

A farm labour contractor (FLC) must:

- Carry a farm labour contractor licence while carrying on licensed activities
- Display a copy of the licence on all vehicles used to transport employees
- Display wage rates at work sites and in vehicles used to transport employees
- Show the licence beforehand to everyone the FLC intends to do business with
- Immediately notify the Director of Employment Standards of any change in residential/business address
- Immediately notify the Director of any change in company directors or officers
- Provide the Director with registration numbers, licence numbers and copies of valid inspection certificates for each vehicle used to transport employees

A **daily log** must be kept at the work site and made available for inspection. This daily log must be retained for two years and include the following information in English:

- The name of each worker
- The name of the employer and work site location to which workers are supplied and the names of the workers who work on that work site on that day
- The dates worked by each worker
- The fruit, vegetable, berry or flower crop picked each day by each worker
- The volume or weight picked each day by each worker

A farm labour contractor who provides transportation to a job site for a farm worker and who does not provide employment for the worker must pay the worker at least the minimum hourly wage for the greater of two hours or the time spent transporting the worker from the departure point and returning to the departure point or to a place that is no further away, provided it is acceptable to the employee.

If employment is not available due to unsuitable weather conditions or for any other reason completely beyond the farm labour contractor's control, the minimum daily pay requirements above do not apply.

Licensed farm labour contractors must pay wages directly to each employee's bank account at least semi-monthly. Confirmation of deposits made to the bank accounts of individual employees must be provided to the Employment Standards Branch upon request or in accordance with a Demand for Employer Records.