



This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Employment Standards Act* and Regulation for purposes of interpretation and application of the law.

July 2016

Agriculture Compliance Team Visits

The Employment Standards Branch Agriculture Compliance Team visits farms to ensure farm owners/producers and Farm Labour Contractors (FLCs) are complying with provincial employment standards legislation.

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

What to expect

When the team first arrives at a farm, they will attempt to contact the farm owner/producer or manager to explain the purpose of the visit before they enter the work site to interview employees. Team members carry with them government identification which identifies them as Employment Standards Branch employees.

Under the Act, farm owners/producers are required to allow team members to enter work sites and provide records and information necessary to ensure compliance with the Act.

Once in the field, the team will conduct brief interviews with employees, taking about one to two minutes per interview.

A member from the team will speak to the FLC's onsite representative or drivers to ensure that contractors are licensed and following the requirements of the Act.

Farm owners/producers who refuse entry onto a work site and farm owners/producers and farm labour contractors who fail to provide the required records are subject to penalties ranging from \$500 to \$10,000.

Records and information required

Team members may request the following information and ask to see the following records:

From farm owner/producer

- Name and telephone number of the farm;
- Name of FLC on site;
- Rate being paid to the FLC;
- Rate being paid to workers employed directly by the farm owner/producer;
- Records being kept for the work done by the FLC, e.g. how many workers the FLC brings each day and how many hours they work;
- Confirmation that the farm owner/producer has reviewed the FLC's license;
- Number and ages of children under the age of 15 on site; and
- A blank copy of the picking cards being used by workers.

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From Farm Labour Contractor

- Number of employees on site;
- Daily log;
- Number and ages of children under age 15 on site;
- Wage rate being paid; and
- Vehicle registrations and inspection certificates, driver's licenses and safety notices.

From Workers

- Name, address, and phone number;
- First day worked;
- Picking card number;
- Wage rate;
- How often wages are paid;
- Confirmation that wages are paid by direct deposit if employed by a FLC; and
- Confirmation that vacation pay is properly calculated and paid if paid an hourly rate.

Workers will also be given the “Farm workers” factsheet explaining their rights and responsibilities under the *Employment Standards Act* and Regulation.

Employment of young people

Children ages 12 – 14 cannot be employed without written permission from their parents. They cannot work when they are scheduled to attend school. They cannot work more than the following number of hours:

- Four hours on a school day;
- Twenty hours in a week containing five school days;
- Seven hours on a day that is not a school day; or
- In any case, more than 35 hours in a week.

Children under the age of 12 cannot be employed without written permission from the Director of Employment Standards. Applications for a Child Employment Permit are available from Employment Standards Branch offices or on the website.

Where to get more information

Employment Standards Branch Agriculture Hotline:
604 513-4604

Employment Standards Branch website:
www.gov.bc.ca/EmploymentStandards/

BC Agriculture Council contact information

BCAC Website: www.bcac.bc.ca/