

Information Regarding Temporary Foreign Workers On-Farm

This document has been developed in partnership by the following agencies to support farmers and workers in preparation for emergencies and extreme weather: WorkSafeBC; AgSafe BC; Service Canada; Employment and Social Development Canada (ESDC); Western Agriculture Labour Initiative (WALI); and the Ministry of Agriculture and Food (AF).

Please note that while this document is specific to workers living on-farm under the Temporary Foreign Workers Program (TFWP), labour laws and regulations in British Columbia (B.C.) are applicable to *all* workers, regardless of status or visa type. While Temporary Foreign Workers (TFW) have specific requirements depending on their contract with the employer, they have the same rights to a safe, healthy, and abuse-free workplace as any other worker in the province.

Overview for Both Employers and Employees

Evacuation Alerts and Evacuation Orders

Evacuation Alerts and Evacuation Orders under the *Emergency and Disaster Management Act* are issued by the Province or by local authorities (which include certain Indigenous governments) in consultation with the BC Wildfire Service (BCWS). An Evacuation Alert is a warning to prepare for evacuation on short notice. An Evacuation Order means that the area must be vacated immediately using routes identified by Provincial or local emergency officials. People cannot re-enter an area under an Evacuation Order unless the Evacuation Order expires, is rescinded, has its geographic scope varied, or a temporary access permit has been issued by the same entity that issued the Evacuation Order or a person with delegated emergency power authority.

In the event of an Evacuation Alert or Order, ESDC will inform relevant consulates about TFW rights and the direction provided by WorkSafeBC, to ensure that consulates can reinforce this messaging when connecting with TFWs working in affected areas. Employers are responsible for ensuring that all workers, including TFWs, understand their rights and the expectations of WorkSafeBC when an Evacuation Alert or an Evacuation Order is issued. Employers have an obligation to ensure that workers remain healthy and safe. If an employer requires further information, please contact ESDC, WorkSafeBC, or your local government for guidance.

Temporary Foreign Worker Location Changes

TFW under the Seasonal Agriculture Workers Program (SAWP) can change work and accommodation locations as long as they are working for the same employer. Please notify Service Canada of the location(s) of the workers once feasible. Please note that any changes that are not listed on the Labour Market Impact Assessment (LMIA) must be reported to Service Canada. This includes changes to TFW work and/or accommodation

locations or early return to their home country. Their respective consulate must also be notified within 24 hours.

Workers coming to B.C. under the SAWP may be transferred to another employer if work outlined in their original contract is no longer available, provided the employer has:

- the worker's consent
- prior written approval from an authorized foreign government representative in Canada (i.e. Mexican Consulate, Jamaican Liaison Office, etc.)
- prior written approval from ESDC/Service Canada in the form of an authorized LMIA

TFWs can also choose to return to their home country if work under their current contract is no longer available. Repatriation (flight) costs for TFWs are covered by their employer.

Re-Entry and Temporary Access Permits

Re-entry to an area under an Evacuation Order can occur when the Province or the local authority authorize re-entry. This can be done when the Order expires, is rescinded, or varied to exclude the location and access route of the farm.

When contemplated by an Evacuation Order, temporary access permits to areas under an evacuation order may be granted by local authorities such as regional districts, municipal governments, and Indigenous governing bodies on the recommendation of a hazard subject matter expert, such as BCWS. **Please note** that TFW are only permitted to carry out work as outlined in their contract. In the case that TFW are permitted to be listed on the re-entry permit by the permitting body, they must only be carrying out farm work as listed on the contract. This generally will exclude work like fire mitigation and safety implementation efforts. Also note that many local governments prohibit the inclusion of TFWs on a temporary re-entry permit regardless of the work they would be carrying out.

A temporary access permit must be issued by the same entity that issued the Evacuation Order (or a person with delegated emergency power authority). For further information, please contact your local government/authority office to request contact information for the Emergency Program Coordinator, who will be able to assist.

Relocation Notifications

Please notify the following agencies (select the relevant consulate as applicable) regarding the temporary location of an evacuated TFW:

Agency	Contact
Service Canada (Employer Contact Centre)	1-800-367-5693 or 1-800-367-5693
WALI	vmoreno@walicanada.ca or info@walicanada.ca P: 604-854-4454, Toll Free: 1-866-522-3447
Jamaican Liaison Service	1-250-869-6288
Barbados Liaison Service	1-416-464-4439 or 1-416-464-2997
Eastern Caribbean States Liaison Service	1-416-523-4662
Mexico Consulate Vancouver	1-778-668-1242
Write other liaisons or consulates as applicable here	Phone number

Employer Responsibilities

Evacuation Alerts and Evacuation Orders

The following content outlines expectations of all employers to ensure the safety of all their workers during wildfire Evacuation Alerts and Orders. For the purposes of this document, “workers” include, but are not limited to, residents of B.C., residents of other provinces, TFWs, and undocumented workers.

Note: An Emergency Evacuation Plan should be created by employers in advance of an alert to ensure all workers understand the plan and are prepared to evacuate. This plan should be part of any employer’s overall safety plan and should be reviewed with workers as part of their orientation and training. WorkSafeBC has a resource available to assist farmers: <https://www.worksafebc.com/en/resources/health-safety/information-sheets/wildfire-evacuation-planning?lang=en>

Additionally, as mentioned in WorkSafe BC OHS Guideline G5.97-1, “When hazardous substances pose a reasonably foreseeable risk to workers in an emergency, employers must develop plans to minimize this risk, regardless of the origin of the hazardous substance.” Further details are found in the [Emergency Planning section of OHS Guidelines Part 5: Chemical Agents and Biological Agents](#).

Employers are responsible for providing adequate housing per their TFW contract even when employees must be evacuated. In the case that the emergency event removes this possibility, TFWs may be eligible to access Emergency Support Services (ESS). Please contact your local government if you have further questions.

When an Evacuation Alert is issued:

- Prepare **all** workers for evacuation – ensure workers know how, when and to where they will be evacuated, according to your evacuation plan.
- Employers with TFWs must ensure workers understand the plan, which may involve engaging translation/interpretation services as necessary.

When an Evacuation Order is issued:

- All workers must be evacuated (and be restricted from re-entering) according to the evacuation plan and any provincial or local authority evacuation orders.
- Employers must ensure that workers follow Evacuation Orders. Employers with foreign workers must ensure there will be an effective means of communication at all times during and after evacuation, which may involve engaging translation/ interpretation services as necessary.
- If a regulatory agency such as EMCR BCWS or a Regional District issues a permit/exception for an Evacuation Order, employers continue to be responsible for the health and safety of all their workers.
- The employer and/or local authorities move workers when required and with the worker's consent. The process is the same for the evacuation of any other resident in the area.

When an Evacuation Order is rescinded:

- For workers expected to re-enter after an evacuation order has been rescinded, the employer must ensure that workers will not be exposed to harmful substances (e.g.: toxic gas from smoldering) and/or hazardous situations (for example: safe work procedures, appropriate training, and Personal Protective Equipment (PPE)).

Contravening an Evacuation Order:

- Once an Evacuation Order is issued under the *Emergency and Disaster Management Act*, individuals must immediately vacate areas subject to the Evacuation Order.
- Due to limited resources, assistance and aid will not be provided to individuals who elect to stay behind contrary to an Evacuation Order.
- Individuals who commit an offence under the *Emergency and Disaster Management Act* may be subject to fines of up to \$100,000 or 1 year in prison.

- Employers that place workers in high-risk situations may be subject to administrative penalties or prosecutions under the *Workers Compensation Act*. Workers cannot undertake or assume risks of working in high-risk situations.

Responsibility for a Safe Work Environment

Employers in British Columbia are responsible for maintaining a safe work environment for *all employees*, including TFWs. WorkSafeBC has several resources for employers on their roles and responsibilities in creating and maintaining safe and healthy workplaces: <https://www.worksafebc.com/en/health-safety/create-manage/rights-responsibilities>

For additional information and resources, please visit the following websites:

- [AgSafeBC](#)
- [WorkSafeBC](#)
- [Western Agriculture Labour Initiative](#)
- [Climate Action Initiative](#)

Employee Responsibilities

Knowing Your Rights During an Emergency

While an employer can include TFWs on the list for a re-entry permit (depending on local government bylaws), workers cannot be asked to perform duties not included in their contract. If you are concerned that you have been listed on a re-entry permit to carry out duties not listed in your work contract, please contact the local government, a settlement service (listed in Appendix B), or your consulate to clarify whether this is allowed.

Workers coming to B.C. under the Seasonal Agriculture Worker Program (SAWP) may be transferred to another employer if work outlined in their original contract is no longer available. **Please note** that in order to be transferred, your employer must have your permission, your consulate and Service Canada must be notified, and your new employer must have a LMIA completed.

Insurance and Reimbursement for TFWs

TFWs in Canada under SAWP have the following provisions in their contract:

Mexico:

XII MISCELLANEOUS

- In the event of fire, the EMPLOYER will bear 1/3 of the replacement cost of the WORKER'S personal property, up to a maximum of \$650.00.

Caribbean Countries:

XVI MISCELLANEOUS

- In the event of fire, the EMPLOYER, the GOVERNMENT AGENT and the WORKER will bear the replacement cost of the WORKER'S personal property up to a maximum of \$650.00 each.

Alternatively, farms/employers may have coverage that would allow a worker to claim under their policy.

Organizations that can support foreign workers

MOSAIC's Migrant Workers Program

migrantworkers@mosaicbc.org or 604-254-9626

- MOSAIC's Migrant Workers Program helps migrant workers learn about their workplace rights and how to access services. They also help employers understand their duties when hiring workers. Services are available in English, Spanish, Tagalog, Punjabi, Hindi, Urdu, French, Mandarin, and Cantonese. Support in other languages may be available upon request.

DIVERSEcity's Collective Advocacy for Rights and Education (C.A.R.E.) for Migrant Workers

info@dcrs.ca or 604-597-0205

- Through DIVERSEcity's C.A.R.E. for Migrant Workers program, funded by the Government of Canada, they collaborate with local community partner organizations in Abbotsford, Chilliwack, Delta, Langley, Richmond, Surrey, White Rock and other regions of B.C. to support, empower and foster a sense of community among migrant workers.

BC Settlement service providers for temporary residents and naturalized citizens

Please see table in Appendix B or available here: <https://www.welcomebc.ca/start-your-life-in-b-c/settlement-services#ServicesForTRs>

Appendix A: Resources Specific to Extreme Weather

Wildfire: The Province of British Columbia has an overview and resources:

<https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/business-market-development/emergency-management/wildfire>

Wildfire: AgSafe BC has several resources for Temporary Foreign Workers during a wildfire evacuation: <https://agsafebc.ca/tools/emergency-planning-resources/wildfires/#TFW>

Wildfire Smoke: The BC Centre for Disease Control (BCCDC) has several resources for information and mitigation here: <http://www.bccdc.ca/health-info/prevention-public-health/wildfire-smoke>

Heat and Sun Exposure: Sun Safety at Work has general information here: <https://sunsafetyatwork.ca/legal-requirements>, as well as B.C.-specific information on employers' responsibilities for heat and sun safety here: https://sunsafetyatwork.ca/sites/default/files/ssawc_legal_issues_british_columbia_fact_sheet.pdf

Flood/Freshet: The Province of British Columbia has an overview and resources here: <https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/business-market-development/emergency-management/freshet-and-flood>

Appendix B: Settlement Service Providers

Community (A-Z)	Service provider	Phone
100 Mile House	<u>Cariboo-Chilcotin Partners for Literacy Society</u>	250-644-5869
Abbotsford	<u>Archway Community Services</u> <u>La Cooperative du Relais Francophone de la C.B.</u>	604-859-7681 604-630-0316
Agassiz-Harrison	<u>Mission Community Services Society</u>	604-826-3634
Ashcroft	<u>Kamloops-Cariboo Regional Immigrants Society</u>	778-470-6101
Barriere	<u>Kamloops-Cariboo Regional Immigrants Society</u>	778-470-6101
Burnaby	<u>ISSofBC</u> <u>MOSAIC</u> <u>S.U.C.C.E.S.S.</u> <u>La Cooperative du Relais Francophone de la C.B.</u>	604-684-2561 604-254-9626 604-684-1628 604-630-0316
Cache Creek	<u>Kamloops-Cariboo Regional Immigrants Society</u>	778-470-6101
Campbell River	<u>MISA of North Vancouver Island</u>	250-830-0171
Castlegar	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
Cawston	<u>Penticton & District Multicultural Society</u>	250-492-6299

Community (A-Z)	Service provider	Phone
Chase	<u>Kamloops-Cariboo Regional Immigrants Society</u>	778-470-6101
Chemainus	<u>Cowichan Intercultural Society</u>	250-748-3112
Cherryville	<u>Vernon & District Immigrant and Community Services</u>	250-542-4177
Chilliwack	<u>Chilliwack Community Services</u>	604-792-4267
Clearwater	<u>Kamloops-Cariboo Regional Immigrants Society</u>	778-470-6101
Clinton	<u>Kamloops-Cariboo Regional Immigrants Society</u>	778-470-6101
Coquitlam	<u>S.U.C.C.E.S.S.</u> <u>La Cooperative du Relais Francophone de la C.B</u>	604-468-6000 604-630-0316
Comox Valley	<u>MISA of North Vancouver Island</u>	250-830-0171
Courtenay	<u>MISA of North Vancouver Island</u>	250-830-0171
Cranbrook	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
Creston	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
Dawson Creek	<u>Dawson Creek Literacy Society</u>	250-782-4211

Community (A-Z)	Service provider	Phone
Duncan	<u>Cowichan Intercultural Society</u>	250-748-3112
Fernie	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
Fort Nelson	<u>Fort Nelson Community Literacy Society</u>	250-774-4415
Fort St. John	<u>S.U.C.C.E.S.S.</u>	250-785-5323
Gibsons	<u>Capilano University</u> <u>ISSofBC</u>	604-885-9310 604-567-4490
Golden	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
Grand Forks	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
Gulf Islands	<u>Victoria Immigrant and Refugee Society</u>	250-361-9433
Hedley	<u>Penticton & District Multicultural Society</u>	250-492-6299
Hope	<u>EmpoweredEd Support Services Society</u>	604-860-0510
Invermere	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
Kaleden	<u>Penticton & District Multicultural Society</u>	250-492-6299

Community (A-Z)	Service provider	Phone
Kamloops	<u>Kamloops-Cariboo Regional Immigrants Society</u>	778-470-6101
Kelowna	<u>Kelowna Community Resources Society</u>	250-763-8008
Kimberley	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
Kitimat	<u>Kitimat Community Services Society</u>	250-632-9107
Ladner	<u>S.U.C.C.E.S.S.</u>	604-638-9881
Ladysmith	<u>Central Vancouver Island Multicultural Society</u>	250-753-6911
Lake Cowichan	<u>Cowichan Intercultural Society</u>	250-748-3112
Langley City & Township	<u>Langley Community Services Society</u> <u>La Cooperative du Relais Francophone de la C.B.</u>	604-534-7921 604-630-0316
Lillooet	<u>Capilano University</u> <u>ISSofBC</u> <u>Lillooet & District Library</u>	604-885-9310 604-567-4490 250-256-7944
Lumby	<u>Vernon & District Immigrant and Community Services</u>	250-542-4177
Mackenzie	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475

Community (A-Z)	Service provider	Phone
Maple Ridge	<u>ISSofBC</u>	778-372-6567
McBride	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
Merritt	<u>Kamloops-Cariboo Regional Immigrants Society</u>	778-470-6101
Mill Bay	<u>Cowichan Intercultural Society</u>	250-748-3112
Mission	<u>Mission Community Services Society</u>	604-826-3634
Mt. Waddington Regional District	<u>MISA of North Vancouver Island</u>	250-830-0171
Nanaimo	<u>Central Vancouver Island Multicultural Society</u>	250-753-6911
Naramata	<u>Penticton & District Multicultural Society</u>	250-492-6299
Nelson	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
New Westminster	<u>ISSofBC</u> <u>MOSAIC</u> <u>S.U.C.C.E.S.S.</u> <u>La Cooperative du Relais Francophone de la C.B.</u>	604-684-2561 604-254-9626 604-684-1628 604-630-0316
North Cowichan	<u>Cowichan Intercultural Society</u>	250-748-3112

Community (A-Z)	Service provider	Phone
North Delta	DIVERSEcity Options Community Services Progressive Intercultural Community Services Society S.U.C.C.E.S.S.	604-597-0205 604-584-5811 604-596-7722 604-498-5070
North Vancouver	Impact North Shore	604-988-2931
Okanagan Falls	Penticton & District Multicultural Society	250-492-6299
Oliver	Penticton & District Multicultural Society	250-492-6299
Osoyoos	Penticton & District Multicultural Society	250-492-6299
Parksville	Central Vancouver Island Multicultural Society	250-753-6911
Pemberton	Capilano University ISSofBC	604-885-9310 604-567-4490
Penticton	Penticton & District Multicultural Society	250-492-6299
Pitt Meadows	ISSofBC	778-372-6567
Port Alberni	Literacy Alberni Society	250-723-7323
Port Coquitlam	S.U.C.C.E.S.S.	604-468-6000

Community (A-Z)	Service provider	Phone
Port Moody	<u>S.U.C.C.E.S.S.</u>	604-468-6000
Powell River	<u>Lift Community Services</u> <u>ISSofBC</u>	604-485-2004 604-567-4490
Prince George	<u>IMSS of Prince George</u> <u>La Cooperative du Relais Francophone de la C.B.</u>	1-877-562-2977 604-630-0316
Prince Rupert	<u>Hecate Strait Employment Development Society</u>	250-624-9498
Princeton	<u>Penticton & District Multicultural Society</u>	250-492-6299
Quesnel	<u>Literacy Quesnel Society</u> <u>New Focus Society</u>	778-414-9119 250-992-3119
Revelstoke	<u>Shuswap Immigrant Services Society</u>	250-804-2726
Richmond	<u>S.U.C.C.E.S.S.</u>	604-638-9881
Rossland	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
Saanich	<u>Inter-Cultural Association of Greater Victoria</u> <u>Victoria Immigrant and Refugee Society</u>	250-388-4728 250-361-9433

Community (A-Z)	Service provider	Phone
Salmon Arm	<u>Shuswap Immigrant Services Society</u>	250-804-2726
Sechelt	<u>Capilano University</u> <u>ISSofBC</u>	604-885-9310 604-567-4490
Sidney	<u>Victoria Immigrant and Refugee Society</u>	250-361-9433
Smithers	<u>Smithers Community Services Association</u>	250-847-9515
Sooke	<u>Inter-Cultural Association of Greater Victoria</u> <u>Victoria Immigrant and Refugee Society</u>	250-388-4728 250-361-9433
Squamish	<u>Capilano University</u> <u>ISSofBC</u>	604-885-9310 604-567-4490
Summerland	<u>Penticton & District Multicultural Society</u>	250-492-6299
Surrey	<u>DIVERSEcity</u> <u>Options Community Services</u> <u>Progressive Intercultural Community Services Society</u> <u>S.U.C.C.E.S.S.</u> <u>La Cooperative du Relais Francophone de la C.B.</u>	604-597-0205 604-584-5811 604-596-7722 604-498-5070 604-630-0316
Terrace	<u>Skeena Diversity Society</u>	250-635-6530
Trail	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475

Community (A-Z)	Service provider	Phone
Tsawwassen	<u>S.U.C.C.E.S.S.</u>	604-638-9881
Valemount	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
Vancouver	<u>Collingwood Neighbourhood House</u> <u>Frog Hollow Neighbourhood House</u> <u>Gordon Neighbourhood House</u> <u>ISSofBC</u> <u>Kiwassa Neighbourhood House</u> <u>Little Mountain Neighbourhood House</u> <u>MOSAIC</u> <u>Mount Pleasant Neighbourhood House</u> <u>Marpole Neighbourhood House</u> <u>S.U.C.C.E.S.S.</u> <u>La Cooperative du Relais Francophone de la C.B.</u>	604-435-0323 604-251-1225 604-683-2554 604-684-2561 604-254-5401 604-879-7104 604-254-9626 604-879-8208 604-628-5663 604-684-1628 604-630-0316
Vanderhoof	<u>Columbia Basin Alliance for Literacy</u>	250-342-2475
Vernon	<u>Vernon & District Immigrant and Community Services</u>	250-542-4177
Victoria	<u>Inter-Cultural Association of Greater Victoria</u> <u>Victoria Immigrant and Refugee Society</u> <u>La Cooperative du Relais Francophone de la C.B.</u>	250-388-4728 250-361-9433 604-630-0316
West Vancouver	<u>Impact North Shore</u>	604-988-2931
Westshore	<u>Inter-Cultural Association of Greater Victoria</u> <u>Victoria Immigrant and Refugee Society</u>	250-388-4728 250-361-9433

Community (A-Z)	Service provider	Phone
Whistler	<u>Capilano University</u> <u>ISSofBC</u>	604-885-9310 604-567-4490
White Rock	<u>Options Community Services</u> <u>Progressive Intercultural Community Services</u> <u>Society</u> (Labour Market services only) <u>Sources Community Resources Society</u> <u>S.U.C.C.E.S.S.</u>	604-584-5811 604-596-7722 604-531-6226 604-498-5070
Williams Lake	<u>Cariboo-Chilcotin Partners for Literacy Society</u>	250-392-7833