

Ag Stream Q & A



This page is presented by the Business Expertise Team in WT, for *internal reference* by officers delivering the Temporary Foreign Worker program in the Vancouver and Edmonton delivery sites. It is part of the TFW in WT Reference Pages.



The following questions and answers are strictly for the purpose of assessing TFWP LMIA applications under the Agricultural / SAWP stream.

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Definition of On-Farm

What is the definition of on-farm for the purpose of determining whether an employer may apply through the Agricultural Stream / SAWP? For example, is a honey extraction factory where TFWs will be operating the machines considered on-farm?

- ⌘ On-farm would include a property, location, or a facility where the key activities that are taking place include the raising or growing of primary crops and livestock.
- ⌘ The crops and livestock include those listed on the TFWP National Commodity List.
- ⌘ On-farm may also include other crops and produce that are not listed on the TFWP National Commodity List such as wheat.
- ⌘ Honey extraction activities would be acceptable under on-farm primary agriculture only if the honey factory is located on a farm.

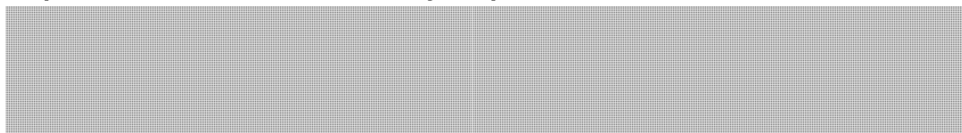
Would a request for a cattle auction farm worker be considered under the definition of on-farm Primary Agriculture? *New!*

- ⌘ Although the farm worker may be involved in handling cattle, cattle auction requests would **not** fall under primary agriculture. Cattle auction businesses function primarily as a retail business, rather than a business predicated in the care of raising of animals (ex. feedlots, cattle ranches etc.).

Combination Applications (AG & non-AG Commodities)

How do Program Officers handle applications that list a combination of AG stream commodities and non-AG stream commodities (i.e. grain and bovine)?

- ⌘ If an application lists a mix of commodities, some of which fall under the National Commodity list, and others that do not fall under the list, Program Officers are to contact the employer to clarify if the employer is requesting a worker to perform work related to both sets of Ag and non-Ag commodities. If the employer indicates they are requesting the foreign worker to perform duties related to both commodities (Ag and Non Ag Commodity), the employer should be advised
 - ⌘ that the foreign worker may not perform duties that relate to both AG and non-AG commodities
 - ⌘ separate applications are required, one for the AG commodities and one for the non-AG commodities
 - ⌘ the requests must meet the requirement of the relevant program streams (including their ability to guarantee full time work based on the separate activities)
- ⌘ If the employer requests more than one foreign worker and has a mix of commodities both on and off the National Commodity list, they must submit separate new applications (one regular stream: high or low wage, and one AG stream) noting which foreign worker (if named) will work with each commodity. Note that job duties for AG/non-AG commodities need to be separated between application streams, each requiring an offer of full time work, for however many workers will be performing those particular duties.
- ⌘ If the employer indicates the foreign worker is to perform duties limited to the AG-stream commodity (bovine), and confirms that the worker will not be performing any duties related to the non-AG stream commodity (harvesting/production of grain), the Program Officer must amend the description of job duties, as needed document the ER's confirmation of the job duties in a SF note, update the commodity listed in FWS and the AG stream application may proceed.
- ⌘ Recruitment that lists duties related to a combination of AG/non-AG commodities should be reviewed on a case by case basis. Program Officers should consider the following during their assessment:



What about mixed commodities during Triage?

- ⌘ Please see Triage Q & A, Triaging AG Files with Mixed Commodities

Canning and Processing

TFWP definition

How are "canning / processing" activities understood for the purpose of assessing an LMIA job offer?

The TFWP website states "canning/processing"; however, this must not be interpreted as two separate activities, but rather the weight is on canning.

- ⌘ Canning activities in the TFWP context would be similar to 'bagging' or placing or packaging the unprocessed crop in a bag, a container, a jar, or a basket.
- ⌘ The key point is that the commodity or product must be in its raw state.
- ⌘ The processing activity, therefore, cannot exist by itself whereby a raw product or crop is transformed into a value-added product. In this context of "canning and processing", the processing activity would be very minimal.
- ⌘ For example, the job duties of a TFW may include picking strawberries, sorting strawberries, and packaging strawberries on a farm.

The job duties, however, cannot involve transforming the raw strawberries into strawberry jam.

- It is also acceptable to store the raw produce in a different state, such as placing them in bags for the freezer.

Acceptable Commodities

Can an employer apply under Agricultural Stream / SAWP for workers to can/process and package produce on his/her farm?

Yes.

- There are, however, very specific allowances.
- The TFWP website currently states,

"fruits, vegetables, flowers, Christmas trees (including on-farm canning/processing, greenhouses/nurseries)"

- Canning and processing activities are therefore acceptable ONLY for fruits, vegetables and honey.
- Canning and processing activities are NOT acceptable for dairy (e.g.: cheese) or meat.

Applicable employers

Can an employer apply through the Agricultural Stream for job offers where the duties include canning, processing or packaging of commodities for another farmer?

- No.
- A farm employer who has applied through the Agricultural Stream can only assign job duties to his/her Agricultural Stream TFWs that relate to the canning or packaging of commodities from their own farm production.

Custom Farming

Farm Employer

Can a farm employer apply through the Agricultural Stream / SAWP if the farm employer is also involved in 'custom farming' activities where the farmer is hired to provide farm work services to other farm owners?

- Yes. A farm employer can also engage in custom farm activities in addition to farming their own farm.
- The required criteria are:
 1. The custom farm employer must be actively engaged in farming their own farm and actively engaged in providing custom services.

In other words, the farm employer cannot simply act as a labour broker or farm labour contractor.
 2. The TFW job duties must fall within the specified NOC codes and the work must take place on a farm, greenhouse, or nursery, closed building (mushrooms and vermiculture-worms).

Example A farm operator may have their own "x" acres of farmland and a variety of agricultural machinery to till, plant/seed or harvest his/her own crops.

This same farm operator may also provide similar farm-work services to other farm owners. This additional farm work service (e.g.: custom farming) is acceptable under the Agricultural Stream provided that the job activities and the commodities fit under the Program.

Non-farm Employer

Can a non-farm employer engaged in custom work or providing agriculture-related services apply under the SAWP or Ag Streams?

- Yes. An employer, actively engaged in the provision of agriculture-related services, such as custom seeding, spraying, harvesting, etc., can apply under SAWP or Ag.
- The required criteria are:
 1. The custom work employer must be actively engaged in providing an agriculture-related service(s).

In other words, the custom work employer cannot simply act as a labour broker or farm labour contractor.
 2. The TFW job duties must fall within the specified NOC codes and the work must take place on a farm, greenhouse, or nursery, or closed building (mushrooms and vermiculture-worms).

Example: A custom work employer may provide harvesting services such as swathing, combining, and hauling grain to on-farm grain storage facilities.

Employer of Record

Who is the employer of record?

- The custom farm employer or non-farm custom employer is the employer of record for the purpose of the TFWP.
- The custom farm/non-farm employer must be fully responsible for the TFWs.
- If there are different farm work locations, then each of the locations must be listed on the LMIA application request.
- The custom farm/non-farm employer must provide free transportation from one site to the next and ensure that the TFWs have all the appropriate work place insurance coverage for all the work locations.

Location

Multiple Locations

Is an employer required to submit more than one application if their farm spans more than one location. For example, if an employer has one Employer ID for their farm, but their farm spans multiple locations over 200kms?

- Employers may submit one application for farms that span multiple locations, depending on various factors (listed below). Determination of whether a single application may be accepted, or if multiple applications are required, is made by Program Officers during their assessment. For triage purposes, employers may opt to submit one application for multiple farm locations or a single application for each location.

When multiple applications are listed on a single AG stream application, Program Officers should clarify, obtain, and evaluate additional key information in order to determine if separate applications are required, such as:

- Determine whether the requested TFW(s) will work at all of the specified locations
 - Clarify the nature of the farm and structure
 - Establish if the locations operate independently
 - Clarify if each location have its own equipment, buildings, staff (supervisors etc.).
 - Clarify if the equipment, staff, buildings etc. are shared
 - Determine if it is possible identify a primary work location or a central hub
 - Clarify the rationale for moving the workers from location to location.
- Based on the information provided, an officer should consider the nature of the farm, and the way the farm is set up.
 - Where each location operates independently with its own equipment, buildings etc. it is easier identify a work location.
 - **Example:** A farmer owns multiple chicken farms; each location has its own buildings, coops, equipment, management..
 - In this case it is possible to discern that each work location is independent. Separate applications would be appropriate,
 - **Example:** A company owns multiple greenhouses over a number of areas in southern BC. Each greenhouse has its own outbuildings, equipment and grows a different produce (cucumber greenhouse in Nelson, red pepper greenhouse in Cranbrook, Tomato greenhouse in Rock Creek)
 - In this case it is possible to discern that each work location is independent and separate applications would be appropriate,
 - However, there may be cases for the workers to move around.
 - **Example:** grain farm may start with his own farm (including buildings, equipment). Later, the farmer may buy up separate fields and parcels of land within the same general area.
 - In this case each of the following different parcels of land may not have its own outbuildings and equipment; the farmer may use the same equipment, moving it from parcel to parcel (ex. combine driven from location to location to harvest).
 - In this case, it would be unreasonable to identify each parcel of land as a separate work location and one application for the multiple locations would be appropriate. The officer would be able to identify the home farm as the hub.
- To ensure the TFW is not subject to abuse or taken advantage of, ex. where the distance between the farm locations appears excessive or impractical, ex. 200 km away, SC would have concerns about the transportation, payment during travel, and accommodation.
 - employer must pay the confirmed wage for travel time
 - transportation should be free and at no cost to the foreign worker
 - If they will be living at another location, that accommodation must meet Temporary Foreign Worker Program inspection requirements

Driving

Principle

Can an employer include driving a motor vehicle on a road as a part of the job offer for the TFW(s) under the Agricultural Stream?

- ⌘ The only driving that may occur off the farm is a situation where the TFW is operating agriculture machinery (e.g.: tractors, round baler machine, harvesting machine, etc.) to get from one parcel of the employer's farm to another parcel of the farmer's farm to perform the job duties.
- ⌘ Depends on the job duty details at the time of the LMIA application.
- ⌘ An employer cannot include driving a motor vehicle on a road as a part of the job offer under the Agricultural Stream if this was not clearly stated on the job duties, and supported by the recruitment efforts at the time of the LMIA application.
- ⌘ A TFW farm worker cannot drive a motor vehicle on the road or off the farm **to transport goods**. Any driving should always be on the farm premise.

Example: A Christmas tree farmer cannot have a TFW deliver the cut trees to the market.

Exception

Are there any exceptions that would allow a TFW to drive within the scope of an Agricultural Stream job offer?

- ⌘ Yes, in limited cases where the job cannot be performed without driving from farm-to-farm or land parcel to land parcel. Driving from farm-to-farm or land parcel to land parcel must be fundamental and essential to carry out the job duties.

Narrow and limited exceptions may include:

- ⌘ Driving a van or other vehicle may be allowed with job offers where it is a necessity to commute from farm-to-farm or land parcel to land parcel in order to complete the primary job duties. For example, apiary job duties that involve moving bee boxes or farm labour positions that include transporting grain from a field to an on-farm storage facility would be permissible.
- ⌘ The full-time driving component of the primary agriculture job duties cannot replace another occupation such as a 'truck driver'. For example, a farm labourer could not drive a truck to deliver grain to market.

Attestation

Occupational health insurance / Workers compensation

Is it mandatory for an employer to submit a copy of the provincial or territorial workers' compensation clearance letter or private insurance policy with the LMIA applicant?

- ⌘ No.
- ⌘ This is covered under the LMIA application attestation section.
- ⌘ A TFWP Officer may request these documents only in situations where there is a reasonable concern such as conflicting information or evidence from the LMIA application or from documented telephone conversations.

Note: It is a requirement for all SAWP, Ag, and primary agriculture low-wage positions to be covered by WCB or similar coverage. This requirement should be noted on the LMIA confirmation annex.

Over-time pay

Does a farm employer need to complete this section on the TFWP Agricultural Stream LMIA application?

- ⌘ No.
- ⌘ It is acceptable for the employer to leave the over-time section of the Agricultural Stream LMIA application blank. This is because over-time pay for farm work is within the jurisdictional authority of the various W-T provincial / territorial governments.
- ⌘ The employer must, however, state the hourly wage and attest to complying with all provincial or territorial labour standards and government's legislations.

Commodity

Wages for High Skilled Agricultural Occupations

How should wages be assessed for high-skilled agricultural positions, when no specific high-skilled wage is listed on the external website for that commodity? [New!](#)

- ⌘ The Agricultural Stream Policy and Directives are currently in the process of being updated; NHQ has advised that until the Agricultural Stream Policy and Directives have been finalized, officers should assess wages for high-skilled, non-livestock commodity positions using the standard wage assessment for the relevant NOC as per the [Wage Assessment Directive](#).

Program Option

Can an employer select the Agricultural Stream or the 'regular' TFWP stream if the employer's commodity is listed on the National Commodity List?

- ⊗ No.
- ⊗ If the employer's commodity is on the National Commodity List, then the employer must apply under the Agricultural Stream (or SAWP) and meet the program stream requirements.

Nursery-grown trees

Can an employer that operates a tree nursery or a tree greenhouse apply through the Agricultural Stream for greenhouse workers?

- ⊗ Yes.
- ⊗ The statement, "excluding forest tree nurseries" was removed from the National Commodity List, TFWP website on March 31, 2015.
- ⊗ An employer that operates a tree nursery for trees that may be used for reforestation can apply through the Agriculture Stream.

Alfalfa

Is alfalfa on the National Commodity List? *New!*

- ⊗ No, alfalfa is not on the National Commodity list. Employers applying for foreign workers with alfalfa as the commodity must use the High/Low Wage application.

Does the LMIA processing fee apply to applications with alfalfa as the commodity? *Updated*

- ⊗ Determining whether the processing fee applies depends on assessing the job duties and whether they fall under primary agriculture criteria. Provided that the job duties fall within the operation of agricultural machinery and/or planting, care, harvesting or preparation of crops, trees, sod or other plants for market **and** take place within the boundaries of farm, the position may be considered as on-farm primary agriculture. The following AG NOCs are exempt from the processing fee: 8251, 8252, 8253, 8254, 8256, 8434, 8432, 8611.

Bean Sprouts

Are bean sprouts a commodity? If so under which commodity would it fall? *New!*

- ⊗ Yes, bean sprouts are a vegetable (commodity).

Note: While they are often grown in facilities (dark rooms), that are similar to those used to grow mushrooms, they are not a mushroom.

Bee/Apiary

Are all apiarist jobs acceptable under the Agricultural Stream / SAWP?

- ⊗ Yes, as long as the TFW is working directly in apiary-related job duties such as beekeeper duties. This may include extracting honey by using a honey extraction machine.

Dairy

Can goats producing milk for commercial purposes be considered under dairy?

- ⊗ Yes. Providing the goats are used for milk production only, and not for meat, they may be considered under the Dairy commodity.

Feedlots

Are applications for feedlots considered AG stream?

- ⊗ Yes. Feedlots are included in the AG Stream (feedlots are no longer listed as an excluded activity). With feedlots the commodity activity is based on the care and feeding of animals (i.e. bovine, swine, etc.).
- ⊗ Note: This activity intersects with other guidance which states that activities involving the production of the feed, ex. silage production such as growing/harvesting silage crops (ex. alfalfa, grass crops, including maize, sorghum or other cereals, fermenting), or mixing the supplements, vitamins, grain, etc. in specific ratios) is not acceptable as an on-farm primary AG activity; However, if a feedlot is simply feeding the pre-prepared silage (ex, delivered by a silage producer/distributor) such activities would be an acceptable under the AG Stream.

Hops

Is hops on the National Commodity List, and if yes what commodity is it listed under? [New!](#)

- Yes, hops is on the National Commodity list, and is categorized under the 'flowers' commodity.

Horses

How can I tell if a horse-related application falls under AG stream?

- There are three determinants for assessing positions under the SAWP/Agriculture streams:
 - the activities must meet the definition of on-farm primary agriculture,
 - the agricultural product is for market and is on the [National Commodities List](#), and
 - the occupation falls under one of the following NOC codes: 8251, 8252, 8253, 8254, 8256, 8431, 8432 and 8611.
- Products for market** refers to a physical product, not a service. The sale of a horse or any horse by-products would constitute a product for market; however, the sale of services such as horse-back riding or show-jumping lessons would not. Thus, the product doesn't necessarily have to be animal meat, and could in fact be the animal itself.
- Employers seeking to hire TFWs in positions that do not meet the three determinants above, for example businesses whose primary activities include competitive or recreational horse racing and show jumping for profit, must submit LMIA applications under the low-wage and high-wage streams.

Does the LMIA processing fee apply if the activities of working with horses involve showing, racing, and grooming for the purposes of racing and showing the horses?

- Determining whether the processing fee applies depends on assessing the job duties and whether they fall under primary agriculture criteria. Provided that the job duties fall within the boarding, care, breeding, sanitation and other handling of the horse(s) and take place within the boundaries of farm, the position may be considered as on-farm primary agriculture. Should the duties include riding, training, hot walking, etc., the position would not be considered as on-farm primary agriculture. The following AG NOCs are exempt from the processing fee: 8251, 8252, 8253, 8254, 8256, 8434, 8432, 8611.

Does primary agriculture include the collection of horse or other animal by-products that is not for human consumption (i.e.: horse urine)?

- Yes.
- The definition of on-farm primary agriculture is not restricted to products for human or animal consumption, but rather it includes obtaining animal products for market.

Mushrooms

Are mushrooms farm workers such as mushroom pickers and packers acceptable under the Agricultural Stream / SAWP?

- Yes.
- Mushrooms were added to the National Commodity List and posted on the TFWP website on March 27, 2015.

Peat Moss

Is peat moss a commodity on the National Commodity List? [New!](#)

- No, peat moss is not on the National Commodity list. Employers applying for foreign workers with peat moss as the commodity must use the High/Low Wage application.

Does the LMIA processing fee apply to applications with peat moss as the commodity? [Updated](#)

- Determining whether the processing fee applies depends on assessing the job duties and whether they fall under primary agriculture criteria. Provided that the job duties fall within the operation of agricultural machinery and/or planting, care, harvesting or preparation of crops, trees, sod or other plants for market **and** take place within the boundaries of farm, the position may be considered as on-farm primary agriculture. The following AG NOCs are exempt from the processing fee: 8251, 8252, 8253, 8254, 8256, 8434, 8432, 8611.

Pedigree Canola Seed

Is there a difference between pedigree canola seed and canola? How should applications that list 'canola' as the commodity be triaged?

■ Yes.

There is a difference between pedigree canola seed and canola commodities. Pedigree Canola seed can be distinguished as follows:

Plant breeders develop varieties of seeds with the desired genetic traits for optimum yield in certain environments and to meet quality specifications demanded by the marketplace. The small amount of 'parent' seed for each new variety produced by plant breeders must be multiplied rapidly with a minimum of genetic change or contamination before release to commercial canola growers to establish a crop. In Canada, this is achieved with a pedigreed seed production system.

The production of parent 'pedigreed canola seed' is currently limited to small seed plots in the East Kootenay area of BC. The East Kootenay Production involves *parent* seed production of *hybrid* seeds, a one generation crop grown from the parent seed. Hybrid canola production currently occurs in a small area 40-50,000 acres in southern Alberta. Both parent and hybrid seeds are certified by the Canadian Seed Trade Association (CSTA) as pedigreed canola; and qualifying employers are members of the CSTA.

Foreign workers involved in pedigreed canola production perform primarily manual labour (e.g. field preparation, hand-sowing of seeds, transplanting plants, etc).

Note: pedigreed canola seed production is markedly different from "canola seed" production. The latter *is not* on the National Commodities List and refers to large scale canola crop production that takes place on highly-mechanized farms in the prairie provinces (AB-SK-MB).

As pedigreed canola seed is the only type of canola commodity that falls under the National Agricultural Stream Commodity list, Agricultural Stream applications that list the commodity as 'canola' (and do not specifically identify pedigree canola seed) must be clarified. **Updated** Program Officers are to contact the employer to confirm whether the canola production is pedigree canola seed certified by the Canadian Seed Trade Association and record the employer's statement confirming their membership to this association in a SF note.

- If the employer confirms that their commodity is pedigreed canola seed, the employer must apply under the Agricultural Stream and must meet the requirements of this stream.
- If the employer indicates that the commodity is not pedigree canola seed, the employer must apply under regular stream (high or low wage) and meet the requirements of the stream.

Chicken Sexers

What is the appropriate NOC for chicken sexers? NOC 8431 (General Farm Worker) or 8253 (Specialized Livestock Worker)?

- The poultry industry breeds and processes chickens differently based on their sex. Chicken sexing is the method of distinguishing the gender of a chicken or hatching/chick by exposing the genitalia; chicken sexing is accomplished through two known techniques: venting or feathering. While venting may take more practice than feathering, NHQ has confirmed that neither technique is sufficiently complex to justify determining the "chicken sexer" position as a skilled NOC (NOC O, A or B) position. Given that there are no skill or experience requirements the position should be identified as NOC 8431.

Housing Inspections


Inspector

Does an employer who is applying through the Agricultural Stream have an option to select which method of housing inspection they prefer?

- No.
- If the TFWP job offer location in the province / territory / municipality does not have a designated government department that has the authority to conduct housing inspections, then the services of an authorized private inspector with the appropriate certification must conduct the housing inspection. See: Housing Inspections - TFW in WT

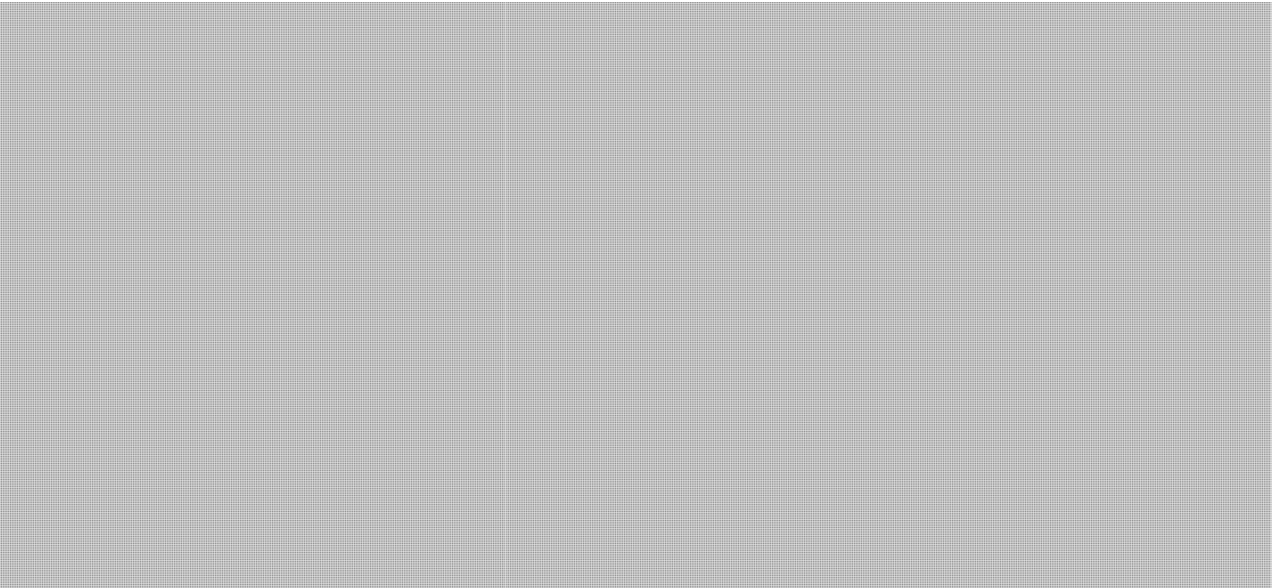
Form / Housing Inspection Report / Schedule F

Updated *What housing inspection form must be provided with the TFWP Agricultural Stream LMIA application?*

- 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 from the relevant level of government. See: Housing Inspections - TFW in WT. ESDC/Service Canada will accept a housing inspection form from an official government agency that has the authority over housing and accommodation.
- 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. In other words, if a housing inspector (public or private) does not have an official form that is authorized by a government department that has the jurisdiction over housing and accommodation, then ESDC/Service Canada's Schedule F,

Housing Inspection Report, must be used.

Reviewing Housing Inspection Reports




See also: Documenting Housing Arrangements in FWS and Review of SF notes [↗](#)

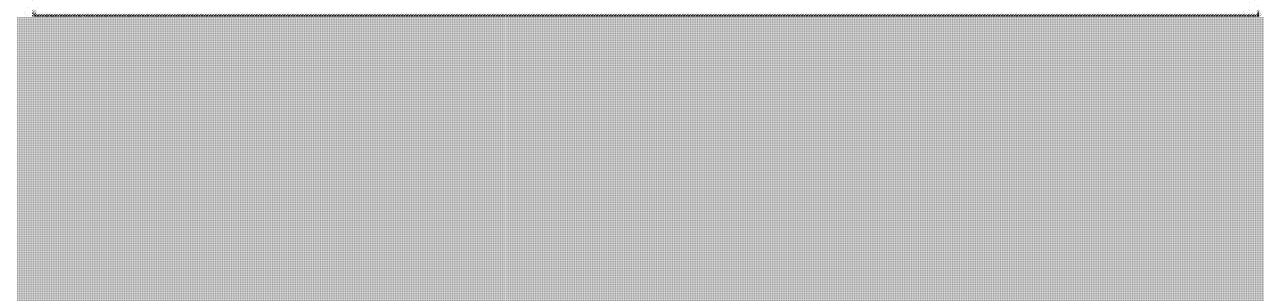
Employer's Requirement to Provide Housing Report

Does an employer need to conduct a housing inspection even if a TFW chooses accommodation that is not provided by the employer?

- Yes.
- Housing inspection is a part of an employer's requirement in order to participate in the TFWP Agricultural Stream. This requirement is unrelated to a TFW's preference. An employer must always have accommodation to offer a TFW and the accommodation must have passed the current year's inspection.
- Additionally**, if the employer provides off-site housing and is the leaseholder of the dwelling, a copy of the signed contract between the employer and the facility must also be provided with the application. NOTE: A copy of the signed contract between the employer and the facility is not required for off-site housing where the employer is the owner of the dwelling:

New! What if the employer does not submit either a current or previous year's housing inspection report with the LMIA application?

- The application should be triaged as "incomplete."
- The LMIA application directs the employer to include an inspection report for the current year, or an inspection report from the previous year with an expected date for the current year's inspection, at the time the LMIA is submitted.
- Schedule F, page 1 (Personal Information Collection Statement) includes the following: *"The information you provide on this form is collected by Employment and Social Development Canada (ESDC) under the authority of the Immigration and Refugee Protection Act (IRPA) and Immigration and Refugee Protection Regulations (IRPR), for the purpose of providing a Labour Market Impact Assessment (LMIA) in accordance with these statutes. Completion is voluntary; however, failure to complete this form will result in your LMIA application not being processed."*
- 
- Additionally**, if the employer provides off-site housing and is the leaseholder of the dwelling, a copy of the signed contract between the employer and the facility must also be provided with the application. NOTE: A copy of the signed contract between the employer and the facility is not required for off-site housing where the employer is the owner of the dwelling:



TFW chooses housing

Is an employer responsible for conducting an additional housing inspection if the TFW chooses an accommodation that was not offered by the employer?

- ⊗ No.
- ⊗ An employer is not required to conduct an additional housing inspection for dwellings that the employer did not offer to the TFW.
- ⊗ An employer cannot deduct or recoup any amount for accommodation from the TFW if the TFW does not stay in the employer-provided accommodation.
- ⊗ An employer is not responsible for the cost of rent if the TFW chooses a dwelling that was not offered by the employer.

Commercial Establishments

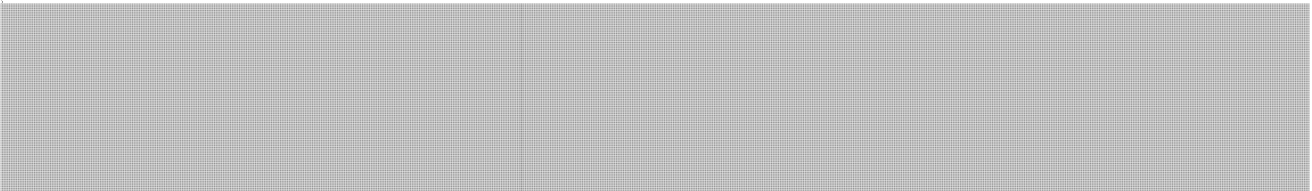
New! Are employers required to obtain housing inspections when a TFW will be housed in a commercial establishment such as a hotel or motel room, or apartment?

- ⊗ Yes. In the Agricultural Stream, the employer must always provide proof of a housing inspection. There is no variation in the housing requirements for apartments or hotels; the same requirements must be met.

Multiple Employers housing TFWs in Same Dwelling / Shared Inspection Reports

Where an employer provides a housing inspection report indicating that more than one employer intends to house TFWs in the same dwelling, officers should request a written attestation (on company letterhead) indicating:

1. whether the employer is the leaseholder (OR) the owner of the dwelling, and
2. the employer will ensure that at no given time will the maximum occupancy of the dwelling, as approved on the housing report, be exceeded



Annual Requirement and Timing of Inspection

Schedule F advises that the housing inspection must be performed prior to the TFWs' arrival in Canada, which allows for an employer to submit the housing inspection at the time of application or between the LMIA confirmation and arrival of the TFWs. In cases where the report is provided at the time of application, are there any parameters related to the date of the inspection? (e.g. the inspection should have been completed within the 3 months prior to application submission? 6 months prior? Or within the last 12 months?)

- ⊗ There are no specific parameters regarding the how recent the housing inspection must be, however, it must be done annually so it cannot have been performed more than a year ago, and if a year is almost up since the last one, the Officer may want to remind the ER that the new housing inspection deadline is approaching.

New! If the employer provides a housing inspection report for the previous year with an expected inspection date for the current year, how should the LMIA assessment proceed?

- ⊗ Officers should confirm that the previous year's housing inspection is for the same dwelling where the TFWs will be housed and that will be inspected for the current year. The housing inspection submitted at the time of the LMIA application (and used to issue a positive LMIA) should represent the actual accommodations (same address) where the TFWs will reside.



Officers should remind the employer of their responsibility to provide the official housing inspection for the current season, signed by an authorized inspector, prior to the arrival of any TFWs,

New! When does the employer need to provide a housing report for the current year?

- From the website: ... *Employers must provide a copy of the official housing inspection for the current season, signed by an authorized inspector, prior to the arrival of any TFWs.*
- On Schedule F (page 1): ... *The inspection of the accommodations where foreign agricultural workers will live temporarily must be performed prior to their arrival in Canada. Individual housing inspections must be submitted with the application for a labour market impact assessment (LMIA) for each location where the temporary foreign workers will be housed.*
- Housing details (address, number occupants approved to reside in the accommodations) should be recorded in SF notes. If the previous year's housing report was provided with the LMIA application, the SF note should be updated upon receipt of the current year's housing inspection report.
- See also: [Documenting Housing Arrangements in FWS and Review of SF notes](#)

New! What should be done if the employer advises Service Canada they are experiencing delays in obtaining the current year's housing inspection by the expected date, or TFWs arrival?

- Details regarding the delay should be obtained from the employer. Officers should consult their Team Leader (and Business Expertise, as needed) so that circumstances and impact on the employer may be reviewed on a case-by-case basis.
- See also: [Documenting Housing Arrangements in FWS and Review of SF notes](#)

New!



- Considerations:** For cases where the expected housing inspection date is near the anticipated LMIA decision date, officers may consider asking the employer whether the current year's inspection is now available, and if so, requesting a copy prior to confirming the LMIA so that all documentation can be completed at the time of decision, when possible. When requesting documents from the employer for web-based applications, officers should provide workaround instructions so that the information is uploaded to the SF and not the ER ID. See [Uploading Documents in Web Service - Workaround Instructions](#)

Housing - Rent Deductions

New! What are the guidelines regarding deductions for rent (AG Stream)? For example, Can an ER effectively charge TFWs sharing an off-site commercial dwelling (e.g.: apartment unit or motel room) more than the cost of the unit to the employer?

- The deductions of \$30/week (low-skilled) and 30% of wages (high-skilled) are maximum amounts. The employer cannot collect total deductions that amount to more than the market rate for the accommodations. A better way to state it would be that the employer can recover the cost of housing from the workers, to a maximum of either \$30/week (for low skill) or 30% of earnings (for high skill).

- From the website: *“If the employer is the leaseholder or the owner of the dwelling... the employer must determine the rent according to the market rate.”* In cases where the employer is renting an apartment from a different landlord, the rental cost that the employer is paying the landlord (e.g., cost to the employer) is a good guide as to what the market rate is.
- For shared accommodations where the employer is the landlord, the website is clear that, “the rent must be divided equally between TFWs.”
- In cases where workers under the Agricultural Stream are housed in different off-site locations, the policy allows for the workers to be charged different amounts based on their skill level. Specifically, low-skill workers can be charged no more than \$30/week and high-skill workers can be charged no more than 30% of their earnings.
- See also: [TFWP website](#)

Transportation - Day to Day

New!

What are the ERs obligations for providing transportation to/from the housing location and worksite?

- The website is clear that: *Employers must provide to the TFWs, where required, no-cost transportation to and from the on-site/offsite housing location to the work location.*
- See also: [TFWP website](#)

In the event a TFW chooses to use alternate transportation to/from the housing location and worksite, for example, if the TFW wants to use their own vehicle, what are the employer's obligations?

- The employer's obligation to provide transportation, at no cost to the TFW, ceases when the TFW chooses alternate transportation. The employer has the right to make transportation arrangements in the manner that is most economical and suitable to the situation. By refusing the transportation arrangements the TFW assumes full cost of the alternate transportation. The employer is not required to pay mileage costs to the TFW.
- **However**, the employer and worker are not prevented from entering into an arrangement to cover all or part of the FW's mileage cost if they so choose. Such arrangements would be separate from the Agriculture Stream employment agreement/contract. TFWP strongly recommends that the employer and TFW make the arrangements in writing and that the document, signed by both parties, be kept in case of a future inspection. It is also the employer's responsibility to ensure that any such voluntary payments for mileage are made in accordance with applicable provincial/territorial legislation.
- **Note:** An employer who chooses to reimburse a TFW for mileage in a case where the TFW declines the standard transportation arrangement should ensure that this reimbursement was included in the original advertisements for the job. Mileage reimbursements are likely part of the overall compensation related to the job. An employer who reimburses a TFW for mileage without having included that in advertisements recruiting Canadians and PRs for the job may be in violation of the advertising/recruitment requirements.

Cap

Exemption

Are LMA applications submitted through the Agricultural Stream exempted from the “CAP”?

- Yes.
- All job offers in primary agricultural occupations are exempt from the Cap. This includes job offers in the Agricultural Stream (and SAWP).

Workplace Safety Insurance

According to the [TFWP website](#), Employers must arrange and pay for workplace safety insurance coverage from either:

- the provincial/territorial workplace safety insurance provider (e.g. Workers Compensation Board, or equivalent); or
- a private insurance provider

Does this mean that an employer can select private workplace safety insurance when insurance from provincial/territorial workplace safety provider is available?

- No.
- If workplace safety insurance is available from a provincial/territorial workplace safety insurance provider (e.g. Workers Compensation Board), the employer must obtain the insurance from that provider. Only when insurance is not available from a provincial/territorial workplace safety insurance provider may the employer obtain this insurance from a private insurer. In this circumstance the employer is responsible for ensuring that the private insurance coverage is equivalent to provincial/territorial insurance coverage.
- Employers who obtain private insurance when provincial/territorial insurance is available may be deemed non-compliant during

reviews by ISB.


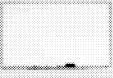
See Also

- [Housing Inspections - TFW in WT](#)

Effective Date

2015-01-14

- Updated 2015-05-27

	Click the Whiteboard to report broken links or ask a question about this page:	
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Categories: [BE Updates - TFW in WT](#) | [TFW Program - WT Region Reference Pages](#) | [Agriculture - TFW in WT](#) | [All Program Officer Topics - TFW in WT](#) | [All Service Officer Topics - TFW in WT](#) | [LMIA Prep - TFW in WT](#)

Triaging AF files with mixed commodities (link to Triage Q & A)

Wage assessment Directive (link indicates “page cannot be displayed”, Government of Canada page)

National Commodities List

http://www.esdc.gc.ca/en/foreign_workers/hire/agricultural/overview.page

Housing Inspections - TFW in WT (link to housing inspection criteria)

link to Schedule E Housing inspection form

<http://www.servicecanada.gc.ca/fi-if/index.jsp?app=prfl&frm=emp5598&lang=eng>

Integrity Guidance (Inspect/ECR/RuMI/I-Score) (link to Integrity guidance)

TFWP website (link to tfw website)

http://www.esdc.gc.ca/en/foreign_workers/hire/agricultural/requirements.page

**Pages 29 to / à 31
are withheld pursuant to section
sont retenues en vertu de l'article**

16(2)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Agricultural Streams Comparison Chart - TFW in WT



This page presents info from National Headquarters in Ottawa for *internal reference* by officers delivering the Temporary Foreign Worker program in the Vancouver and Edmonton delivery sites. It is part of the TFW Program - WT Region Reference Pages [↗](#)



Consult the Identifying Streams for Processing LMIA's document [↗](#) for comparison charts on the different Program Streams, including **Agricultural Streams**

Agricultural Streams Comparison Chart

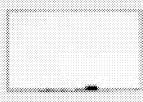

Please note that NHQ has advised the Agricultural Streams Comparison Table viewable on the former ESDC website will not be included as part of the website migration to Canada.ca. This chart will be available for internal use only.

The chart is viewable on pages 3-8 of the document linked above. Look for the gold table header.

High/Low Wage streams and Express Entry

Pages 1-3 of the document linked above provide a quick comparison of High and Low Wage streams, as well as Express Entry. A comparison table for these streams is linked on page 3 of the document.

Click the Whiteboard to report broken links or ask a question about this page:



Categories: [TFW Program - WT Region Reference Pages](#) | [NHQ Updates - TFW in WT](#) | [All Service Officer Topics - TFW in WT](#) | [All Program Officer Topics - TFW in WT](#) | [LMIA Prep - TFW in WT](#) | [TFW.WT.Redirects](#)

Identifying Streams for Processing LMIA's document NHQ document #2

AgStream Reference - TFW in WT



■ This page is presented by Program Delivery in WT for *internal reference* by officers delivering the Temporary Foreign Worker program in the Vancouver and Edmonton delivery sites. It is part of the TFW in WT Reference Pages.



Agriculture - TFW in WT This page provides guidance in relation to the Agricultural stream implemented January 1, 2011.

Contents [hide]

- 1 Background
- 2 Guidelines - Employer Options
- 3 Instructions
 - 3.1 Housing
- 4 See Also
- 5 Effective Date

Background

The Agricultural Stream was created to reduce differences between SAWP and the regular stream and to provide a degree of consistency between program streams

The Agricultural Stream applies to TFWs from any country entering Canada to work in sectors included under the [National Commodities List](#).

Guidelines - Employer Options

Employers applying for lower skill workers are free to choose between the SAWP and the Agricultural Stream of the NOC C and D Pilot Project. All requirements of the particular Program selected must be met.

Employers who wish to hire temporary foreign workers (TFW) in higher skilled agricultural positions can choose between the Agricultural Stream, the Seasonal Agricultural Worker Program. All requirements of the particular Program selected must be met.

The regular NOC C and D Pilot Project is still available for employers who wish to hire agricultural TFWs in commodities not listed under the National Commodities List.

Instructions

The majority of applications received under the agricultural stream are for NOC C and D occupations and therefore there is some overlap in the use of the SAWP, Agricultural Stream and Low Skill programs.

Although the Low Skill Pilot Program, SAWP and the Agricultural Stream require the employer to sign an employment contract, program requirements differ. Under the Agricultural Stream, the employer is required to meet the following criteria:

- Demonstrate efforts to hire Canadians and permanent residents
- Offer the foreign worker the same wages indicated in SAWP to a Canadian agricultural worker doing

- the same work, in the same region, and offer working conditions consistent with Canadian standards;
- Pay the two way airfare for the foreign worker to and from their country of residence and Canada;
- Provide suitable accommodations, at a fee of \$30 per week, unless applicable provincial standards specify otherwise.
- Ensure the foreign worker is covered by workers' compensation;
 - Provide medical coverage until the worker is eligible for provincial health insurance coverage.
- Sign an employer-employee contract outlining wages, duties, and conditions related to the transportation, accommodation, health and occupational safety of the foreign worker;

Housing

Under the Agricultural Stream, the only variance between the lower and higher-skilled positions is related to the housing option. Employers have more flexibility on where higher-skilled TFWs can be housed. As indicated on the [Comparison Chart](#)

- For lower-skilled TFWs whether they are housed on-farm or off-site, employers can only 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).
- For higher-skilled TFWs being housed;
 - on-farm, employers 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; or
 - off-site, employers acting as the leaseholder, the owner of the dwelling or other (to be described on the labour market opinion (LMO) form and the employment contract), has to base the rent on the market rent, which is then divided by the number of TFWs sharing the accommodation. The rent of each occupant has to be equal and cannot be more than 30% of the TFW's gross monthly earnings.

As for the housing inspection the obligation to provide proof that the housing has been inspected is for the on-farm as well as for the off-site housing. The inspection must still, be conducted by the appropriate provincial/municipal body or by an authorized private inspector with appropriate certifications from the relevant level of government.

See Also

- [Ag Stream Q & A](#)
- [AG Stream Comparison Chart](#) **Updated**
- [Wages by Commodity 2016](#) on the [Service Canada](#) internet site.
- [Wages by Commodity 2015](#) **New!**

Effective Date

2012-12-07

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page:

Categories: TFW Program - WT Region Reference Pages | All Program Officer Topics - TFW in WT | All Service Officer Topics - TFW in WT | Agriculture - TFW in WT | LMIA Prep - TFW in WT

Link to National Commodities List

http://www.esdc.gc.ca/en/foreign_workers/hire/agricultural/overview.page#tab3

Link to Comparison chart in TFW website SAWP/AG guidance

http://www.esdc.gc.ca/en/foreign_workers/hire/agricultural/index.page

Wages by Commodity 2016

http://www.esdc.gc.ca/en/foreign_workers/hire/agricultural/agricultural_wages.page

Wages by Commodity 2015 NHQ document #3