

# **AGRICULTURE WORKERS NEEDED: SEASONAL AND PERMANENT**

**Update to**

**Recommendation 4.1.1.1 Improve Access to**

**Temporary and Seasonal Labour**

## **ADDRESSING LABOUR SHORTAGES IN THE AGRICULTURE & AGRI-FOOD INDUSTRY NATIONAL WORKFORCE ACTION PLAN**



**Prepared by the  
POLICY AND PROGRAMS WORKING GROUP  
Of the  
LABOUR TASK FORCE**

**April 15, 2015**

# ACKNOWLEDGEMENTS

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The Labour Task Force's **Policy and Programs Working Group** would like to acknowledge the contributions of those who participated in the research and development of this **Workforce Action Plan Update**. Information, feedback, perspective and guidance were provided by the Working Group members and **Workforce Action Plan** Implementation Partners.

The Labour Task Force would like to thank the following Working Group members for their participation

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- Frank Novak, Alberta Pig Company/Alberta Pork
- Bryan Walton, National Cattle Feeders Association
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- Ron Davidson, Canadian Meat Council
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- Victor Santacruz/Sally Harvey, Canadian Nursery and Landscape Association
- David Tharle, Canadian Honey Council
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- Ryder Lee, Canadian Cattlemen's Association
- Humphrey Banack/Scott Ross, Canadian Federation of Agriculture
- Jerry Amirault, Lobster Processors Association
- Denis Roy, L'Union des producteurs agricoles
- Janet Krayden, Canadian Agricultural Human Resource Council
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For a full list of **Canadian Agriculture and Agri-Food Workforce Action Plan** Implementation Partners please refer to the appendix.

# EXECUTIVE SUMMARY

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The agriculture and agri-food value chain is a powerful driver of the rural economy and the broader Canadian economy, contributing 8 per cent toward Canada's GDP. The agriculture industry is currently experiencing critical labour shortages and needs more workers to remain globally competitive, to take advantage of export opportunities, and to ensure the security, safety and sustainability of food for Canadians. Currently, there are over 1,000 job openings that remain unfilled in the meat processing sector alone.

The agriculture and agri-food value chain has many **unique workforce challenges** including:

- **Rural:** Employment opportunities are mostly in rural areas making it difficult for employers to access and attract workers;
- **Perishable Product:** Productivity and success of the industry is tied to perishable products related to both the handling of live animals and plants, and the safety, security and sustainable food production for Canadian consumers; and
- **Seasonality:** There will always be a seasonal component to agriculture that won't be able to provide full-time permanent jobs.

Hiring Canadian workers is the first priority for the agriculture and agri-food industry. The industry expends extensive efforts to recruit and retain Canadians. Current Federal Government programming ensures domestic Canadian workers have the first opportunity to fill agriculture sector jobs due to vigorous advertising requirements and other robust regulations.

However, when domestic Canadian workers are not available to meet the agriculture and agri-food industry's workforce requirements, a dedicated mechanism is needed for agriculture and primary processing companies to hire willing workers from abroad as a backstop measure, one that includes viable pathways to permanent residency for successful workers. Many opportunities for career promotion exist within the agriculture sector, making these workers strong candidates for economic immigration in rural communities where these jobs are readily available.

Through extensive consultation over the last three years, industry has developed the **Canadian Agriculture and Agri-Food Workforce Action Plan** with recommendations to address the immediate and pervasive issue of an inadequate supply of workers. This **Update** focuses on the agriculture industry's non-domestic labour requirements (seasonal and permanent) and highlights short, medium and long-term recommendations including a **new integrated permanent labour solution** for the industry.

1. **Short-term solution:** Recommended adjustments to streamline existing systems and processes within the Temporary Foreign Worker Program to help the agriculture and agri-food sector successfully access non-domestic labour and adapt to new policy changes.
2. **Medium-term solution:** A recommended **Canadian Agriculture and Agri-Food Workforce Program**, a new streamlined program designed for and dedicated to the agriculture and agri-food industry.
3. **Long-term solution:**
  - a. **Improved Pathways to Permanency:** Recommended improvements to existing programs to better support permanent residency for agriculture and agri-food workers in alignment with Citizenship and Immigration Canada; and
  - b. **Implementation of the long-term elements of the Canadian Agriculture and Agri-food Workforce Action Plan:** to ensure a strong domestic labour supply into the future.

**With over 60 Canadian Agriculture and Agri-Food Workforce Action Plan Implementation Partners**, representing both farmers and industry, the complete agriculture value chain has come together to work on a permanent solution for this permanent problem.

A gain for the agriculture industry is a gain for the rural economy. These proposed solutions will help **revitalize the rural Canadian economy and communities**. Implementing the **Canadian Agriculture and Agri-Food Workforce Program and Workforce Action Plan** will help create a policy environment which allows the agriculture industry to remain viable, competitive, and a significant contributor to the Canadian economy. Furthermore, it will encourage economic growth and jobs by allowing the sector to access the **workforce it needs to take advantage of new export opportunities** offered by the Federal Government's trade agenda.

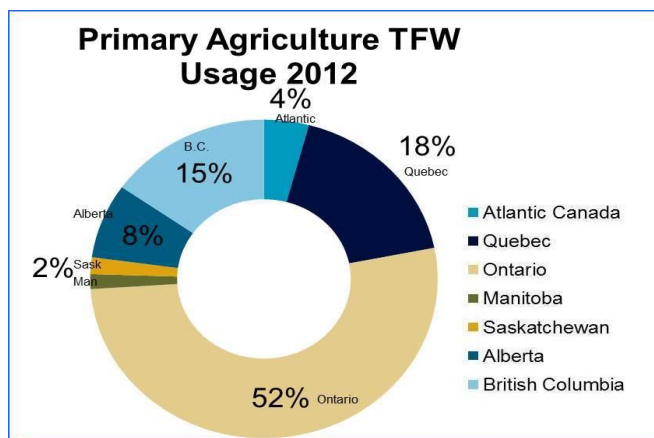
## The **Canadian Agriculture and Agri-Food Workforce Action Plan and Program** will:

- streamline programming, to ensure consistency and efficiency;
- provide a sustainable & integrated permanent labour solution for the agriculture and agri-food industry;
- promote Canada's export trade agenda; and
- help revitalize the rural Canadian economy and communities by creating jobs for Canadians.

# INTRODUCTION

In 2012, the agriculture and agri-food system employed 2.1 million people and accounted for one in eight jobs in the Canadian economy, or 12 per cent of total Canadian employment. Regionally, the agriculture and agri-food industry, including the seafood industry, is an important source of economic activity in many provinces and contributes over \$100 billion annually, close to eight per cent of Canada's GDP. The agriculture and agri-food industry needs workers to remain **globally competitive**, to take advantage of **export opportunities** provided by the Federal Government's free trade initiatives, and to ensure the **security, safety, and sustainability of food** for all Canadians.

There are long-standing pervasive workforce shortage issues that industry has identified within the **Canadian Agriculture and Agri-Food Workforce Action Plan** (<http://www.cahrc-ccrha.ca/workforce-action-plan>). The **Workforce Action Plan** was researched and developed by a Labour Task Force made up of representatives of the agriculture industry value chain roundtables. The comprehensive plan for the agriculture and agri-food industry, including the seafood sector, was released last year to address the critical concerns of labour shortages and skills requirements for all commodities, in all regions of Canada. As the industry was developing this **Workforce Action Plan**, media reports emerged about abusers of the Temporary Foreign Worker Program (TFWP). The complaints stemmed from concerns over the misuse of the program outside of primary agriculture and agri-food processing.



Graph represents primary agriculture statistics including aquaculture  
Source: CAHRC, Conference Board of Canada, Statistics Canada

In June of 2014 the federal government announced changes to the Temporary Foreign Worker Program. Although primary agriculture was exempt from some new elements, the June 2014 changes have had unintended consequences for the industry, affecting all 12 agriculture and agri-food value chains across Canada including: Bee Health, Beef, Food Processing, Grains, Horticulture, Organics, Pork, Pulses, Seafood, Seed, Sheep, and Special Crops.

In 2012, there were a total of 202,510 Temporary Foreign Workers on positive labour market opinion positions in Canada. Of these, 39,700 or **20% were employed in agricultural positions**. Through extensive industry consultation, the Policy and Programs Working Group of the Labour Task Force has been capturing value chain feedback with an issues/solutions approach for this **Workforce Action Plan Update**.

This document identifies key issues and workforce challenges. Issues like the new 30/20/10 "caps" on agriculture value-added processing are having a severe impact on the entire agriculture value chain. These caps affect current food production and primary agriculture which both rely on the value-added industry. The caps are also affecting value-added seasonal processors, who face unique peak processing periods. Based on identified issues, this document also outlines short, medium and long-term solutions to improve access to labour for the industry, including the proposed new **Canadian Agriculture and Agri-Food Workforce Program** defined to fully support the industry's unique labour requirements through a focused, specific and permanent program.

## KEY ISSUES

### RURAL CANADIAN REVITALIZATION

A gain for the agriculture and agri-food industry is a gain for Canadian rural development. Implementing the **Canadian Agriculture and Agri-Food Workforce Program and Workforce Action Plan** will help revitalize the rural Canadian economy and its communities by creating

*"Canada is a food super power. We should start acting like it." -Brad Wall, Premier of Saskatchewan, March 2014*

a policy environment for the agriculture industry to remain viable, competitive, and a significant contributor to the broader Canadian economy. Re-populating rural Canadian communities with workers seeking employment in the agriculture industry will stimulate economic growth and jobs for Canadians. By creating a policy environment that fills this key rural industry's workforce needs, the end result will be **productivity expansion**, enabling rural Canada to become an **agri-food engine** for new export opportunities offered by the Federal Government's trade agenda.

A policy environment enabling rural Canada's **productivity expansion** to become an **agri-food engine** for new export opportunities.

According to *A Statement of the current structure and trends in Rural Canada*, prepared for the Federation of Canadian Municipalities in 2014: "*The new rural challenge: **create people, not jobs...** 'people-creation', not job creation, holds the key to growth in rural Canada. Canada is approaching a scenario with*

*more deaths than births – and some rural areas are already there. To grow, **these communities must attract immigrants or migrants from elsewhere in Canada.***"

Currently, rural de-population is one of the top challenges causing agriculture workforce shortages. A research series prepared for the Rural Ontario Institute entitled *Focus on Rural Ontario*, in 2014 reports:

- "Ontario's non-metro economy has been declining since October, 2012."
- "The sector with the largest employment decline since the peak in 2008 was manufacturing. The long-run pattern shows total employment in non-metro Ontario has been generally flat since 2004."
- "Few communities (6%) in non-metro census divisions reported population growth in all five-year periods from 1981 to 2011."
- "There is "a deficit in the balance of incoming versus exiting working age population predominates in non-metro areas of the province... potential labour market shortages are more likely to be a concern in these areas."

Foreign workers on Canadian farms and working in agriculture's value-added industry are providing stability for the thousands of Canadians employed throughout the agriculture sector and in related sub-sectors. But more workers are needed.

Due to workforce shortages, according to the Canadian Cattlemen's Association *Workforce Economic Impact Summary* released March 16, 2015: "*If \$14/head in value added did not occur on the 1.12 million head of fed cattle slaughtered in the second half of 2014 then \$11.2 million in GDP was lost to the Canadian economy.*"

Capturing value-added opportunities in Canada has economic benefits to the rural and broader economy which creates jobs all along the value chain. The Cattlemen's report states:

*"For every worker employed in the beef sector another 4.2 workers are employed in Canada (counting direct and indirect impacts) and almost 7 workers are employed if all impacts are included. If the Canadian processing sector currently has 1,000 vacancies this results in 4,200- 7,000 fewer jobs in the economy. For every \$1 of income received by workers another \$2.95 are created elsewhere. If wages from these 1,000 vacancies are estimated at \$16/hour, another \$98 million are not being created in the economy."*

Also due to workforce shortages, meat processors are being forced to:

- Reduce and curtail the production of value-added items;
- Divert specialty meats to lower value rendering rather than harvesting them for export; and
- Forfeit existing and new export opportunities.



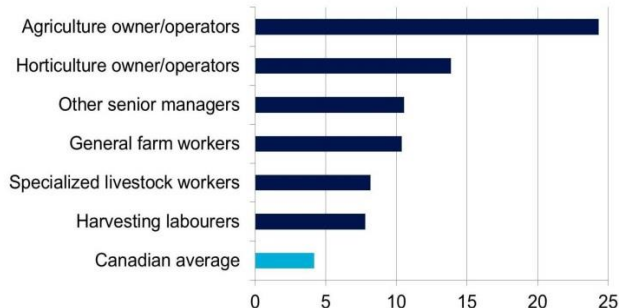
This is decreasing profitability, competitiveness and business sustainability ultimately increasing the number of Canadian jobs that are being placed at risk. When meat processors cannot achieve production levels, farmers are adversely affected too. By exporting livestock rather than doing the value-added processing here in Canada, the industry is effectively exporting jobs and economic opportunity. More grain will have to be transported by the railways from farm to port. **The reality is that Canada's agriculture and agri-food industry either needs to import more workers to care for and process livestock or needs to export livestock and then import processed meat for consumers to buy at the local grocery store.** Canadians are better served with a comprehensive **Canadian Agriculture and Agri-Food Workforce Program** incorporating dedicated pathways for agriculture and primary processing companies to hire willing workers from abroad when needed and for viable pathways to permanency for those successful workers.

## OTHER UNIQUE WORKFORCE CHALLENGES

The agriculture and agri-food value chain experiences unique workforce challenges related to the handling of perishable products, the handling of live animals and plants, as well as the safety, security and sustainability of food for Canadian consumers. Additionally, there will always be a **seasonal** component associated with growing and harvesting food.

### Primary Agriculture's Aging Workforce

share of the workforce over age 65, per cent



Graph represents primary agriculture statistics including aquaculture  
Source: CAHRC, Conference Board of Canada, Statistics Canada

More challenges affecting workforce shortages are identified and addressed within the **Workforce Action Plan**:

- Aging workforce
- Overall image of the agricultural sector
- Shortage of skilled workers
- Retention of skilled workers in the sector
- Requirements of sector, including: transportation, food processing, and accommodation
- Lack of available training programs in Canada

Recent statistics show 25% of primary agriculture owner/operators are over 65 years of age. Shortages that already exist will only increase related to finding people willing and/or able to work in the agriculture and agri-food sector.

## EMPLOYMENT AND SOCIAL DEVELOPMENT CANADA'S ROBUST REGULATORY PROCESS

Currently, the agriculture and agri-food industry uses the Temporary Foreign Worker Program administered by Employment and Social Development Canada (ESDC) as a last resort when Canadian domestic workers cannot be found. Few are aware that there is a significant cost and paperwork burden associated with bringing in workers from abroad. The priority for Canadian producers and processors is to hire Canadians, **Action Plan** research estimates the cost for primary producers to bring in one worker from abroad is approximately \$12,000.

There are many robust features built into current ESDC programming that act as safeguards. Outlined here are the current hiring administrative process and advertising criteria required of primary agriculture producers to hire workers from abroad. To meet the minimum advertising requirements, employers must advertise on the national Job Bank or its provincial/territorial counterpart in British Columbia, Newfoundland and Labrador, the Northwest Territories, Quebec or Saskatchewan.

Before employers apply for a labour market impact assessment (LMIA) their advertisement must be posted: A minimum of 14 calendar days starting from the first day the ad appears and is accessible to the general public; During the 3 month period prior to the employer applying for a labour market impact assessment (LMIA). Employers are expected to continue advertising while their application is being considered and they must also conduct recruitment activities consistent with the normal practice and advertise: on recognized Internet employment sites such as Monster, Workopolis; in local and regional newspapers, newsletters; in ethnic newspapers and Internet sites; in local stores, places of worship, community resource centres; or in local and regional employment centres.

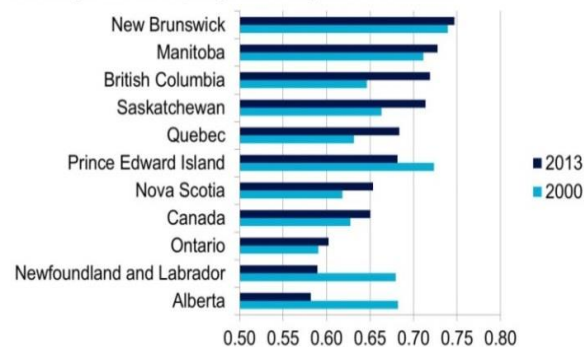
The advertisement must include the: job duties (for each position, if advertising more than one vacancy); terms of employment; wage; benefits package being offered (if applicable); location of work (local area, city or town); skills requirements as well as education and work experience. This is the current process for the Agriculture Stream. The processes for the Higher and Lower Skilled streams outside of the Ag Stream incorporate even more stringent requirements.

The proposed new **Canadian Agriculture and Agri-Food Workforce Program** would retain this robust regulatory environment but would also incorporate adjustments to streamline and simplify the process to ensure access to qualified workers in an efficient manner.

## WAGE RATES

### Agriculture Wage Gap Has Narrowed in Most Provinces

ratio of agriculture hourly wages to average for all industries



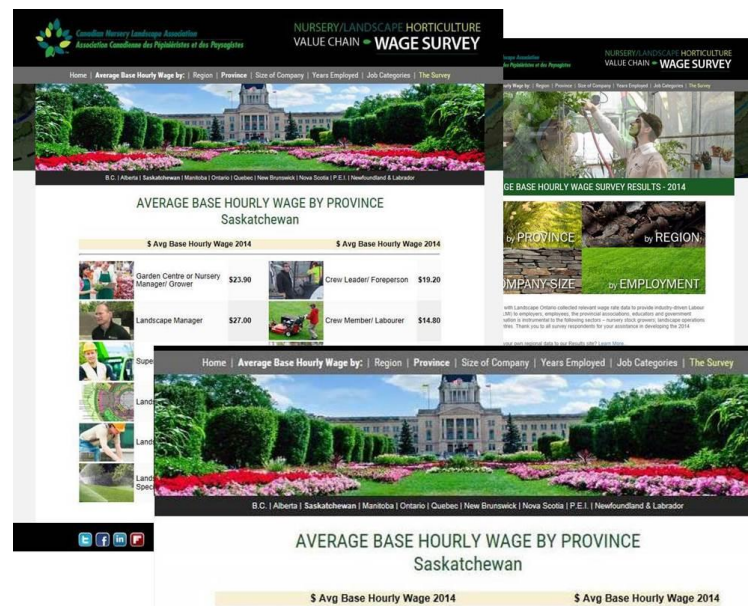
Graph represents primary agriculture statistics including aquaculture  
Source: CAHRC, Conference Board of Canada, Statistics Canada

The primary agriculture wage gap has been narrowing in most provinces. **Although wages in the agriculture sector have increased more quickly than wages in the Canadian economy as a whole, the sector is still currently unable to attract sufficient numbers of domestic Canadian workers.** In Newfoundland and Alberta the oil and gas sector is outstripping agriculture in hourly wages, but in most other provinces, the statistics show that agriculture's hourly wage ratio is increasing.

With a requirement for 65,000 workers, the meat industry is the largest component of this country's food processing sector. The Canadian Meat Council reports that the industry recruits workers aggressively, continuously and nationally and that the meat processing sector is paying wages that are much higher than those paid by U.S. competitors (Canadian meat processors are paying between 10 to 25 per cent higher wages than the U.S.).

Worker wages in the meat processing sector are well in excess of provincial minimums and have been keeping pace with or exceeding inflation in the last 10 years. Although variable by location, wages during this period have increased approximately 20 to 40 per cent. The industry offers full time jobs, extensive classroom and on-the-job training, and comprehensive employee benefits, including medical, dental, vision, insurance and retirement plans.

Stakeholder feedback indicates that industry would prefer provincially based wage rates based on industry consultation rather than ESDC regional wage rates. A provincial approach is needed because many farm operations are located in more than one ESDC wage rate region. This makes it very difficult for businesses to operate, as employers must set different wage rates for the same business, depending on where the farm is located.



One example of industry consultation regarding wage rates is an ESDC Wage Survey pilot project which the Canadian Nursery Landscape Association has undertaken through a consultant. The survey catalogues the average hourly wage by province and job category. This industry consultation approach could be taken with other agriculture commodities as well, highlighting industry wage statistics which are catalogued per province **with open transparency**. To review this Wage Survey option visit: <http://www.wagesurvey.ca/>

## **NATIONAL OCCUPATIONAL CODES (NOC)**

National Occupational Classification codes (NOC) which are currently being used by the Temporary Foreign Worker Program are not reflective of modern agriculture. This is one of the issues hindering the sector from transitioning its workers to permanent residency through the Express Entry program of Citizenship and Immigration Canada. For example, driving a \$500,000 combine and operating other expensive farm machinery is considered a high skilled job by employers; yet, is classified as “lower skill” within current programming. Currently, the Express Entry program is geared toward higher skilled labour only. **This means that at this time there is no facilitation for permanent residency for high demand and skilled workers that fall within the NOC C or D category, even though agriculture and value added processing have critical need for these workers.**

Research has been conducted by industry to define National Occupational Standards, this work should be used to inform NOC code updates.

## **ADMINISTRATION AND THE NATIONAL COMMODITY LIST**

The current Temporary Foreign Worker Program has four streams of workers that the agriculture and agri-food value added industry access: the Seasonal Agriculture Worker Program (SAWP); Agriculture Stream; Lower-Skilled Occupation Stream; and the Higher-Skilled Occupations Stream. Because of the current regulatory regime, agricultural producers and value-added processors need to use all four streams, leading to extensive confusion for industry and program officers.

Based on feedback received from industry stakeholder through this research, the SAWP works relatively well. SAWP is currently used by producers from a variety of commodities and was initiated in 1966 in response to the horticulture industry’s need for seasonal agriculture workers. **The Policy and Programs Working Group recommendation is to leave SAWP as is.**

The SAWP program utilizes a single office in Simcoe, Ontario to process the majority of Labour Market Impact Assessments. Quebec’s SAWP LMIA applications are processed in a joint working arrangement with the Quebec provincial government in Montreal. The Working Group recognizes the single office model as an important part of SAWP’s success as a program, and recommends this approach for other agriculture and agri-food industry needs.

In order to qualify for SAWP and the Agriculture stream, a commodity needs to be listed on the National Commodity List. Many farmers who require seasonal workers, however, do not qualify for SAWP or the Agriculture stream because their commodity is not on the National Commodity List (NCL). Examples like grains and oilseeds, maple sap/syrup are not on the National Commodity list.

To have a commodity included on the National Commodity List is an awkward, confusing process that lacks transparency. Since December 2014, the Working Group is aware that mushrooms, maple sap/syrup, as well as forages and its value-added processing are asking to be included on the National Commodity List. In many cases, the requests that commodities make to be added to the NCL can take many years to be resolved.

Since January, there have been several changes to the NCL without consultation. This causes a lot of frustration and anxiety to producers as their “ag exemption” is driven by what appears on the National Commodity List web page. Some “ag exemptions” apply to all four streams; however, there is a lot of confusion about where the “ag exemption” applies, and where it does not, for farmers, industry, and program officials processing the paperwork.

### **Options for the National Commodity List**

Recommendations for improvements to this system as identified in the Agriculture and Agri-food Workforce Program include the following:

- Delink the National Commodity List from the Agriculture Stream; OR
- To qualify for the Canadian Agriculture and Agri-Food Workforce Program include all commodities on the new expanded Agriculture and Agri-Food Workforce Program List;
- Use more descriptive NOC codes potentially in conjunction with Workforce Program List;
- Clarify the process for inclusion on the new Workforce Program List.



## CITIZENSHIP AND IMMIGRATION CANADA PROGRAMMING

**There are several critical agriculture labour issues connected to Citizenship and Immigration Canada.** The cumulative duration rule and the International Experience Canada (IEC) program are two key components which fall under Citizenship and Immigration Canada. Both the cumulative duration and the IEC program affect primary producers who need workers to fill their seasonal agricultural workforce requirements including grain farmers, bee keepers, and the seafood sector.

The Working Group has received feedback on the International Experience Canada program which provides Canadian farmers with valuable access to a global workforce. The IEC program has a deep and rich history tied to the Canadian agriculture industry, allowing cultural and educational exchange between Canadian farmers and international agriculture students. Comments received demonstrate that Canada has less flexibility in programming and more paperwork when compared to other countries with which Canada shares this agreement. The program launch was delayed in 2015 and program changes have affected the program delivery. Many farmers rely on this program for their operations which have seasonal deadlines tied to spring seeding and harvest. Better program predictability is needed and future cuts to this program could prove detrimental for the Canadian farmers who participate in this program.

There has been a large amount of feedback received from many commodities and primary agriculture producers regarding cumulative duration. The Seasonal Agriculture Worker Program (SAWP) does not have a cumulative duration rule or “cap” on the number of years an agriculture worker can return to an operation. To make programming consistent, the Working Group recommends that the Agriculture Stream should be aligned with the SAWP program which does not include a cumulative duration cap.

There is also a critical need for facilitation of permanent residency for agriculture NOC C or D workers for which both the agriculture and value-added processing has a critical need. **More information on proposed long-term Permanent Residency solutions including cumulative duration specifics needed for primary agriculture’s critical seasonal labour requirements can be found on page 14 (Long Term Solution 3A).**

## BETTER COMMUNICATIONS ESSENTIAL

To avoid unintended consequences to the agriculture and agri-food value chain, better communication between government and industry is essential. The issues surrounding the industry’s labour shortages concern several federal government departments, including: Employment and Social Development Canada, Citizenship and Immigration Canada, Agriculture and Agri-Food Canada, and Industry Canada. These overlapping responsibilities make coordinated communication essential. Health Canada’s Pest Management Regulatory Agency and the Canadian Food Inspection Agency facilitate full consultations with the agriculture industry before making changes. This is a successful model that works for the agriculture industry and could in fact be used as a template for other departments.

The processing times for Labour Market Impact Assessments (LMIAs) is a long standing issue. An online system is still not functioning. The overall process needs to be streamlined in order for industry to meet the requirements of the new regulatory regime. Two solutions that would go a long way to resolving long standing communication issues are:

- Establishing a **single Agriculture and Agri-Food office for those LMIA applications** outside of the Seasonal Agriculture Worker Program (SAWP) stream, similar to the SAWP Centre of Specialization in Simcoe, Ontario; and
- Ensuring that the **online computer system being developed for LMIA applications has a tracking mechanism** which would immediately verify application receipt and allow employers to follow LMIA application progress through this system, similar to FedEx tracking, for example.

The proposed solutions are intended to help streamline systems for the federal government and decrease red tape for the agriculture and agri-food industry so the sector is able to focus on and adapt to the new federal government policy changes.

# SOLUTIONS

## 1. SHORT TERM ISSUES/SOLUTIONS: Current TFWP Policy

*This section presents critical issues facing the agriculture and agri-food industry along with suggested recommendations to resolve each challenge. These are fixes that could be done immediately to help alleviate pressures and allow the industry to successfully adapt to the new policy changes.*

| Category         | Issue  | Solution  |
|------------------|--|---|
| COMMUNICATIONS   | <b>ESDC &amp; CIC:</b> Interpretation of regulations as they apply to agriculture and value added processing is confusing for employers, workers and Department employees. There is a lack of communication from the Departments to agriculture and the value added processing value chain regarding ongoing and pending regulatory changes, adding to the confusion and frustration for all parties including Government officials.   | <ul style="list-style-type: none"> <li>• <b>Similar to SAWP, establish a dedicated single office for the other agriculture and value added processing industry streams.</b></li> <li>• ESDC to create an online subscription list for industry to enable Government to inform industry of updates and changes such as when new forms become available. CFIA model could be reviewed and incorporated. For example, CFIA regularly invites the agriculture value chain to participate in large industry consultation forums and face to face consultation sessions to allow industry to engage directly with regulators. The Canadian Agricultural Human Resource Council (CAHRC) would help to facilitate these communications efforts.</li> <li>• CAHRC, with appropriate funding, will create a Canadian agriculture &amp; agri-food sector manual for Government employees' reference. The manual would be updated at minimum annually; be available online and be distributed annually to relevant Department and Embassy Officials processing applications.</li> </ul> |
| PROCESSING TIMES | <b>ESDC &amp; CIC:</b> The turnaround time for applications is too long for agriculture and value added processing. Speaking to a new desk officer every time increases the turnaround time. It is inefficient and costly for both Government and industry. Because agriculture and agri-food is seasonally time sensitive, deals with livestock and plants, and perishable products, this makes it of the utmost importance to have an efficient and timely process.  | <ul style="list-style-type: none"> <li>• <b>Similar to SAWP, establish a dedicated single office that understands unique agriculture value chain issues for the other agriculture and value added processing industry streams.</b></li> <li>• Make agriculture and value added agri-food processing sector a priority for LMIA and Work Permit processing providing a maximum 3 week benchmark for Departments' application processing.</li> </ul>  |
| WAGE RATES       | <p><b>ESDC:</b> Wage rates need to be more realistic and correlate with what agriculture and agri-food employers are paying Canadians. Wage rates for TFWs are often higher than those in the Canadian domestic workforce. There are geographic issues based on an awkward regional approach where some regions have a prevailing wage rate and others do not.</p> <p>ESDC needs to recognise and ensure the use of Collective Bargaining Agreement's prevailing wage rate because an employer cannot pay the TFW more than the CBA agreed upon union rate which is paid to Canadian domestic workers. Although this is policy, new programming officers are usually not aware of this unique agri-food value added processing issue, and insist on using the ESDC Wage rates.</p> | <ul style="list-style-type: none"> <li>• Wage rates need to be industry driven with simple industry consultations. Value added processing wages will be based on collective bargaining agreements.</li> <li>• Wage rates would be provincially based, not regional within each province.</li> <li>• Instead of agriculture's prevailing wage being based on manufacturing, it would be based on the wage rates paid to workers in agriculture industry's commodities such as pork, beef etc.</li> <li>• Allow reasonable wage increases without applying for a new LMIA, up to 15%.</li> <li>• Further clarification and consultation regarding collection of data methodology and the prevailing wage rate changes on website (what is triggering changes?).</li> </ul>  |

|  |   |  |
|--|---|--|
| <p><b>NOC CODES</b></p>                            | <p><b>Value Added Issue (ESDC/Stats Can/ CIC):</b> Current NOC codes are outdated and not due to change until 2016. This is contributing to NOC class restrictions being interpreted inconsistently causing LMIA applications to be declined. Employers with unionized workforce lack clarity in the application of these NOC based restrictions on assessments of advertisement requirements and work permit compliance during employment. For example, Production Workers (NOC D) and Meat Cutters (NOC C) fall into the new low wage category as rates of pay fall below the overall provincial median wage. There are other examples of inconsistency within the seafood sector including: 9463 (Fish plant workers); 9618 (Labourers in fish processing); 9213 (Supervisors, Food, Beverage and Tobacco Processing).</p> <p><b>Agriculture Issue (ESDC/Stats Can):</b> Some Job titles/descriptions fall under different codes depending on the NOC series. Clarification is needed from ESDC regarding whether or not program officers are processing 2006 and 2011 with equal consideration. What was previously classified as semi-skilled position now requires formal education, but no training program exists. Such is the case for Apiary Technicians; therefore the job is now classified in the low-skilled category although the job requires high level of specific skills.</p>  | <ul style="list-style-type: none"> <li>• Update of value added National Occupational Classification codes with consultation and input from industry to reflect the evolving nature of the meat processing industry</li> <li>• Permit the meat industry to access NOC 6331 (butchers and meat cutters for retail and wholesale) when these workers will prepare products for retail and wholesale clients;</li> <li>• Transfer to NOC 6331 (skilled butchers and meat cutters) the high skill tasks that are present included in NOC 9462 (industrial butchers and meat cutters)</li> <li>• Designate industrial butchers and meat cutters NOC 9462 as an occupation that experiences a chronic worker shortage and constitutes an “in demand” group eligible for “Express Entry”</li> </ul><br><ul style="list-style-type: none"> <li>• Update agriculture NOC codes with consultation and input from industry.</li> <li>• Use Canadian Agricultural Human Resource Council’s National Agriculture Occupational Framework to better inform the 2016 agriculture NOC code process.</li> </ul> |
| <p><b>NEW CHANGES TO LMIAS AND WORKPERMITS</b></p> | <p><b>ESDC &amp; CIC:</b> The Ag and Low Skill streams should include an open permit system for interested employees and employers to share the employee’s time and services with an equitable agreement for all parties. This was the practice prior to 2014 which allowed for work sharing assisting different seasonal agriculture needs through a streamlined regulatory process which was used for Guatemalan agriculture workers. Due to changes, the visa office now requires the worker to take steps to request a second work permit once on Canadian soil. Due to lengthy LMIA processing times and agriculture’s short seasonality there is no longer time to process the LMIAs.</p> <p><b>ESDC &amp; CIC:</b> Inconsistent program implementation (or interpretation) by both ESDC Program Officers in Canada and also some Foreign Embassy Service Officers. Some highly qualified candidates have been denied entry visas based on the local embassy officer’s judgment (or perception) of the candidate and non-familiarity with agriculture industry, e.g. question the candidate’s ties to their country of origin and their level of qualification (over or below) against the actual job profile which was previously reviewed and approved by a sponsoring Canadian employer. Some Canadian embassies where confusing issues are occurring for agriculture, agri-food and seafood industry include: Philippines, El Salvador, Honduras, and Mexico.</p> | <ul style="list-style-type: none"> <li>• Revert back to the treatment that existed prior to the 2014 change, permitting applications for dual work permits/LMIAs prior to initial entry.</li> </ul><br><ul style="list-style-type: none"> <li>• Provide more training to Foreign Service Officers to standardize the interpretation of the program implementation guide.</li> <li>• Make agriculture &amp; value-added processing a high priority in foreign embassies.</li> <li>• Prioritize and defer to the sponsoring employer’s assessment of the candidate’s qualifications.</li> <li>• Provide a reason to the employer if a candidate is denied.</li> </ul>  |

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|  | <p><b>Value Added Issue (ESDC):</b> Issues with Labour Impact Assessments (LMIA) changes include: Fee of \$275 increased to non-refundable \$1,000 fee per worker with no maximum amount for a single application; Fee is non-refundable for incomplete assessments; No formal appeal process for declined applications.</p>   | <ul style="list-style-type: none"> <li>• Create an online tracking process with a tracking number assigned to the worker and the employer.</li> <li>• Initiate clear service standards. Applications that are incorrectly filled out or have errors should be treated as incomplete needing modification, not result in denial of application. The \$1,000 fee should cover this service.</li> <li>• Institute LMIA application fair and reasonable maximum fee cap for agriculture value-added processing recognizing that the work required for an application does not increase in direct relation to the amount of positions.</li> <li>• Set up a fair and equitable formal appeal process.</li> </ul> |
| <b>HOUSING</b>   | <p><b>ESDC:</b> LMIA Agriculture Stream and SAWP Stream application process requires an inspection of housing in the calendar year before the arrival of workers. With accommodations that are often closed or inaccessible for the winter, this requirement is unreasonably applied to seasonal workforce needs.</p> <p>Agriculture Stream requirement of \$30 a week maximum charge for workers' housing actually results in substandard housing for workers. Traditional "bunk houses" and secondary farm housing are in short supply in many regions of rural Canada. This requirement functions essentially as a "cap" on housing, forcing producers to look for the cheapest available housing. Provincial standards for housing fees should also be respected; otherwise it creates a two-tier regulatory housing practise.</p> | <ul style="list-style-type: none"> <li>• Accommodation inspections occur annually within a period that aligns with the seasonal nature of prospective temporary foreign workers and their housing needs.</li> <li>• Change housing requirements to allow more flexibility, employer to subsidize no more than 30% of gross income.</li> </ul>  |
| <b>HEALTH CARE</b>   | <p><b>ESDC:</b> Private insurance plans are not considered equivalent to Workers Compensation by ESDC for Temporary Foreign Workers under the Agriculture Stream, yet employers should be able to provide health benefits for TFW's that is equivalent to that offered to their domestic Canadian workers</p>  | <ul style="list-style-type: none"> <li>• Allow flexibility to enable employer/employee private insurance as an option, providing greater coverage with more protection for TFWs and to help streamline insurance programming for the employer, helping to avoid a 2 tier workplace insurance system – one for Canadians – one for TFWs.</li> </ul>   |
| <b>NATIONAL COMMODITY LIST</b>                             | <p><b>ESDC:</b> Not all commodities are on the National Commodity List, i.e., grains and most other field crops are not on it, yet this list is used to determine which employers are eligible under the Seasonal Ag Worker Program as well as the Agriculture Stream. Forages and value added, mushrooms and maple have requested to be included on National Commodity List</p>   | <ul style="list-style-type: none"> <li>• Delink the National Commodity List from the Agriculture Stream OR</li> <li>• To qualify for the Canadian Agriculture and Agri-Food Workforce Program include all commodities on the new expanded Agriculture and Agri-Food Workforce Program list</li> <li>• Use more descriptive NOC Codes potentially in conjunction with Workforce Program List</li> <li>• Clarify the process for inclusion on the Workforce Program List</li> </ul>  |
| <b>CAPS: AGRICULTURE STREAM AND VALUE ADDED PROCESSING</b> | <p><b>CIC: Cumulative Duration:</b> Seasonal Agriculture Worker Program does not have cumulative duration rule or cap on number of years agriculture workers can return. To be consistent, the Agriculture Stream should have the same rule as the SAWP program, allowing agriculture workers to return to the same employers without a cumulative duration cap.</p> <p><b>ESDC: Value-Added Caps:</b> No consultation and critical shortages creating unintended consequences along the entire agriculture value chain.</p>   | <ul style="list-style-type: none"> <li>• Remove 48 months duration cap on Agriculture stream workers if the employer is bringing in seasonal workers that stay no longer than 8 months at a time who are then outside Canada for 4 consecutive months.</li> <li>• Authorize additional time for meat industry to adapt to the 30-20-10 caps, while alternative programs for sourcing workers are being developed and implemented</li> </ul>  |

## 2. MEDIUM TERM SOLUTION: Canadian Agriculture & Agri-Food Workforce Program (Employment and Social Development Canada)

**ISSUE:** When Canadian domestic labour is not available, the agriculture sector needs a new streamlined and integrated program dedicated to the agriculture and agri-food industry which provides efficient access to non-domestic workers with a pathway to permanency.

**SOLUTION:** Much needed adjustments are outlined below that will help streamline programming to ensure consistency and efficiency; provide a sustainable & integrated permanent labour solution for the agriculture and agri-food industry; promote Canada's export trade agenda; and help revitalize the rural Canadian economy and communities by creating jobs for Canadians. This agriculture worker program could be called: **Canadian Agriculture & Agri-Food Workforce Program**. This program includes three unique program elements described below. The NOC codes and recommended fixes are identified.

### 1. Seasonal Agriculture Worker Program (No Changes)

### 2. Canadian Agriculture Workforce Program

*Recommendations for the Canadian Agriculture Workforce Program include key fixes and also include usage of updated applicable NOC codes, to create a robust and streamlined workforce process for agriculture.*

- **Better Communications:** (a) Single office; (b); online system with tracking
- **Adjust Caps: Cumulative Duration:** Remove 48 months duration cap on Agriculture stream workers if the employer is bringing in seasonal workers that stay no longer than 8 months at a time who are then outside Canada for 4 consecutive months
- **Allow for Provision of Benefits:** Provide at a minimum workplace accident insurance or equivalent benefits to what employers currently are provided
- **Update Wage Rates through Industry Consultation:** Wage rates industry driven with simple consultations

#### Lower skill NOC Codes (C & D)

- Use NOC codes:
  - 8431 General farm workers (C)
  - 8432 Nursery and greenhouse workers (C)
  - 8611 Harvesting labourers (D)
  - 8613 Aquaculture and marine harvest labourers (D)
- Pay return airfare
- **Adjust Housing Requirements:** Accommodations no more than 30% of gross income

#### Higher skill NOC Codes (A & B)

- Use NOC codes:
  - 8251 Farmers and Farm Managers (B)
  - 8252 Agricultural and Related Service Contractors and Managers (B)
  - 8253 Farm Supervisors and Specialized livestock Workers (B)
  - 8254 Nursery and Greenhouse Operators and Managers(B)
  - 8256 Supervisors, Landscape and Horticulture (B)
  - 8257 Aquaculture Operators and Managers (B)

### 3. Canadian Agri-Food Workforce Program

*Recommendations for the Canadian Agri-Food Workforce Program include key fixes and also include usage of updated applicable NOC codes, to create a robust and streamlined workforce process for agri-food.*

- **Better Communications:** (a) Single office; (b); online system with tracking
- **Adjust Caps:** Authorize additional time for meat industry to adapt to the 30-20-10 caps, while alternative programs for sourcing workers are being developed and implemented
- **Allow for Provision of Benefits:** Provide at a minimum workplace accident insurance or equivalent benefits to what Canadians currently are provided
- **Update Wage Rates through Industry Consultation:** Wage rates industry driven with simple consultations or regulated by a collective bargaining agreement
- **Improve Pathways to Permanency:** Allow foreign workers reasonable time of four years to transition in order to meet language and other requirements for provincial nominee or permanent residency programs including issuance of bridging permits when required

#### Lower Skill NOC Codes (C & D)

- Use NOC codes:
  - 9462 Industrial Butchers and Meat Cutters, Poultry Preparers and Related Workers (C)
  - 9617 Labourers in Food, Beverage and Tobacco Processing (meat products processing labourers (D)
  - 9463 Fish plant workers (C)
  - 9618 Labourers in fish processing (D)

#### Higher Skill NOC Codes (A & B)

- Use NOC codes:
  - 6331 Butchers, meat cutters and fishmongers – retail and wholesale (B) (2011 NOC)
  - 9213 Supervisors, Food, Beverage and Tobacco Processing (B)

NOTE: these are 2006 NOC codes currently being used by ESDC program unless noted otherwise



### 3. LONG TERM SOLUTION

#### A. Improved Pathways To Permanency: Canadian Agriculture & Agri-Food Workforce Program (Citizenship and Immigration Canada)

**ISSUE:** A viable pathway to permanent residency is needed for agriculture and agri-food workers. Currently the Citizenship and Immigration Express Entry program is geared toward high skilled labour only. So agriculture workers that are currently classified as “lower skill” are unable to transition to Permanent Residency as the Express Entry program is targeting “higher skills”. **This means there is currently no pathway for permanent residency for the industry’s NOC C or D workers for which both agriculture and agri-food have a critical need.**

Agriculture and agri-food workers are in high demand and these are well-paying jobs with many opportunities for career promotion. Agriculture and agri-food workers are strong candidates for economic immigration in rural communities that need to be re-populated and where these jobs are readily available. Currently, there are over 1,000 vacant work stations in the value-added meat industry alone.

**SOLUTION:** Create a pathway to permanency **based on industry need** by developing a new Citizenship and Immigration Canada Express Entry stream which could be called: **Canadian Agriculture and Agri-Food Workforce Program.**

- **Adjust Caps: Cumulative Duration:** Remove 48 months duration cap on Agriculture stream workers if the employer is bringing in seasonal workers that stay no longer than 8 months at a time who are then outside Canada for 4 consecutive months;
- **Improve Pathways to Permanency:** Include NOC C and D codes in the new CIC Program, to be included in the federal Immigration Levels Plan;
- **Improve Pathways to Permanency:** Allow foreign workers up to 4 years to meet language and other requirements for provincial nominee program or permanent residency with better coordination and timing between the ESDC, CIC’s federal Immigration Level Planning, and provincial nominee programs;
- **Improve Pathways to Permanency:** Facilitate transition of qualified foreign workers to permanent residency via combination of federal and provincial programs, including the issuance of bridging work permits to workers who are awaiting a decision on an application for provincial nominee status;
- **Better Communications:** (a) online system with tracking and a letter or form indicating why work permits are denied; (b) to help Government Officials understand the sector which is a significant driver of the Canadian economy, CAHRC, with appropriate funding, will create a Canadian agriculture & agri-food sector manual for Government employees’ reference. The manual would be updated annually; be available online and be distributed annually to relevant Department and Embassy Officials processing applications.

**The new CIC Canadian Agriculture and Agri-Food Workforce Program to include NOC Codes:**

#### Agriculture Stream

##### Lower Skill NOC Codes (C & D)

- 8431 General farm workers (C)
- 8432 Nursery and greenhouse workers (C)
- 8611 Harvesting labourers (D)
- 8613 Aquaculture and marine harvest labourers (D)

##### Higher Skill NOC Codes (A & B)

- 8251 Farmers and Farm Managers (B)
- 8252 Agricultural and Related Service Contractors and Managers (B)
- 8253 Farm Supervisors and Specialized Livestock Workers (B)
- 8254 Nursery and Greenhouse Operators and Managers (B)
- 8256 Supervisors, Landscape and Horticulture (B)
- 8257 Aquaculture Operators and Managers (B)

#### Agri-Food Stream

##### Lower Skill NOC Codes(C & D)

- 9462 Industrial Butchers and Meat Cutters, Poultry Preparers and Related Workers (C)
- 9617 Labourers in Food, Beverage and Tobacco Processing (meat products processing labourers) (D)
- 9463 Fish plant workers (C)
- 9618 Labourers in fish processing (D)

##### Higher Skill NOC Codes (A & B)

- 6331 Butchers, meat cutters and fishmongers – retail and wholesale (B) (2011 NOC)
- 9213 Supervisors, Food, Beverage and Tobacco Processing (B)

### 3. LONG TERM SOLUTION

#### B. Implement *Canadian Agriculture and Agri-Food Workforce Action Plan*:

**ISSUE:** There is a need to implement a long-term, reliable *Workforce Action Plan* where industry and government work together, with increased effort, to vigorously and aggressively recruit workers from the domestic Canadian workforce and find solutions to pervasive workforce shortages across the value chain. The Agriculture and Agri-Food industry has developed the *Canadian Agriculture and Agri-Food Workforce Action Plan* after three years of extensive consultation. It is a road map forward; designed to resolve the sector's labour shortages, and improve human resource management and skills, with the Canadian Agricultural Human Resource Council leading its implementation.

**SOLUTION:** Government and industry working in partnership to fully implement the long term elements of the *Canadian Agriculture and Agri-Food Workforce Action Plan*. This would allow a new nationally coordinated focus to better connect Canadian domestic workers with agriculture and agri-food employers. It would include the creation of and collaboration with existing regional and provincial labour committees to find solutions in all regions of Canada. It would also include encouraging the participation of people who are currently under-represented in the agricultural workforce including:

- Youth;
- New Canadians including refugees;
- Aboriginal Peoples; and
- Persons with Disabilities.

## CONCLUSION

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The Labour Task Force's work is a culmination of three years of research and collaboration which have brought forward practical, achievable recommendations within the Canadian Agriculture and Agri-Food Workforce Action Plan. This **Update** focuses on the agriculture industry's non-domestic labour requirements (seasonal and permanent) and offers ideas for short, medium and long-term solutions including a **new integrated permanent labour solution** for the industry.

The *Workforce Action Plan* explains the need for action is critical:

*"The Labour Task Force stresses that it is urgent and essential that this initiative begin immediately as the issues of the labour shortage are pervasive, affecting current operational success and damaging to the future health of the industry and the economy." (Workforce Action Plan, p. 8)*

The Workforce Action Plan's two practical and achievable recommendations that meet the immediate and future requirements of our industry include:

1. **Increase the Supply of Labour** – for skilled and unskilled workers
2. **Improve the knowledge and skills** – of workers in the industry.

Better communication between government and agriculture and agri-food regarding the industry's unique workforce issues is essential. The Policy and Programs Working Group encourages the respective Government Departments to **consult with the agriculture and agri-food industry** before proceeding with any future labour related regulatory changes.

Over 60 Workforce Action Plan Implementation Partners representing all 12 Agriculture and Agri-Food Value Chain Roundtables have come together to work on agriculture labour shortages. Through committed partnerships and investments between industry and government in this collaborative approach, the agriculture and agri-food system can be supported with the requisite supply of workers that have the knowledge and skills to successfully meet employer needs today and allow for the continued prosperity, competitive advantage and growth of the industry into the future.

The *Workforce Action Plan* report is available on the Canadian Agricultural Human Resource Council website: <http://www.cahrc-ccrha.ca/workforce-action-plan>

# APPENDIX

## Implementation Partners Agriculture & Agri-Food Workforce Action Plan



The Agriculture & Agri-Food Workforce Action Plan is supported by 60+ Implementation Partners