

**CANADIAN
AGRICULTURE & AGRI-FOOD
LABOUR TASK FORCE**

**RESEARCH PAPER EXAMINING
THE TEMPORARY FOREIGN WORKER PROGRAM'S
NATIONAL COMMODITY LIST
AND
OTHER RELATED ISSUES RESTRICTING GROWTH
FOR AGRICULTURE & AGRI-FOOD**

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Canadian Agriculture and Agri-Food Workforce Action Plan and the Labour Task Force

The Agriculture and Agri-Food Labour Task Force is comprised of agricultural leaders and HR experts representing every aspect of the agriculture and agri-food value chain, including the seafood sector working collaboratively to address emerging labour issues facing the Canadian agricultural sector. The LTF has developed the Canadian Agriculture and Agri-Food Workforce Action Plan¹, a roadmap forward to deal with the sector's labour challenges and the Action Plan has two main recommendations: 1) To increase the supply of labour and 2) To improve the knowledge and skills of workers.

The Workforce Action Plan includes a proposal for a Canadian Agriculture and Agri-Food Workforce Program for international workers the sector needs. If Canadians cannot be found, the LTF's proposed solution includes 3 distinct streams to support its unique workforce requirements including: 1) Seasonal Agriculture Worker Program, to remain an identifiable standalone program that deals with seasonal workers and employers in agriculture; 2) Agricultural Stream; and 3) Agri-Food Stream for primary processors (Meat and Seafood)². The Agricultural and Agri-Food Streams to provide programming fixes needed with an immigration pathway to permanency³.

The Workforce Action Plan is supported by 86 agricultural industry associations, Agriculture and Agri-Food Canada's Value Chain Roundtables, and municipal leaders from across Canada (**see Appendix for list of WAP supporters**).



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Background on the National Commodity List

The Temporary Foreign Worker Program (TFWP) has four streams that the agriculture and agri-food value added industry access: the Seasonal Agriculture Worker Program (SAWP); Agricultural Stream; Low Wage; and the High Wage Streams.

In order to qualify for Seasonal Agriculture Worker Program (SAWP) and the Agricultural stream (the streams predominantly used for primary agriculture) an employer's commodity needs to be listed on the **National Commodity List (NCL)**⁴. Many farmers who require workers, however, do not qualify for SAWP or the Agriculture stream because their commodity is not on the National Commodity List (see the list below). Examples like grains and oilseeds, maple sap/syrup, forages, seed other than pedigreed seed canola 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. In many cases, the requests that commodities make to be added to the NCL can take many years to be resolved. Since 2014, some commodities have been removed without consultation which causes a lot of frustration and anxiety to both workers and farmers, as their access to the SAWP and the Agricultural Stream is driven by what appears on the NCL web page.

When Canadian workers cannot be found, commodities not on the NCL need to apply through the low-wage stream of the TFWP. The National Commodity List is limiting access to labour and causing many issues and impacts for agricultural producers examples of which are provided within this research paper.

National commodity list

- apiary products
- fruits, vegetables (including canning/processing of these products if grown on the farm)
- mushrooms
- flowers
- nursery-grown trees including Christmas trees, greenhouses/nurseries
- pedigreed canola seed
- sod
- tobacco
- bovine
- dairy
- duck
- horse
- mink
- poultry
- sheep
- swine

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural.html>

Primary Agriculture Definition

Other than the National Commodity List, the primary agriculture definition within *Immigration and Refugee Protections Regulations* already provide clear parameters for the definition of what is and is not considered primary agricultural work. Under section 315.2, primary agriculture is defined as⁵:

“work that is performed within the boundaries of a farm, nursery or greenhouse and involves:

- the operation of agricultural machinery;
- the boarding, care, breeding, sanitation or other handling of animals, other than fish, for the purpose of
- obtaining animal products for market, or activities relating to the collection, handling and assessment of those products; or
- the planting, care, harvesting or preparation of crops, trees, sod or other plants for market.



Excluded activities include:

- the activities of agronomists or agricultural economists;
- landscape architecture;
- the preparation of vegetable fibres for textile use;
- activities related to commercial hunting and trapping; or veterinary activities.”

National Occupation Classification (NOC) Codes

In addition to the definition of primary agriculture that exists in the *Immigration and Refugee Protections Regulations*, the TFWP directorate also uses National Occupational Classification (NOC) codes to control access to the primary agriculture streams (SAWP and Agricultural Stream). As of December 2017 the TFWP website lists the following 7 primary agriculture NOCs⁶ that are derived from the NOC 2011 update as having access to the SAWP and the Agricultural Stream:

- 0821 - Managers in agriculture (A)
- 0822 - Managers in horticulture (A)
- 8252 - Agricultural service contractors, farm supervisors and specialized livestock workers (B)
- 8255 - Contractors and supervisors, landscaping, grounds maintenance & horticulture services (B)
- 8431 - General farm workers (C)
- 8432 - Nursery and greenhouse workers (C)
- 8611 Harvesting labourers (D)

In a previous update to the Canadian Agriculture and Agri-Food Workforce Action Plan (WAP), *Agriculture Workers Needed Seasonal and Permanent*,⁷ the Agriculture and Agri-Food Labour Task Force (LTF) recommended that aquaculture also be included as primary agriculture NOCs. The NOCs included in the update that are not currently included in the TFWP primary agriculture streams are: 8613 Aquaculture and marine harvest labourers (D) and 0823 Managers in aquaculture (A).

National Commodity List Has Become Redundant

The primary agriculture definition in the *Immigration and Refugee Protections Regulations*, and the usage of the National Occupation Classification codes for the primary agriculture streams, has now made the National Commodity List redundant. The NCL has become an additional barrier that is unnecessary, which is causing critical impacts to mixed farms and many commodities that are seeking access to the NCL that will be discussed later in the research paper.

The combination of the primary agriculture definition along with the NOC codes is also a lever that the Government of Canada could use for agri-food primary processors. Similar to primary agriculture, agri-food processors are encountering very high vacancies. Stakeholders are reporting that several commodities' primary processing components are seeking inclusion in the primary agriculture definition to help address high vacancies, including seafood, horticulture, and others. Rural meat processors are also encountering high vacancies of close to 10 percent. The Agriculture and Agri-food Labour Task Force (LTF) has proposed development of a new Agri-Food Stream, in consultation with the sector, to include new access for the primary processing of commodities that are facing high vacancies, where access could also be regulated with the usage of NOCs.



Commodities Interested in Seeking Inclusion to the NCL

In June 2016 the Labour Task Force put out a call for information asking stakeholders what commodities were interested in seeking inclusion on the National Commodity List. The following commodities responded: canola, turf and landscapers, seed corn and packaging activities.

Previous to this call for information, several commodities also reached out regarding their access to the TFWP primary agricultural streams: forages value chain and processing activities, Saskatchewan Seed Growers Association, Association of Canadian Custom Harvesters and the Canadian Aerial Applicators Association.

Also in 2016, the Canadian Federation of Agriculture (CFA) farmers put forward the following resolution at their Annual General Meeting⁸: “ESDC hold open consultations with the agriculture industry and accept all interested agricultural commodities on to the National Commodities List, with immediate access granted to grains and oilseed and maple product producers”.

These commodities that have reached out to the LTF and their associations are significant contributors to the Canadian economy. The Government of Canada’s Budget 2017⁹ has set aggressive objectives to grow Canada’s annual agri-food exports from \$56 billion to \$75 billion by 2025. Access to reliable farm labour is an important part of these objectives. When Canadians are not available, workers from other countries are needed to sustain and grow farm operations and agricultural businesses. Consider the following from An Overview of the Canadian Agriculture and Agri-Food System 2017¹⁰:

- In 2016, the agriculture and agri-food system generated \$111.9 billion of gross domestic product (GDP) and accounted for 6.7% of Canada's total GDP.
- GDP in the agriculture and agri-food system grew by 11% from 2012 to 2016. In comparison, the Canadian economy grew by 7.8% over the same time period.
- The value of Canada's agriculture and agri-food exports reached \$56 billion in 2016, and with the addition of seafood exports, \$62.6 billion.
- Farm market receipts remained at a record high of \$57.6 billion in 2016.
- Farm market receipts grew by 5.8% per year, on average, between 1971 and 2016, driven by grain and oilseed receipts, which increased by 6.5% annually on average over the same period.

Grain, Oilseeds and Pulses: Grain, oilseed and pulses are not on the National Commodity List, yet in 2016 grain, oilseed, and pulse exports for Canada totaled **\$20.4 billion** including¹¹:

- \$7,439,192,134 cereals that include wheat, rye, barley, oats, maize, buckwheat
- \$8,852,590,260 oilseeds that include canola, rapeseed, sunflower seeds, mustard poppy safflower
- \$4,127,996,257 pulses that include peas, chickpeas, lentils, and beans

Canadian Agricultural Human Resources Council Labour Market Information reveals that 37 percent of grain and oilseed farms experienced sales losses due to labour shortages in 2014. Farms looking to expand, increase productivity, or capitalize on new marketing opportunities struggle with finding and retaining good labour to support their plans. An aging farmer population adds to these challenges. The CAHRC survey also revealed that 30% of agriculture’s workforce on the Prairies expects to retire in the next ten years.¹²



Seed Sector: Pedigreed seed canola is the only seed commodity on the NCL, yet the seed sector’s total economic impact (direct and indirect) for the Canadian economy is estimated at \$5.61 billion¹³. Canadian grain, oilseed and pulse farmers rely on the seed grown by these Canadian growers. The seed sector creates 57,420 Canadian jobs and pays \$1.67 billion in wages and salaries which generates \$81.9 million in tax revenue¹⁴. 3,500 Canadian seed growers produce seed for over 112,000 Canadian farmers¹⁵ who rely on seed to grow their commercial crops which becomes our food in the grocery stores.

Maple Products:¹⁶ Canada exports over 42 million kg of maple products. Canadian maple syrup and products are growing in production and exports, where the vast majority of production is centred in the province of Quebec, which exported 94 percent of Canada’s maple production in 2015. Employment for the maple sector includes 4,141 full-time workers (2000 hours). The employment breakdown includes 2,554 operators/owners; 1,107 family workers; and 480 paid employees. Maple production is seasonal, which means workers are very difficult to find.

Farmers Early Adopters of Innovation

Today’s modern farm operations are fueled by technology; they employ a variety of innovative tools and the newest machinery to sustainably produce agriculture products. Farmers are early adopters of innovation, using new technologies and ideas to improve their farms.

According to the Conference Board of Canada, the agriculture industry invested much more capital per worker than other Canadian industries, significantly more since 2009. Due to these investments, agriculture had the strongest productivity gains among all the major



CANADIAN AGRICULTURE PRODUCTIVITY

Output per worker increased 45% from 2004-2014 making Agriculture the **Star** Productivity Performer of the Canadian economy.

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www.cafr-cchrha.ca

Source: Canadian Agricultural Human Resource Council, Conference Board of Canada, Statistics Canada

sectors in Canada over the past two decades, making agriculture the star productivity performer in the Canadian economy¹⁷.



Producers commonly report that a combine today is like the cock pit of an airplane. These investments in technology have increased farm productivity, thereby providing a tool to address labour shortages while also highlighting the evolving skill level required by farm workers - the foundation of a successful farm. Technologies farmers use on a daily basis on their farms include:

- Combined processes (direct harvest vs. swath/harvest in canola);
- GPS-guided tractors;
- Variable rate technology;
- Precision seeding; and
- Drones to monitor crops, ranches and orchards.



Technology Snapshot

Provided in this research paper are 3 recent examples of major technology advancements that highlight how farmers are early adopters of technology.

1. Drone technology: Cattle and Grain Farms: Drone technology provides farmers with advanced sensor



and imaging capabilities to increase productivity, to monitor crops and animals and to make more informed decisions. In the cattle sector, drone technology allows ranchers to track cattle more efficiently reducing the time and labour resources required to search for wayward animals. For grain farms, drone imagery can reveal patterns associated with irrigation, soil degradation and pest problems, can show distressed crops or can document the growing season. The data allows for more efficient decision-making maximizing available resources and costs¹⁸.

2. See Dot Run: Grain Farms: DOT farm technology is designed to run the various grain farming



The DOT powered platform is an autonomous tool carrier. | Michael Raine

[VIDEO] Watch See Dot Run:
<https://youtu.be/OmLSyYIIiNA>

implements (i.e. any activity performed by a tractor) autonomously. The DOT's path is pre-determined using specialized guidance and field operations software, and farmers operate the unit using a tablet computer. Data is shared in real-time allowing farmers to adjust the course of action, and to incorporate the information in future farm management decisions¹⁹. This technology disrupter has the potential to reduce the need for labour on grain farms to drive seeders, combines and other equipment. However, it also highlights the evolution of the farm worker skill set that is also happening at a rapid pace.

3. Harvesting robots for apples, strawberries and mushrooms: Fruit and Vegetable Farms: Innovation is



constantly being adopted both in the field and in the packing barns to make farm operations more efficient and to decrease dependency on labour. This is backed up by statistics compiled by the Ontario municipality of Norfolk, where growers who use the Seasonal Agriculture Worker Program, are ranked number 1 in Canada for technology usage. Another indicator is that farm capital investments in Norfolk Country, including land, buildings, livestock and machinery was valued at approximately \$3.3 billion in 2016²⁰. Robot technology is being developed to assist with harvest of various fruits and vegetables. Incorporating robots to pick ripe produce significantly reduces the labour required. These investments in innovation demonstrate a significant response by industry to address the labour shortage issues that growers are facing. For example, a robot exists that can pick a strawberry every three seconds, assessing whether it is ripe and delivering damaged-free berries²¹. The apple and mushroom sectors also report similar technology. A harvesting system detects and 'vacuums' off ripe apples reducing labour requirements and reducing repetitive strain and worker fatigue. However, currently there's nothing right now that will pick them carefully enough not to damage the apple and also grade them as you're picking them²². Mushroom growers are also developing robotic picking technology. Canadian mushroom farms are working with academic institutions, computer science agencies, and equipment suppliers on robotic



technology that could reduce labour requirements but it is expected to take over ten years to develop for growers²³.

These examples of new technologies that are being developed that are and could in the future limit farmers' need for labour. Many jobs, however, cannot be replaced by machines and physical work will always be required to some degree. On a farm tour in August 2017, a grower from Norfolk county, explained how she has travelled to many different farm operations in other countries looking for technology to replace the picking and banding of onions with elastics but currently, "There is just nothing out there that can knock off the dirt and put the elastic around the onions faster than the human hand."²⁴

These examples of new innovation also identify the need for more advanced technological skills in farm workers of the future, where more training will be needed. Producers explain, technological advancements in farming has limits, and machinery and technology investments are making modern farm operations very capital intensive.

According to the Canadian Agricultural Human Resource Council's Agriculture Labour Market Information (AgriLMI) research conducted by the Conference Board of Canada, "While we continue to expect strong improvements in agricultural productivity over the forecast period, the rate of production mechanization will decrease compared to previous years. This is because today's farms are already much more capital intensive than they were 20 years ago. As a result, the potential gains from increasing mechanization have become increasingly more marginal²⁵."

Agriculture Access to Current Programming

IRCC: International Experience Canada - allows farmers to employ student workers through the working-holiday visa program. This is used by grain farmers in western Canada. It is also used by cattle, sheep and mixed farms. The IEC is a historic and foundational part of the agriculture sector and the exchange goes both ways. IEC programming has been under review in the past. As a result program applications faced serious issues in 2015 and 2016. Farmers across Canada count on the IEC program. Keeping this program intact helps the farm economy, boosts the tourism industry and strengthens Canada's image abroad.

Temporary Foreign Worker Program

- **TFWP: Seasonal Agriculture Worker Program (NCL wages apply)** - This is an internationally recognised program that allows access to workers from Mexico and the Caribbean countries. These experienced seasonal workers return to the same farms year-after-year allowing farmers to build an experienced seasonal workforce.
- **TFWP: Agricultural Stream (NCL wages apply)** - This stream allows access to agriculture workers from other countries such as the Philippines, Guatemala, Australia, and New Zealand, etc. It is used by farmers for workers on cattle, hog, sheep and mushroom farms for year-round, permanent occupations. There is also some seasonal usage of this stream by beekeepers and other commodities.
- **TFWP: Low Wage Stream (ESDC prevailing wage rates apply)** - This stream is used for agriculture workers for commodities not on the NCL. This is the stream that grain, oilseed, pulse, maple



products, and seed (other than canola seed). This is also the stream that rural meat processors use; the plants number of TFWs they can hire is capped at 30 percent of their overall employment or less.

- **TFWP: High Wage Stream (ESDC prevailing wage rates apply)** - Farm Supervisors and Managers are recognized as being in this category; however, many Labour Market Impact Assessments (LMIAs) were not approved in these categories in 2017. This is the stream that the Canadian Aerial Applicators Association members use for workers. The association reports that there is a skilled agricultural pilot shortage in Canada. Since 2014, they report that the Labour Market Impact Assessment and Work Permit process has dramatically increased. Before 2014, the Aerial Applicators report that they were able to use the TFWP processes to successfully fill their vacancies. With the new LMIA processes, however, when there is and an emergency situation, either due to medical issues with an operator or a large-scale crop disease situation, the timeframe to apply for foreign workers has become insurmountable.

IRCC/PNP: Immigration options - As of December 2017, there are less and less immigration options for farm and food workers in Canada. Manitoba and Saskatchewan provide immigration access to butchers and farm workers, however, the “lower-skilled” NOCs in the C and D levels are generally not accepted for immigration purposes in any current federal stream and most provinces also do not accept these NOCs for immigration through Provincial Nominee Programs. Although development of an immigration pathway to permanent residency is a stated priority within the Immigration, Refugees and Citizenship Canada Ministerial mandate letter,²⁶ the following changes over the last year have further restricted farm and food worker access to immigration options:

- The federal Express Entry job offer points were decreased in the fall of 2016.
- In August, changes with Ontario’s Immigrant Nominee Program included new potential access for lower-skilled NOCs such as the General Farm Worker, Harvesting Labourer and the Industrial Butcher, however, the criteria relating to language, formal education, and the income threshold keeps the provincial immigration option out of reach for many farm and food workers in Ontario.
- Recent Alberta Immigrant Nominee Program criteria changes in November mirror the unhelpful Ontario criteria released earlier this year, decreasing access for meat cutters and farm workers in this province.



Issues and Impacts of the National Commodity List

NCL Interpretation Issues Restricting Access



Seed Corn Economic Impacts: In 2012 it is estimated that seed corn sales were \$48 million which generated about \$93.5 million in economic impact (this does not include seed corn primary processing activities).

Seed Corn: Service Canada NCL Interpretation Issue: Prior to the 2014 TFWP changes, seed corn growers received positive LMIA when they included “seed corn” on their application along with the other vegetable commodities they grow on their farms such as cucumbers, asparagus, and lettuce. When they received the positive LMIA that included seed corn their SAWP employees were able to assist with detasseling their corn for the required 2 week period. Currently, without the LMIA approval, SAWP workers already in the area, or even already on the same farm, are not allowed to support with detasseling. The seed sector is seeking a return to this pre-2014 LMIA treatment that would allow include seed corn access to SAWP for the upcoming 2018 crop season.



Cattle Economic Impacts: The Canadian beef industry exports 45 percent of production (including live cattle slaughter). In 2015, Canada exported 577,000 tonnes of beef and cattle valued at \$3.9 billion. The largest export markets are the US, mainland China/Hong Kong, Japan, Mexico, South Korea and Southeast Asia (including Taiwan). Between 75 – 80 percent goes to the USA, in 2016 Canada shipped \$1.7 billion in the box and \$585 million live to the USA. Alberta has 70% of the Canada’s cattle feedlot capacity and around 75 percent of meat packing capacity. Cattle fed in Ontario are killed in Guelph and Toronto. The cattle industry contributed \$18.7 billion to Canadian GDP in 2014. The 2011 Ag Census identified 68,500 farms in Canada that derive more than half their income from beef production.



Cattle Feedlots: Service Canada NCL Interpretation Issue: On page 6, of an internal Service Canada document that forms the guidelines for western Canada’s Vancouver and Edmonton Service Canada offices entitled, *Ag Stream Q & A – TFW in WT*, the following is stated:

“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, fermentation, or mixing supplements, vitamins, grain etc in specific rations) 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.”

This excerpt and the full Service Canada guidelines are not publicly available and were obtained through a stakeholder’s Access to Information request that was shared with Canadian Federation of Agriculture. The excerpt highlights the confusing interpretation issues connected to commodities that are on the NCL that do not allow TFWs to do their fundamental job duties if they include working with commodities that are **not** on the NCL. There also appears to be a lack of understanding that working with feed, mixing feed, harvesting feed that involves, grain, corn, alfalfa, silage, mixing supplements and vitamins are all fundamental central jobs for feedlot occupations. This Service Canada rule, directly caused by the NCL, is in turn directly causing farmers’ LMIA refusals in western Canada feedlots.

NCL Impact to Mixed Farms

It is also affecting mixed farms that grow multiple commodities as a part of normal production practise where the same Service Canada rules recommends, “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.” The rules go onto also say, “Note that job duties for AG/non-AG commodities need to be separated between application streams requiring an offer of full time work, for however many workers will be performing those particular duties,” and further state that the LMIA applicant must, “Indicate the foreign workers 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 the job duties,” before the application may proceed.

Agriculture is not like other industries where the duties are confined to one area and one specialized job description only. The only way someone works solely with cattle, swine, and poultry when the farm operation is large. Most small and medium sized farms do a variety of work because of their size they cannot be expected to only do one job.

For example, for one farm that produces fruit and vegetables, sheep, and grains and oilseeds, if this same farm cannot find Canadian workers, they will have to apply to different streams of the TFWP. For their large fruit and vegetable operation, they use the SAWP to access 120 seasonal workers where they also provide employment to local Canadian farm workers. If they cannot find a Canadian shepherd to help with their sheep husbandry, they use the Agricultural Stream so the worker can stay the full year. However, because of the National Commodity List does not include grains and oilseeds, the same farm employer has to also apply to a third stream, what is now called the Low Wage TFWP stream to access workers that are allowed to help at seeding and harvest time for their grains and oilseed crops.

Other countries, such as Australia, one of Canada’s major agri-food trade competitors, have expanded access to agricultural labour programming by including, “mixed enterprises²⁷.”



NCL Interfering with Crop Rotation and Farm Biodiversity

Other obstacles the NCL is creating for growers includes: limiting diversification of farmers into new crops and commodities not listed on the NCL, limiting expansion of farm operations restricting producers' abilities to evolve their farm operation, and it is affecting biodiversity and crop rotation practices. Growing multiple commodities is a part of good production practise. Farmers grow canola, pulses and also cereals in rotation to build their soil sustainability. Horticulture producers also need rotational crop options. The NCL is restricting innovation, growth and sustainable farming practices.



NEW Proposed Class 2 Housing for Agricultural Stream

The key principle of both of the TFWP's agricultural streams housing regulations is for the farmer to provide or ensure that suitable and affordable housing is available for the primary agriculture temporary foreign workers employed on their farm. Farmers using primary agricultural programming agree with these principles wanting to provide high quality housing to their farm workers whether it is on their farm or in the closest local rural community near their farm.

Bunk housing for Seasonal Crops – Fruit and Vegetable Farms



Schuyler Farms newly retrofitted bunkhouse in Simcoe, Ontario. The Schuyler's gave up their family home to retrofit the residence for their seasonal workers, a renovation that cost over \$300,000.

Farm leaders in Ontario have developed a high standard for the SAWP, a 50 year old program that includes strict bunkhouse rules that are inspected by local certified health inspectors (seasonal housing in Ontario is required to be called "bunk housing" to comply with the province's municipal rules). These standards have been developed to ensure that there are enough bathrooms, stoves, and square footage per person ensuring there is a comfortable living environment that in the case of Ontario bunkhouses is similar to international youth hostels. In November 2017, new interim housing regulations were announced by the TFWP directorate requiring housing inspections every 8 months for the seasonal usage of the primary agriculture streams (SAWP and Ag Stream).

Workers' Choice and Other Considerations

The TFWP website states, "The TFW is not required to stay in the housing provided by the employer and may choose to leave in favour of private accommodation²⁸." Farm employers agree that workers should be able to upgrade the style of housing, which also supports their immigration pathway to permanency integration.



Currently, Agricultural Stream TFWs classified as “higher-skilled” have the option of participating in affordable off site housing where the housing must cost no more than 30 percent of their gross income. For example, in this stream if they gross an average of \$3,000 in income, this means the maximum rent they are allowed to pay is \$900 per month. This is for off-site housing only. Workers’ choice and the need to accommodate the housing requirements for permanent year-round farm workers need to be a consideration in the ongoing TFWP Primary Agriculture review. A third consideration needs to include the impacts of potential changes to the NCL to new farm employers who currently use the low wage stream because they are not included on the NCL i.e. grain and oilseed farms. These farmers already have made voluntary accommodation arrangements that include purchase of homes and they currently have voluntary agreements with their workers regarding housing. This can be very costly to employers if this voluntary contract is broken.

Current Low Wage TFWP Stream Housing for Grain Farms



Parkland Ventures housing for seasonal workers, where 6 “lower-skilled” grain farm TFWs live in the 1,526 square foot home that has a fully furnished basement in the town of Humboldt, Saskatchewan for the crop season.

If the NCL is broadened, if all commodities are added, or if it is removed as a barrier from the program, this will provide new access to the TFWP’s primary agriculture streams for many new farm employers. However, this will also mean new primary agriculture housing regulations could be applied to these same new commodities, such as grain farms that have formerly used the “Lower-Skilled” stream that is now called the Low Wage Stream, which does not have these housing regulations. This could actually make the NCL a major disadvantage to these producers who have already arranged housing to meet their farm and their employees voluntarily agreed upon housing requirements. Housing still needs to be provided, so similar to meat processors, farm employers not on the NCL, have made voluntary accommodation arrangements that meet their employees’ needs. If the current rules are applied without the size of the home and the square footage or other considerations, this could in fact mean a downgrade of the style of housing provided for some farm workers.



It also has to be considered that in some provinces, especially where there is new usage of the TFWP agricultural programming, it is difficult to find qualified health and housing inspectors to provide the inspections that the TFWP Directorate is requiring in order for LMAs to proceed. Stakeholders highlight that we need to investigate better ways to approve housing inspections, making the housing inspection process accessible to all employers. This is not the fault of the farm employer, transition time to adopt any extra housing regulatory changes needs to be included to ensure smooth roll out of any change to the NCL. This is why farmers' choice of which stream works for their farm operation is important, particularly in 2018, with the program under review and new housing regulations pending. Farmers still need to be able to proceed with seeding and their spring work and be able to support their agriworkforce with appropriate affordable housing.

Ag Stream Housing Needs to Support Immigration Pathway to Permanent Residency



Sunterra Farms farm worker housing in the village of Acme, Alberta, where TFW swine techs live on a permanent, year round basis in homes of between 1,000 to 1,200 square feet, while they work on achieving their permanent residency status through the Alberta Immigrant Nominee Program.

In addition to this, stakeholders using Agricultural Stream for farms such as hogs, cattle, dairy, sheep, and mushrooms that provide permanent, year round employment, have identified issues with the current housing rules that interfere with their TFWs immigration pathway to permanency. There is a difference between the needs of seasonal workers' housing for 3 seasons and farm workers who live and work in permanent occupations through the Canadian winter. Due to the ESDC Ministerial Mandate change, the TFWP is now required to support the Pathway to Permanent Residency for workers in permanent occupations²⁹. This Agricultural Stream housing issue should be considered from that perspective and should be made a priority area of review.

An Agricultural Stream worker classified as "lower-skilled" should also have the same choice of housing both on-farm and in the local rural communities as a "higher-skilled" Agricultural Stream worker. This \$30.00 per week rule is not the choice of the worker for these permanent, year-round occupations. If the employer is providing a home with square footage that is more than the 80 square foot bunkhouse standard and 1 bedroom per worker is provided, then the farm workers should be allowed to upgrade their style of accommodation to meet their personal and family requirements. It should not matter if the landlord is their employer or if the home is on the farm or in the town, as long as it is affordable good quality housing. Also, with this current caveat, farmers who are offering family style housing will end up going to "bunk style" as that is the only way the low charge can be justified.



The majority of the Agricultural Stream's usage in western Canada is provided with on-farm housing that is intended for families and family living. Likewise, if homes are within the local rural community, those homes again are either shared arranged with one bedroom per worker or used for family living when the TFW is allowed to have their families also immigrate. In these cases, \$30 a week is not reasonable both for on-farm usage and for homes in town. This is especially true if the housing is near urban areas with high housing values. Stakeholders report that there are instances where the inspected house is currently being occupied and some Health Inspectors require the house to be vacant which is problematic because if the house is not being used by an employee, farms often rent their house out to others that are not necessarily working on the farm. This keeps the house in good shape and operating smoothly. If the house is required to be vacant for months during the winter in order to qualify for the health inspection, this causes an undue financial burden on the farmer and it also requires someone to go into the house daily to check and see if the furnace is still operating and the pipes are unfrozen and water is still running.

There are several other issues for employers who are already providing this Class 2 style of housing. Because Agricultural Stream LMIA's and Work Permits take 6 months or longer for end to end administration, this means farmers are having to find and rent a house, months in advance of the worker's arrival in order to include an inspection with the LMIA. Or, likewise, purchase the home with a mortgage in order to include an inspection with the LMIA 6 months before the TFW arrives. This means the current length of time of the paperwork requires farmers to pay for rent or mortgages on empty homes waiting for their TFW's application approval. Another issue that has developed is that the Canada Revenue Agency is requiring Agricultural Stream farm employees to pay and claim a reasonable rate for rental of farm property from their employers. This seems to be a Government of Canada regulatory discrepancy that contradicts the Agricultural Stream regulations for housing.

There are also unique circumstances that require for agricultural workers to stay in hotels or travel with a work crew such as beekeeping and custom harvesters who provide a valuable labour saving tool for grain farms. These associations should be considered for an ESDC waiver, if they so choose, to support Service Canada streamlining their administration of LMIA's.

These Agricultural Stream housing issues need to be clearly understood and should formally be included in the Temporary Foreign Worker Program Primary Agriculture review with solutions found in the near future through a consultation with Agricultural Stream users that should include on-site farm visits by Government officials.

If more space is provided in housing, industry leaders propose that this should be accepted as new Class 2 Agricultural Stream style farm worker housing (details on next page).



Details Proposed Class 2 Housing for Ag Stream

Current TFWP Housing Rules 2017			
SAWP	Ag Stream (have to be on NCL)	Low Wage Wage < provincial median	High Wage Wage >provincial median
<p>Cost: No cost to worker</p> <p>Contract Duration: seasonal (8 month contract)</p> <p>Inspections: Inspections every 8 months (new interim housing rule as of Nov. 2017) conducted by local certified health inspectors</p> <p>Other housing requirements:</p> <p>Living space: 80 sq feet</p> <p>Sleeping accommodation: 300 cubic sq feet of air space per person</p> <p>Bathrooms: 1 per 10 workers</p>	<p>Lower Skilled Ag Stream</p> <p>Cost: \$30 per week (on/off-site housing)</p> <p>Contract Duration: seasonal or can be permanent, year round (2 year contracts)</p> <p>Inspections: When contracts are renewed conducted by local certified health inspectors</p>	<p>No Housing Requirements:</p> <p>Provide or ensure that suitable and affordable housing is available for the temporary foreign worker you will employ. No more than 30% of gross income.</p> <p>Voluntary Settlement Support: Meat processors help find housing in the community and many voluntarily pay first and last month rent to support TFW settlement in rural communities.</p>	<p>No Housing Requirements</p>
	<p>Higher Skilled Ag Stream</p> <p>Cost: \$30 per week (on-site housing) & rent (off-site) not to exceed 30% of the TFW's gross monthly earnings</p>	<p>NOTE: Formerly called the Lower-Skilled stream, this is the stream that grain, maple syrup, some seed and other commodities not on the NCL are currently using. Similar to meat processors they have voluntary arrangements supporting employees' housing needs.</p>	

NEW Proposed Class 1 & 2 Housing for Ag Stream		
Agricultural Stream Housing	Ag Stream Class 1	Proposed Ag Stream Class 2
Cost (On & Off Farm Housing)	\$30.00 week	No more than 30% of gross income
Living space	80 sq. ft. per person	300 sq. ft. per person
Sleeping Accommodation	300 cubic square feet of air space per person (bunk style many beds in a room)	1 room per person
Bathrooms	1 per 10 workers	1 per 4 workers
Inspections	Every 8 months for seasonal (new 2017 rule) and for LMIA of 2 year contract	Submitted after LMIA application has been initiated upon applicant arrival
<p>Waiver: Some employers have unique circumstances that require workers to stay in hotels or travel with a work crew i.e. beekeeping and custom harvesters. These associations should be considered for an ESDC waiver, if they so choose, to help support Service Canada streamlined administration of LMIAs.</p> <p>Inspection Forms: Stakeholders suggest that housing inspection forms should include a check off boxes that include types of housing including, bunkhousing, single accommodation family housing, or off-site, on-site housing etc.</p>		

Recommendations Regarding the National Commodity List

In order to enable a smooth roll-out of potential future changes to the NCL and to avoid unintended consequences, the Agriculture and Agri-Food Labour Task Force recommends the following:

Broaden Access to the TFWP's agricultural workforce programming (SAWP and Agricultural Stream)

Broaden access to the TFWP's agricultural workforce programming (SAWP and Agricultural Stream) by adding all commodities to the NCL, in order for all farmers to have equal access if Canadians are not available to fill positions. Or, removing the NCL from the agricultural programming within the TFWP. The National Occupation Classification codes and the primary agriculture definition make the NCL redundant.

Farmers' Choice in TFWP Stream Usage

Part of a smooth roll-out and implementation of any future NCL expansion should include farmers' choice of TFWP streams, especially in 2018, in order to allow farmers to learn about new regulations and to allow them to take actions to be in compliance, and to allow the TFWP review to be completed which could include new housing options that would support farmers who were formerly using the "Lower-Skilled" TFWP stream. Consultation is essential to minimize disruptive impacts and unintended consequences.

Housing Rules Include a Class 2 Housing Choice Agricultural Stream and Become a Consultation Priority

If more space is provided in housing, industry leaders propose that a new Class 2 Agricultural Stream style farm worker housing be recognized and be included formally in the Primary Agriculture review. The regulated style of housing should not be tied to the designated skill level of the employee but should rather take into consideration factors such as the overall square footage and a separate bedroom for each worker. This new housing option would allow different styles and sizes of housing for farm workers, supporting farm workers' choice and requirements for permanent year-round farm workers. A third consideration needs to include the impacts of potential changes to the National Commodity List to new farm employers who formerly used the "Lower-Skilled" stream because they are not included on the NCL i.e. grain and oilseed farms. These important housing issues need to be considered in relation to potential future changes to the NCL and to support farm employers, workers, ESDC and Service Canada.



Appendix

Supporters of the Canadian Agriculture & Agri-Food Workforce Action			
1	Alberta AgCoalition	44	Ontario Pork Industry Council
2	Alberta Canola Producers Commission	45	Ontario Sheep Marketing Agency
3	Alberta Pig Company	46	Organic Council of Ontario
4	Agricultural Alliance of New Brunswick	47	Parkland Ventures (SK grain farm)
5	Alberta Pork	48	PEI Federation of Agriculture
6	Agricultural Producers Association of Saskatchewan	49	PEI Agriculture Sector Council
7	Atlantic Grains Council	50	Saskatchewan Beekeepers Association
8	Bayview Flowers	51	Sask Canola
9	Canadian Agricultural Human Resource Council	52	Saskatchewan Cattlemen's Association
10	Canadian Aquaculture Industry Alliance	53	Saskatchewan Cattle Feeders' Association
11	Canadian Cattlemen's Association	54	Saskatchewan Herb and Spice Association
12	Canadian Canola Growers Association	55	Sask Pulse Growers
13	Canadian Council of Professional Fish Harvesters	56	Saskatchewan Pork Development Board
14	Canadian Federation of Agriculture	57	Saskatchewan Stock Growers Association
15	Canadian Seed Growers' Assoc	58	Seed Corn Growers of Ontario
16	Canadian Honey Council	59	Sunterra
17	Canadian Horticulture Council	60	Saskatchewan Ministry of Agriculture
18	Canadian Meat Council	61	University of Saskatchewan
19	Canadian Nursery Landscape Association	62	University of Guelph
20	Canadian Pork Council	63	Western Canadian Wheat Growers
21	Canadian Sheep Federation	64	Agriculture Industry Labour Council of Alberta
22	Canadian Young Farmers Forum	65	Bee Health Value Chain Roundtable (AAFC)
23	Dalhousie University	66	Beef Value Chain Roundtable (AAFC)
24	Flowers Canada	67	Food Processing Value Chain Roundtable (AAFC)
25	Fédération interdisciplinaire de l'horticulture ornementale du Québec (FIHOQ)	68	Grains Value Chain Roundtable (AAFC)
26	Food and Beverage Ontario	69	Horticulture Value Chain Roundtable (AAFC)
27	Grain Growers of Canada	70	Industrial Bioproducts Value Chain Roundtable (AAFC)
28	Highway 21 Feeders, Double M Farms	71	Organic Value Chain Roundtable (AAFC)
29	HyLife	72	Pork Value Chain Roundtable (AAFC)
30	Keystone Agriculture Producers	73	Pulses Value Chain Roundtable (AAFC)
31	Landscape Ontario	74	Seafood Value Chain Roundtable (AAFC)
32	Maple Leaf Foods	75	Seed Value Chain Roundtable (AAFC)
33	Mushrooms Canada	76	Sheep Value Chain Roundtable (AAFC)
34	National Cattle Feeders' Association	77	Special Crops Value Chain Roundtable (AAFC)
35	Newmarket Meat Packers	78	Municipal: Mayor Langley, BC
36	Nova Scotia Fisheries Sector Council	79	Municipal: Mayor Trochu, AB
37	Nova Scotia Federation of Agriculture	80	Municipal: Sask. Assoc. Rural Municipalities (SARM)
38	Newfoundland & Labrador Federation of Agriculture	81	Municipal: Former Mayor Neepawa, MB
39	Newfoundland & Labrador Aquaculture Industry Association	82	Municipal: Economic Development office Brandon, MB
40	Olymel	83	Municipal: Mayor of Woolwich Township, ON
41	Ontario Apple Growers	84	Municipal: Mayor of High River, AB
42	Ontario Federation of Agriculture	85	Municipal: Mayor of Brooks, AB
43	Ontario Fruits and Vegetable Growers Association	86	Municipal: Mayor Saint-Alexandre-de-Kamouraska, QC



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- ¹ <https://cahrc-ccrha.ca/sites/default/files/RevisedAgAgrifoodWorkforceActionPlan-EN-Feb132015.pdf>
- ² <https://www.dropbox.com/s/p0searjsgvxy8/LTF%20Submission%20to%202017%20Pre-Budget%20Consultation-Final-ShortVers-En.pdf?dl=0>
- ³ <https://www.dropbox.com/s/p0searjsgvxy8/LTF%20Submission%20to%202017%20Pre-Budget%20Consultation-Final-ShortVers-En.pdf?dl=0>
- ⁴ <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural.html>
- ⁵ <http://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/page-58.html>
- ⁶ <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural/requirements.html>
- ⁷ <https://cahrc-ccrha.ca/sites/default/files/WAP%20Update%20ENG.pdf>
- ⁸ https://cahrc-ccrha.ca/sites/default/files/Emerging-Issues-Research/2-CFA-2017-03-01_LMIA%20Processing_Solutions_PUBLIC.pdf
- ⁹ <https://www.budget.gc.ca/2017/docs/plan/budget-2017-en.pdf>
- ¹⁰ <http://www.agr.gc.ca/eng/about-us/publications/economic-publications/an-overview-of-the-canadian-agriculture-and-agri-food-system-2017/?id=1510326669269>
- ¹¹ <http://www.agr.gc.ca/eng/about-us/publications/economic-publications/an-overview-of-the-canadian-agriculture-and-agri-food-system-2017/?id=1510326669269>
- ¹² <http://www.ccca.ca/hub/Pages/The-future-is-ensuring-farmers-have-the-labour-they-need.aspx>
- ¹³ Canadian Seed Sector Profile, July 2014
- ¹⁴ *ibid*
- ¹⁵ *ibid*
- ¹⁶ <http://www.agr.gc.ca/eng/industry-markets-and-trade/market-information-by-sector/horticulture/horticulture-sector-reports/statistical-overview-of-the-canadian-maple-industry-2015/?id=1475692913659>
- ¹⁷ https://cahrc-ccrha.ca/sites/default/files/files/Labour-Employment/NAT_reportE_final.pdf (page 18-19)
- ¹⁸ <http://www.cbc.ca/news/canada/calgary/ranching-drones-cattle-feedlots-1.3722271>
- ¹⁹ <https://www.producer.com/2017/06/video-autonomous-agriculture-has-been-reimagined/>
- ²⁰ <http://www.norfolkbusiness.ca/wp-content/uploads/2016/08/Norfolk-Ag-By-the-Numbers.pdf>
- ²¹ <http://www.3ders.org/articles/20171118-3d-printed-octinion-strawberry-picking-robot-can-pick-one-berry-every-three-seconds.html>
- ²² <https://www.thestar.com/news/canada/migrants/2017/10/06/why-canadas-farm-industry-is-ripe-for-change-wells.html>
- ²³ <https://cahrc-ccrha.ca/sites/default/files/Emerging-Issues-Research/Multiplying%20Mushroom%20Sector%20Opportunities%20with%20Rural%20Cdn%20Growth.pdf> (page 9)
- ²⁴ <https://www.hortcouncil.ca/en/2017/08/28/government-officials-tour-sawp-farms/>
- ²⁵ https://cahrc-ccrha.ca/sites/default/files/files/Labour-Employment/NAT_reportE_final.pdf (page 20)
- ²⁶ <http://pm.gc.ca/eng/minister-immigration-refugees-and-citizenship-mandate-letter>
- ²⁷ <http://www.farmweeklv.com.au/news/agriculture/general/news/seasonal-worker-program-broadened-for-farmers/2751502.aspx?storypage=2>
- ²⁸ <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural/requirements.html?wbdisable=true>
- ²⁹ <http://pm.gc.ca/eng/minister-employment-workforce-development-and-labour-mandate-letter>

