



SAWP Housing Inspection & New Guidelines

To: BC Employers accessing temporary foreign workers through SAWP **Date:** September 28, 2018
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Topic: SAWP Housing Inspection: System and New Guidelines

The Housing Inspection Process

The Seasonal Agricultural Worker Program (SAWP) requires employers to provide inspected housing. WALI has taken the lead in developing housing standards and the approval of authorized SAWP housing inspectors. About a year ago, BCAC/WALI undertook a modernization program, looking at automating the housing inspection forms through a cloud-based software-as-a-service (SAAS). That initiative was almost ready to pilot the system when complaints about inconsistent and sometimes poor SAWP housing quality throughout BC caused other government departments to intervene. The BCAC/WALI electronic system has since been placed on hold.

The provincial Ministry of Health, through health districts (especially in the Okanagan) were encouraged to become involved in inspecting housing conditions. The Mexican Consular service, particularly, engaged with Interior Health for several on-site inspections. It became apparent that the local health district did not have the resources or expertise required for this. The health district did have the mandate to consider anything beyond immediate health issues (e.g. regulatory authority is limited to septic sewage, infection disease, potable water and solid waste). Failing the approach to health departments, the Ministry of Agriculture was contacted by the Mexican Consulate.

A committee of three provincial departments (Health, Labour and Agriculture) was formed with BCAC/WALI participating and representing employers. While the initial agenda for the committee was broad, its activities are currently focused on the modernization of the Industrial Camp Regulations, which are out of date. Much of the modernization will be based on BCAC/WALI's earlier efforts. However, the BC Ministry of Health is leading and is taking a certification systems approach, similar to the accreditation of laboratory technicians. This approach is taking longer than expected, so the province has deferred to WALI to maintain the SAWP housing guidelines, standards and certify inspectors.

At the same time, Employment and Skills Development Canada (ESDC) is conducting a Primary Agriculture Review. One of the activities is developing a national housing standard. This will likely be inclusive of the WALI housing standard, but this effort too is delayed, so ESDC has deferred to WALI to update the existing housing standard and maintain the register of qualified inspectors.

BCAC Housing Guidelines and Forms

The housing guidelines are part of the provincial annual review process. Changes are then approved by Employment and Skills Development Canada.

Significant Changes for 2019

- **Fire safety** – there are new questions relating specifically to electrical safety as well as general fire safety. All of these questions relate to existing regulations or BC building standards. The questions were suggested by the BC Fire Commissioner.
- **On-site laundry facilities** – this was identified last year and is now mandatory.
- **Countertop, plug-in style hotplates** are no longer to be counted in worker occupancy calculations. Hot plates may be provided but must meet safety requirements.

- **Water safety** – BC’s Ministry of Health has modified the questions relating to water safety to provide better understanding of current systems being used.
- **Specific to the Okanagan** – housing temperature should be capable of being maintained between 18 – 27 °C at most times (previously 18 – 25 °C).
- **Washrooms** may be in separate buildings, but they must be within 30m of the sleeping area and for the sole use of the temporary foreign workers.
- **“Pass with conditions” is no longer accepted** by ESDC and has been removed from the form.

Introduced During the 2018 Season

- Housing inspections are valid for eight (8) months. An employer submitting an LMIA application after eight months must have an updated inspection.
- Each accommodation, except in specific cases (listed in question 2.c of the inspection form), must be reported on a separate inspection form.
- Greater attention required to verification that facilities used by temporary foreign workers (all areas inspected as part of the inspection) are for the sole use of the workers while they are living in the accommodations. For example, washrooms, kitchens, common areas and laundry facilities are not to be shared with other tenants or with the employer’s family.
- Inspectors must physically see all items on the inspection list. If items are in storage, they must be viewed.
- Special attention directed to the quality and condition of mattresses (clarified in question 5.b of the inspection form).

Housing Inspector Update

A list of housing inspectors is available on the WALI website.

- Two inspectors are currently suspended pending review by ESDC
- The maximum number of inspections per inspector is 75 per year, unless pre-authorized.
- Housing inspections are valid for eight (8) months. If the first workers arrive within eight months of this inspection, then the housing may be occupied until December 15.
- The 2019 Housing Inspection Guidelines are available on the WALI website.