



# **Consulate General of Mexico in Vancouver**

## **2024 Guidelines for Employers**

### **Seasonal Agricultural Workers Program**

**Please read these Guidelines thoroughly as they contain important information.**

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## Introduction

The Consulate General of Mexico in Vancouver has written these guidelines for British Columbian employers hiring Mexican workers under the Seasonal Agricultural Worker Program (SAWP) to inform them about some of the main regulations, policies and procedures of the program and the role of the Consulate.

We encourage employers to carefully review all documents referred to in these guidelines and any other regulations regarding SAWP. We would like to emphasize the importance of carefully reading the **2024 Contract for the employment in Canada of Seasonal Agricultural Workers from Mexico** and the **Employment Agreement** as prescribed by the Government of Canada, which is separate and in addition to the Contract, and includes information on occupation, wages, and working conditions.

As per the Contract, the government of Mexico, through its Embassy and Consulates, serves as a facilitator to ensure the optimal implementation of the program. It is the mandate of the Consulates to provide consular assistance and protection to Mexican SAWP workers. Therefore, employers deciding to participate in SAWP agree to the terms and conditions and accept the participation of the Consulate in SAWP for the purpose of fulfilling its mandate to protect and assist Mexican workers.

## I. **Planning and following up on your labour needs**

Employers should begin the request of workers process with Service Canada as early as possible in the season. Please be aware that Labour Market Impact Assessment (LMIA) applications may take time for Service Canada to comprehensively process.

It is your responsibility to anticipate and plan for the agricultural season, the labour demand of your company and the anticipated decline of workers needed as the season progresses. This planning should include the process of biometrics and work permits, travel arrangements and Cowan insurance invoices.

Employers must clearly state initial and end dates for expected workers in their LMIA application. December 15 should not be used as a default date.

According to the SAWP contract, workers must be paid no less than 240 hours over a period of six weeks or less. It is recommended that the 240 hours be distributed as evenly as possible through the six-week period in order to avoid excessive strain on workers.

**WALI** (Western Agricultural Labour Initiative), an associate of the BC Agricultural Council (BCAC) which works with employers and governments to enable employers to find suitable labour and continually improve working conditions for temporary workers, will receive relevant information about your application from ESDC and will forward it to **Mi Tierra Holidays**. For more information go to <https://walicanada.ca/>

**Mi Tierra Holidays** is the travel agency chosen by **WALI** to perform travel logistics. For more information, please visit <http://mitierraholidays.com/vacations/>

It is the responsibility of the worker to verify his/her final scheduled date of travel by calling the office of the Mexican Ministry of Labour representative closest to their community of origin.

To secure the return of named workers, employers should include the following information in the LMIA application to identify the worker correctly:

- Worker's file number (first letter of last name followed by 3-4 digits) \*
- Full name of the worker(s) as stated on their Mexican passports.
- If it is an UNNAMED WORKER, please specify their gender.
- In case the requested worker is not available, please specify if you will accept substitute workers.

\*The worker's file number remains the same each year.

The Consulate does **NOT** have contact with workers in Mexico for recruitment/reassignment purposes. Workers are responsible to follow-up on the administrative process that will allow them to travel back to Canada for the following season.

Workers make decision regarding their choice of employer and the length of stay prior to signing their contract.

Workers receive information from the Mexican Ministry of Labour by phone about their employer LMIA application, biometrics appointments, Canadian working visa authorization and flight information. The toll-free number for SAWP Centre in Mexico: (800)841-2020.

SAWP workers are required by the Canadian Federal Government to have their biometrics done before applying for a work permit.

In order to travel to Canada, a worker must have:

- A valid Mexican passport.
- An approved medical examination.
- Approved biometrics.
- A Canadian work visa.

**Note: Biometrics and working visas expenses are paid by the worker. Workers must do their biometrics only once every 10 years.**

## II. **Receiving workers upon arrival**

The use of an interpreter is highly recommended to avoid misunderstandings during the season. Refrain from asking SAWP workers to perform as interpreters. WALI has Spanish speaking staff that can also assist you.

Upon arrival, it is recommended to take the workers to have a meal since some have travelled for more than 24 hours.

If it is necessary to advance money to the workers, make sure to have the worker's written authorization to deduct the advance in subsequent pay periods. We highly

advise not to deduct the advance in one pay period to avoid affecting the worker's possibility to cover their expenses. The recommended amount is \$300-\$500 CAD.

Employers should assist workers in opening a bank account, preferably a savings account that does not incur maintenance fees and supports cashing of payroll cheques. Please try to avoid local credit unions because it is difficult for workers access their accounts if they are assigned to a different province in future seasons.

**Note: Workers should keep their bank accounts open while not in Canada to make it easier to receive future tax refunds, health expenses reimbursements or any amount owed to them.**

### *Social Insurance Number (SIN)*

Before SAWP workers start performing their activities, it is the responsibility of the employer to assist the worker in applying for or renewing their SIN number. SIN numbers remain the same every season. Please make sure that all related documents are legible when obtaining the SIN number.

Employers must keep a copy of the worker's Work Permit and SIN number for mandatory deductions and to promptly respond to Canada Revenue Agency inquiries. Additionally, we recommend keeping a copy of the documents that workers bring from Mexico in their yellow envelope, including a copy of the signed contract, which may be required by ESDC/Integrity Services during an audit.

### **III. Housing & everyday living**

Housing is a crucial aspect of SAWP since your facilities become a home for workers. Although accommodations have been previously inspected and approved by provincial certified inspectors, the Consulate has the right to verify at any moment that housing is in compliance with both BCAC standards and the Contract of employment.

**As stated in the BC Housing Guidelines: "Passing a housing inspection does not in any way infer or imply that all legal obligations of the employer have been met".**

### *Housing standards*

Inspection and approval are required by federal and provincial authorities (i.e. planning, building and fire).

For more information go to: <https://walicanada.ca/workerhousing/>

The most common deficiencies that have been found by consular officers during their visits are:

1. Overcrowding
2. Lack of storage space
3. Inadequate mattresses, linen and pillows
4. Junk around the houses
5. Lack of fire alarm systems
6. Insufficient amount of garbage containers
7. Not enough distance between beds (minimum distance: 75cm)
8. Dysfunctional/lack of laundry facilities (washer and dryer)
9. Lack of bed side tables
10. Lack of appropriate fans or heaters.

**Substandard housing conditions for Mexican SAWP workers will not be tolerated and any violation to the housing guidelines will be reported to the federal and provincial authorities.**

**Note: Service Canada has determined that as of January 1<sup>st</sup>, 2018, the only regulation applicable to SAWP Housing in BC are the BCAC guidelines.**

### *Access to telephone and Wi-Fi*

- It is essential for the workers' well-being to keep in touch with their families. As per Section 8.10 of the Contract, it is now mandatory to provide a basic internet service to SAWP workers, when available.
- Workers should be able to communicate with their families and be provided with the numbers of emergency services, WorkSafeBC, Service Canada, Employment Standards Branch and the Consulate of Mexico.



- Service Canada's Line for SAWP workers can be reached at: 1-866-602-9448. This line comes with an automated greeting message in English, French, and Spanish for the worker's assistance.

### *House Rules*

It is up to the discretion of the employer to establish house rules. It is strongly recommended to have a printed version, in Spanish and English, of house rules and work safety standards. The use of an interpreter is recommended to avoid misunderstandings.

- Upon arrival of workers, discuss house rules.
- Provide a Spanish version of the house rules to the workers regarding cleanliness, safety, and discipline regulations. This document must be signed by each worker. Rules should be posted on a visible space for workers to read as well.
- Provide workers with a Food Safety and Health Presentation. Workers may not be aware of the dangers of mishandling food, which could create unhygienic kitchen environments.
- Establish a consistent grocery shopping schedule so workers may purchase the necessary amount of food and personal items. Facilitate transportation from the farm to the grocery store at least every 2 weeks.
- The Consulate has a zero-tolerance policy concerning substance abuse and alcohol. It is recommended that workers acknowledge and follow standards of the farm concerning substance and alcohol consumption. Please refer to the Zero-tolerance policy in the work site [\(Annex 5\)](#).

### *Driver's License*

- According to ICBC, SAWP workers are allowed to drive in BC with a valid Mexican driver's license during the length of their work period.
- Workers must also carry their work permit with them when driving.

For more information in regard to driver licensing visit: <https://www.icbc.com/driver-licensing/moving-bc/moving-from-another-country>

**Note: Employers must refrain from employing any SAWP worker as drivers. Employing a SAWP worker in activities that are not considered agricultural work is in violation of the Contract. In accordance with Section III.3 “...when an EMPLOYER asks a WORKER to drive, the WORKER will be compensated for that time and when WORKERS are required to relocate from one work site to another during the workday, travel time should be included as part of the working hours”.**

#### IV. **Worker Mobility**

##### *Early Return*

An early return occurs when a worker returns to Mexico before their official contract end date. It can be requested by the worker or employer for emergency or other reasons.

Following completion of the trial period of employment by the worker, the employer, after consultation with the Consulate, shall be entitled for non-compliance, refusal to work, or any other sufficient reason stated in this contract, to prematurely cease the worker’s employment and must notify the worker a minimum of seven (7) days prior to dismissal **except when the dismissal is for cause requiring immediate removal and done in consultation with the Consulate.**

In all cases, the **Early Return Request form (Annex 4)** must be filled out and signed by the employer and worker and sent to the Consulate by email at [sawpmobilityvan@sre.gob.mx](mailto:sawpmobilityvan@sre.gob.mx) and cc [practicasvan02@sre.gob.mx](mailto:practicasvan02@sre.gob.mx).

As per Section 10.7 of the Contract, in cases of early return (except when the dismissal is for cause requiring immediate removal and done in consultation with the Government Agent) the employer must try to transfer the worker at the worker’s request.

### *Double Arrival*

A double arrival occurs when a worker goes to Mexico for the period of time and returns the same season. It can be requested by the worker or employer.

To schedule a double arrival, please proceed with the following steps:

- Inform the Consulate about the departure and tentative dates of travelling.
- A *Double Arrival Request form* ([Annex 1](#)) must be completed and signed by both the worker and the employer.
- The form must be sent to the Consulate in a timely manner to [sawpmobilityvan@sre.gob.mx](mailto:sawpmobilityvan@sre.gob.mx) to formalize the double arrival and to inform the insurance company and avoid overcharges.
- If a worker is injured outside Canada as a double arrival, the insurance will not cover treatment costs while in Mexico.

**Employers** may request a double arrival for workers for any reason, dividing the contract in two separate periods of time in the season. **Total stay must not exceed eight months.**

**Workers** may request a double arrival to attend a personal matter in Mexico. Workers should get the employer's consent and fill out a *Double Arrival Form* ([Annex 1](#)). If the worker requests a double arrival, the time that he/she spends in Mexico will not count towards their eight-month contract. A double arrival is only possible if the worker is returning to the same employer. In this case, the airfare to and from Mexico should be paid by the worker unless agreed otherwise by both parties.

The Consulate does not guarantee the worker's return to Canada, as it is a private agreement between the employer and the worker.

### *Contract Extension*

A contract extension occurs when work at the farm needs to be extended beyond the original estimated departure date stated in the LMIA. To complete a contract extension please proceed with the following steps:

- If a worker agrees to extend his/her work contract, a *Contract Extension Form* ([Annex 2](#)) must be completed and signed by the worker and employer.
- The form must be sent to the Consulate in a timely manner to [sawpmobilityvan@sre.gob.mx](mailto:sawpmobilityvan@sre.gob.mx) to formalize the “contract extension” and to inform Cowan to avoid overcharges.

**A worker is only eligible to extend his/her contract if he/she has not exceeded the 8-month period established in the SAWP employment contract.** Exceeding this period is considered a violation of the temporary work permit and would be subject to penalties.

## *Transfers*

The transfer of workers is only permitted when:

- Both the sending and receiving employers are SAWP stakeholders located in British Columbia and are endorsed by the Mexican Consulate.
- The proposed transfer worker(s) has agreed.
- The Consulate of Mexico must be advised by the worker and the employer about the transfer request **at the beginning** of the process.
- The receiving employer has obtained a Transfer LMIA from Service Canada for the worker(s) requested and has one available spot in their original LMIA.
- A *Worker Transfer Acceptance Form* ([Annex 3](#)) must be completed and signed by the worker and the employers. The form must be sent to the Consulate at [sawpmobilityvan@sre.gob.mx](mailto:sawpmobilityvan@sre.gob.mx) before the transfer takes place.

**There is a trial period of 7 days after which the worker will be considered a named worker of the receiving employer who will then be responsible for paying the worker’s airfare to Mexico.**

Housing deductions will be made by both employers as stated in the Contract but cannot exceed the maximum combined total amount of \$876 per season.

The sending employer must deliver a copy of hours worked and all earnings and deductions (including housing) of the transferred worker to the receiving employer.

**Notes: An available spot in an LMIA occurs only when the position was never used by a worker. This must be a transfer LMIA, not a direct arrival LMIA.**

**Workers approved under the Seasonal Agricultural Workers Program are authorized by their work permit only to perform agricultural labour for the EMPLOYER to whom they are assigned. Any person who knowingly induces or aids a foreign worker, without the authorization of ESDC/SERVICE CANADA, to perform work for another person or to perform non-agricultural work outside the scope of the Labour Market Impact Assessment (LMIA), is liable on conviction to a penalty up to \$50,000 or two (2) years imprisonment or both under the Immigration and Refugee Protection Act S 124(1)(C) and 125.**

## **V. Labour Market Impact Assessment (LMIA)**

- All LMIAs are processed and approved by Service Canada. Approved LMIAs will be sent to WALI Canada who will then communicate your request to the Ministry of Labour in Mexico.
- To keep your LMIA within a normal processing time and to avoid unnecessary delays, be advised to keep changes to a minimum pertaining to the arrival date of your worker(s). Modifications may generate additional charges.
- When requesting changes, remember workers are not allowed to remain in Canada past 8 months, and cannot remain in Canada past December 15.
- Arrivals will always begin from the date approved by Service Canada and any changes must be approved by Service Canada first.
- No changes will be allowed to your LMIA within the 28 days prior to the scheduled arrival date of your worker(s).
- Service Canada must be contacted directly for any specific questions regarding the LMIA process at 1 (800) 367-5693.

- Contact WALI regarding the LMIA process and housing inspections at (604) 854-4483 or [LMIA@walicanada.ca](mailto:LMIA@walicanada.ca).
- You may also contact the Embassy of Canada in Mexico at Mexico-im-sawp@international.gc.ca

### *Travel arrangements*

Mi Tierra Holidays (Mi Tierra) is the liaison travel agency between employers and the recruitment offices of the Mexican Ministry of Labour.

#### ***Mi Tierra Holidays***

**Arturo Hernandez, Manager**

**Phone: (604) 689-5571 / Emergencies: (604) 837-8410**

**Email: [info@mitierraholidays.com](mailto:info@mitierraholidays.com)**

When calling the emergencies number, leave a message if necessary, as the staff checks the agency's voicemail during the weekends.

Mi Tierra Holidays provides:

- Negotiated fares for SAWP with several carriers.
- Travel date changes.
- Connecting flights.
- Land transportation from YVR to farm.
- Prepaid luggage.
- Prepaid meals at YVR.
- Hotel overnights.
- Rescheduling in case worker did not arrive on original date.
- Refunds, credit when applicable.

Once the LMIA is approved by Service Canada, the employer will be contacted by WALI Canada to confirm travel dates, gender of the workers, and preference for substitutes.

Mi Tierra Holidays services for return travel to Mexico are:

- Flexible fares for SAWP are offered on high season.
- Pricing of low restricted fares.
- Land transportation from farm to airport.

- Prepaid luggage.
- Connecting flights to other cities beyond Mexico City for a low fare.

**Note: SAWP workers are not allowed to fly to/from Canada with stops in the USA,** even if the worker has an American visa. Employers are not supposed to buy the workers' air ticket until a work permit has been approved.

### *Travelling from the farm to the airport*

- Make sure workers are at the airport 3 hours prior to their scheduled departure time.
- Provide workers with their flight schedule **7 days in advance**, as per the Contract, as well as any other information so they can make arrangements.
- It is the employer's responsibility to pay for transportation if the worker is travelling to the airport on his own.
- As luggage is now an additional cost paid by credit card only, we strongly suggest prepaying this cost or assisting workers to check in and pay at the counter with a credit card.

## VI. **Work safety standards**

Providing a safe and healthy work environment is a legal obligation for all employers in British Columbia.

Preventing work-related accidents or injuries may save time and money, as well as improve your relationship with workers.

We suggest contacting WorkSafeBC and AgSafe to perform a preventative inspection and to receive further guidance and suggestions on how to keep your workers safe throughout the season. Requests can be made at 1 (888) 621-7233 to WorkSafeBC and at 604-881-6078 to AgSafe.

Although Mexican agricultural workers are assigned to farms based on their experience as best as possible, we highly recommend that they receive proper training to ensure that they clearly understand the specifics of their tasks. Please provide an interpreter to effectively explain their duties.

Ensure that foremen/supervisors develop a relationship with workers that entails equal and fair treatment among all workers in regard to distributing duties.

A SAWP worker may not supervise others SAWP workers. ***Hierarchy among SAWP workers is not allowed.*** If you wish to promote one of your SAWP workers, hire him/her under a program other than SAWP.

### *Bullying and harassment*

The Provincial Occupational Health and Safety Regulations establish policies that protect workers from mistreatment, bullying and harassment in the workplace. Physical and mental wellbeing of workers are values of both the SAWP and the Consulate.

Bullying, harassment and mistreatment of workers will not be tolerated.

All employers in BC are required to train workers on the ***Bullying and Harassment Policy-Procedure-Training Program (PPT)***, according to WorkSafeBC, to be able to resolve issues through an internal process. This training must be done before they start working, in Spanish, to ensure a clear understanding of the policy. All staff and SAWP workers alike must be trained on the procedures and must sign an acknowledgement. Please find the template that you may use for this purpose in the following link:

<https://www.worksafebc.com/en/resources/health-safety/books-guides/bullying-harassment-training-legal-duties?lang=en>

**Note: Once training is completed, please email the Consulate a copy of the PPT or training used in English and Spanish, together with an acknowledgement signed by all workers and staff to confirm they have been trained.**

Any report received by the Consulate in regard to mistreatment, bullying and harassment will be sent to Integrity Services and WorkSafeBC for their assessment. For more information related to bullying and harassment please visit [www.worksafebc.com](http://www.worksafebc.com)

### *Human rights*

Mexican SAWP workers in BC are protected by the BC Human Rights Code against all forms of discrimination under section 13, clause 1: “A person must not (a)refuse to employ or refuse to continue to employ a person, or (b)discriminate against a person



regarding employment or any term or condition of employment because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

Any report on discrimination against a SAWP worker will be sent for review to both the BC Tribunal of Human Rights and the RCMP.

For more information regarding the BC Human Rights Code, please visit: <https://www2.gov.bc.ca/gov/content/justice/human-rights/human-rights-protection>

**Note: The Government of Mexico reserves its right to refrain from endorsing farms to hire Mexican SAWP workers if, among other causes, serious cases of human rights abuses are reported.** Any alleged violation committed against a SAWP worker will be reported to the federal and provincial authorities, including Integrity Services of Service Canada, which review abuses to the temporary foreign worker programs.

### *Consular visits*

To strengthen communication among all parties involved, staff from the Consulate conducts regular visits to farms where they have a chance to interview workers to identify any possible concerns. In a similar manner, Consular visits are viewed as an opportunity for employers to exchange information. The Consulate **reserves the right to perform unannounced or on short notice visits.**

- Consular officers will always identify themselves.
- A report of each visit will be completed to convey their observations and possible suggestions.
- Telephone interviews may be conducted as well. Compliance and respect are considered essential components of the relationship between employers and the Consulate.

## **VII. Wages & payment methods**

According to Section 3.5 of the Contract, wages must be paid at a rate at least equal to the following, whichever is the greatest:

a. the minimum wage for WORKERS provided by law in the province in which the WORKER is employed;

- As of January 2023, minimum wage in BC is \$16.75 per hour, which is subject to change. It is the responsibility of the employer to adhere to the minimum wage of the province. Please refer to the following link for any change: ([https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/wages/minimum-wage#:~:text=The%20minimum%20wage%20in%20B.C.,of%20June%201%2C%202023\).&text=Minimum%20wage%20applies%20regardless%20of,or%20on%20an%20incentive%20basis.](https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/wages/minimum-wage#:~:text=The%20minimum%20wage%20in%20B.C.,of%20June%201%2C%202023).&text=Minimum%20wage%20applies%20regardless%20of,or%20on%20an%20incentive%20basis.)) .

b. the rate determined annually by ESDC to be the prevailing wage rate for the type of agricultural work being carried out by the WORKER in the province in which the work will be done;

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

c. the rate being paid by the EMPLOYER to the Canadian workers performing the same type of agricultural work.

When and if any of the rates in a. to c. above change, wages must be modified accordingly and immediately.

1. If a worker agrees to be paid by piece work, pay must be equal or greater than the hourly wage.
2. According to BC Employment Standards, workers are to be paid at least twice per month and a pay period can be no longer than 16 days. Inform your workers in advance of the pay dates.
3. Add 4% vacation pay.
4. Avoid advances as replacement for pay.

**Note: As per section 3.4 of the Contract, the average work week will consist of a minimum of 40 hours.**

**As stated in subsection 8 of clause 8, “in the absence of compensation for lack of work at the end of the contract and in order to avoid days of labour unproductivity of workers prior to their return to Mexico, the maximum waiting period should not be greater than 96 hours”.**

## *Payroll*

Payroll stubs must be clear, legible, and state the following information with current and year-to-date figures (when applicable):

- i. Wage per hour
- ii. Number of hours worked gross and net earnings.
- iii. Deductions.

Employers must send an electronic copy of the payroll upon the request by the Consulate.

### *Deductions*

Private and medical insurance and other deductions

1. For private medical insurance, the employer deducts a daily rate of \$1.05 including days off. Premiums are subject to changes every season.
2. Housing deductions must not exceed \$876.00 per season. Employers can deduct \$5.68 per working day (minimum four hours of work).

**Note: State in every paystub the total deductions for accommodation and collect copies of the worker's TD1s in order to withhold tax deductions in accordance with the workers tax credits.**

### *Federal and BC TD1 forms*

Workers arrive in Canada with their TD1s (federal and provincial) fully authorized and stamped by the Mexican Ministry of Labour. Please ask them for their TD1s, which come in their "yellow envelope", make a copy for your records and return the original to them.

If you notice a stamp missing from the TD1, notify the Consulate to request a stamped TD1. Family members such as spouses and children under the age of 18 are eligible to be claimed in the workers' TD1s.

### *T4 slip*

To comply with CRA regulations, please ensure the workers' T4 slips are ready by the end of February of the following year. If you cannot distribute the T4s to the workers, send a copy to their authorized representative or tax service provider ([see Annex 6](#)).

**It is the employers' responsibility to give the workers or their representatives their T4s and Record of Employment (ROE) as requested. In the case of T4s, that must be done no later than February 28 of the following year. In addition, employers**

**should keep copies of the T4s and all labour-related documents for a period of 6 years.**

Please refer to the **Guide RC4004** by CRA at the link below for more information on SAWP employee-employer tax and deduction obligations.

<https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/payroll/payroll-deductions-contributions/special-situations/seasonal-agricultural-workers-program.html>

### *Assisting workers with income tax preparation*

As per the Contract, under section IX clause 5, workers must file an income tax return every year whether they had income tax deducted or not.

Workers are free to hire any tax provider and employers should not impose tax preparation services on the workers. If the employer wants to assist the workers with filing their taxes by referring them to a third party, the employer must ensure that the third party is familiar with the taxation regulations for the SAWP workers.

If the employer offers tax preparation services to the workers and plans to charge them a service fee, the employer must obtain written authorization dated and signed by the worker specifying the cost of the service. **Employers must always make clear to workers that tax preparation services offered by the employer are optional.**

**Note: Employers must obtain a signed authorization form for release of personal information and the authorization of representative from their workers.** Please refer to ([Annex 6](#)) Workers' Authorization for release of personal information.

### *Canada Pension Plan & Employment Insurance*

CPP and EI contributions are the same for Mexican SAWP workers as for Canadian workers.

Workers are entitled to benefits, which may include retirement pensions, post-retirement benefits, disability benefits, death benefits, children's benefits, and survivor and paternity/maternity benefits.

**The worker can apply for and receive a CPP retirement pension at age 65. He/she can also receive it as early as age 60 with a permanent reduction, or as late as age 70 with a permanent increase.**

CPP benefits are administrated by Service Canada. The Consulate and the Ministry of Labour in Mexico are available to inform the workers about CPP benefits.

You can call Service Canada and Canada Revenue Agency (CRA) at 1 (800) 959-2221 or visit their websites:

CPP

<http://www.cra-arc.gc.ca/tx/bsnss/tpcs/pyrll/clcltng/cpp-rpc/cnt-chrtpf-eng.html>

EI

<https://www.canada.ca/en/services/benefits/ei.html>

**Note: Ensure you fill out an electronic ROE with CRA for the workers at the end of the season and provide a copy to the worker. However, if you fill out a ROE by hand, ensure the worker receives an original copy of the ROE. A copy of a hand-filled ROE is not valid when a worker applies for social benefits.**

## VIII. Health and medical coverage (non-work related)

Workers are fully covered from the moment they arrive at YVR.

Medical assistance must be provided when the worker requires it. You must notify the Consulate of any health issues no later than **24 hours**.

Workers with health problems *must not* return to Mexico until they have reported the incident to the Consulate. **If the worker needs continuous medical treatment, the worker cannot go back to Mexico until they are given approval by their doctor in BC.**

Please make sure that the worker can communicate their needs properly and understand the doctor's instructions. Interpretation can be provided 24/7 by consular officers at 778-668-1242

The Government of Mexico is responsible for the enrollment of the workers by sending an arrival list to Cowan insurance. Once Cowan receives the names of your workers, they will validate the medical insurance from the contract period **indicated in the SAWP Contract**. Cowan cards can be downloaded in a digital format at the website [https://clients.cowangroup.ca/cards/home\\_en.html](https://clients.cowangroup.ca/cards/home_en.html). You will need their date of birth along with their certificate number in order to obtain their card. You can reach out to Cowan for a listing of their workers which includes their certificate number.

The farm will receive a physical medical insurance card for each worker on the mail. Make sure mailing addresses are accurate to receive documents from Cowan and the Consulate. It is your responsibility to make sure all workers have a physical card or their certificate number, which never changes.

Additionally, Cowan provides online services that can be accessible through their Group Benefits Member Access Centre. The workers can sign up to take advantage of all the user-friendly tools. For more information go to: [www.cowangroup.ca](http://www.cowangroup.ca)

Workers are entitled to wage coverage benefits from Cowan for a period of up to 12 weeks. To receive the short-term disability benefit, the employer has to submit the proper documents/forms and the physical medical note signed by the doctor clearly stating how many days off work are required.

The worker should also be aware that Cowan coverage ceases when there is evidence of having suffered an accident while under the influence of intoxicating or illegal substances.

Please note the following changes in insurance coverage, effective January 1<sup>st</sup>, 2021:

Category	2020	2021 onwards	Description
Maximum medical coverage.	\$300,000	\$500,000	Increase from previous year medical coverage
Coverage for companions in case of medical emergency.	\$2,500	\$3,500	Coverage for food and accommodations in the case of a medical emergency. Authorization to bring a second companion will be decided in coordination with Mexican authorities.
Dental emergencies	\$250	\$1,000	
Coverage period for medical cases treated upon arrival in Mexico.	120 days	150 days	It provides coverage for medical cases which originated during their stay in Canada or medical issues diagnosed upon arrival but within the mentioned period.

**Note: Medical coverage in Mexico is valid for a maximum of 150 days beginning as soon as the worker returns to Mexico. Life insurance covers workers in Canada and for 30 days upon returning to Mexico.**

Cowan Insurance Group	Address	Contact information
<i>Administrative contact:</i>	700-1420 Blair Towers Place	613-741-3313   Ext. 52510
<i>Agent</i>	Ottawa, Ontario	<a href="mailto:SAWP@cowangroup.ca">SAWP@cowangroup.ca</a>
Tiana Barber	K1J 9L8	<a href="mailto:clients@cowangroup.ca">clients@cowangroup.ca</a>
<i>Group Benefits Admin</i>		

Refer to the following forms on the Cowan website for more information:

- Application for Group Short Term Disability Benefits
- Cowan Pre-Authorized Direct Deposit Form
- Health Care Claim Form

### *TeleHealth:*

As part of the changes for the 2022 season workers will now have access to online and over the phone clinical health services. Telehealth services allow workers to have a consultation with a doctor in real time via a secure phone conversation.

Please assist your workers in making an appointment over the phone at **1-800-243-1348**. Language availability for telephonic consultations may be requested when booking the appointment.

### *Cowan billing cycle*

The employer will receive an invoice every month for each worker. The employer is responsible to make a direct payment to Cowan to cover the insurance premiums which the worker will pay through payroll deductions.

Cowan processes changes in the system prior to the cut-off **date of the 11<sup>th</sup> of each month**, so please make sure that any changes to the employers account, regarding new enrollments/termination/transfer are sent to the Consulate. Any change after this date will show up on the following month's billing statement.

The Consulate must be notified of the transfer of workers, early returns, contract extensions, and double arrivals to avoid unpaid bills or overcharges with Cowan. This should be communicated to [sawpmobilityvan@sre.gob.mx](mailto:sawpmobilityvan@sre.gob.mx) using the required forms.

**Note: Work-related injuries must not be reported to Cowan. These claims should be directed to WorkSafeBC.**

**Both WorkSafeBC and Cowan Insurance covered short term disability. Employers must support the workers during the process to claim the short-term disability benefit.**

#### IX. WorkSafeBC (work related health events)

It is the responsibility of the employer to ensure the safety of workers and the immediate medical assistance when necessary. Under *provincial legislation*, a worker may refuse any duties that could pose a threat to his/her safety. **It is against the law for an employer to discourage a worker from reporting a work-related injury or disease.**

In the event of a work-related injury or occupational disease, WorkSafeBC must be promptly notified by calling **1(888)967-5377** through which the worker can obtain a claim number. To ensure a fast processing of such claims, verify that the worker has made this phone call and that the WorkSafeBC form has been appropriately completed. **Workers can request for a Spanish translator by saying, “Spanish please” to the representative.**

A worker cannot return to Mexico if in need of continuous medical treatment due to work-related accidents until they are given written approval by their doctor in BC.

**Note: If the worker needs assistance to make a claim to WorkSafeBC, the Consulate can provide guidance in this process.**

<i>Mailing Address</i>	<i>Call Centre</i>	<i>Fax</i>	<i>Website</i>
<b>WorkSafeBC</b> <b>PO Box 4700 Terminal</b> <b>St</b> <b>Vancouver, BC V6B 1J1</b>	(604)231-8888 1 (888)967-5377 Hours: 8AM-6PM PST Monday - Friday	(604)233-9777	<a href="http://www.worksafebc.com">www.worksafebc.com</a>

These are the WorkSafeBC documents that employers and workers might be required to fill out:



- Worker's Authorization for Release of Personal Information  
<https://www.worksafebc.com/en/resources/claims/forms/workers-authorization-for-release-of-personal-information-form-69w1?lang=en>
- WorkSafeBC Authorization of Representative  
<https://www.worksafebc.com/en/resources/health-care-providers/forms/worksafebc-authorization-of-representative-form-63m4?lang=en>

## x. Alcohol and substance abuse

Alcohol and illegal substance use is strictly prohibited for any SAWP worker. Those under the influence of alcohol or drugs may cease to be covered by private insurance and WorkSafeBC.

Informing the workers about the dangers and consequences of alcohol consumption and other illegal substances is an important step towards preventing accidents.

If a worker shows up to work under the influence of any intoxicating substance, please inform the Consulate in order to prevent him/her from performing any work that may put his/her health and safety at risk. Please provide a written report in English and Spanish for your files and for the Consulate.

**Note: There is zero tolerance for alcohol and illegal drug use.** Please see ([Annex 5](#)).

## xi. End of employment

Workers should not be idle and without pay while waiting for a transfer or return flight home. **Workers must be notified at least 7 days in advanced** of their return date to Mexico.

Full payment of all wages due should be covered before the worker returned to Mexico.

**Note: According to the Contract “in the absence of compensation for lack of work at the end of the contract and in order to avoid days of labour unproductivity of workers prior to their return to Mexico, the maximum waiting period should not be greater than 96 hours”.**

This information will be shared to the insurance company to terminate the medical coverage of the worker.

If an employer decides to prematurely terminate the contract, the reason must be brought to the attention of the Consulate **before buying a plane ticket**. The Consulate is readily available to resolve any conflicts or misunderstandings. Workers can opt for a transfer in such cases which will be granted based on availability.

**Note: Under all circumstances, it is the responsibility of the employer to purchase the return flight for the worker. As stated in section 10.7 of the Contract “The EMPLOYER is responsible for the cost of two-way airfare for the WORKER, regardless of any early termination of the contract, whether by EMPLOYER or WORKER, and for any reason”.**

### *Terminating medical coverage*

It is the employer’s responsibility to verify that insurance billing is in accordance with the workers’ actual stay in Canada. **Mi Tierra Holidays is only responsible for booking flights and is not related this or the cancelation of medical coverage.**

To terminate the medical coverage of SAWP workers, the proper information must be e-mailed to the Consulate. Refer to the chart below as an example of how to organize the information of the workers. The Consulate can provide a Microsoft Excel template for your convenience (See [Annex 7](#)).

**Example SAWP Departure Chart for Cowan**

Employer Name (as shown on LMIA):	STPS #	Last name	First Name	Arrival Date (DD/MM/YYYY)	Return Date to Mexico (DD/MM/YYYY)	direct arrival from Mexico, double arrival or transfer	Reason

Employers should keep information of their workers before their departure such as file number, phone number, and home address. The employer also bears the responsibility of any pending matter they have with their employees while they are in Mexico. **Worker file numbers are not the same as Cowan ID numbers.**

**Note: The return date of a worker is not the day that they stop working. It is the day of their return flight back to Mexico.**

### *Evaluation & report by the worker and employer*

#### **By the worker**

Upon their return home, SAWP workers must report to the Mexican Ministry of Labour (STPS) local office and provide the following information:

- Income & expenses analysis.
- Workers' interest to return to Canada to work at the farm of his/her preference.
- Employers' evaluation.

#### **By the employer**

Employers should fill out their evaluation online. You may do so by accessing SIMOL at <https://simolint.stps.gob.mx>. Please note that this requires a username and password.

For assistance regarding this matter or requests for usernames and passwords, contact the Mexican Ministry of Labour, *Secretaría de Trabajo y Prevision Social* (STPS): Maria Fernanda Sanchez Pantoja: [fernanda.sanchez@stps.gob.mx](mailto:fernanda.sanchez@stps.gob.mx).

The Mexican Government is respectful of the requirements of the Canadian Government and is not involved in the issuance of work permits, visas or biometrics.

For any other issue please address your questions to the following authorities:

#### **Approval and processing of LMIA**

ESDC/Service Canada

<http://canada.ca/en/employment-social-development/services/foreign-workers.html>

1-800-622-6232

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1-888-242-2100

**Service Canada Line for Workers**

1-866-602-9448

**Processing of Work permits and biometrics**

Canadian Visa Applications Centre  
Senior Manager: Joselin Gamez  
Email: [joseling@vfsglobal.com](mailto:joseling@vfsglobal.com)

**Canadian Embassy in Mexico City**

[Mexico-im-sawp@international.gc.ca](mailto:Mexico-im-sawp@international.gc.ca)

**Immigration Refugees and Citizenship Canada in Mexico City**

Delphina Ocquaye  
Email: [Delphina.Ocquaye@international.gc.ca](mailto:Delphina.Ocquaye@international.gc.ca)

**WALI/BCAC SAWP**

Project Manager: Verónica Moreno  
Email: [vmoreno@walicanada.ca](mailto:vmoreno@walicanada.ca)

Annex 1

**SOLICITUD DE DOBLE ARRIBO/ DOUBLE ARRIVAL REQUEST**

Nombre Completo de Trabajador/Full Name of Worker

No. Expendiente/Worker File Number	Granja/Farm

Fecha de Llegada a Canadá / Arrival date to Canada	Fecha de partida a México / Date of departure to Mexico	Fecha de regreso a Canadá / Date of return to Canada

Exponga con detalle la razón por la que desea regresar a México:  
Please provide the reason for the double arrival:


Requested by:

Employer	
Worker	

\_\_\_\_\_  
Firma del empleador/Employer signature

\_\_\_\_\_  
Firma del trabajador/Worker signature

Annex 2

**ACEPTACIÓN DE EXTENSIÓN DE CONTRATO**  
**CONTRACT EXTENSION ACCEPTANCE**

Si usted está interesado en extender su contrato de trabajo complete este formato. Si usted NO está de acuerdo en la extensión de su contrato, NO firme este documento y comuníquese al Consulado: (604) 684-1859. / If you are interested in extending your contract with your employer, sign this document. If you do NOT want to extend your work contract do not sign this document and call the Consulate at (604) 684-1859. **Recuerde que no puede permanecer más de 8 meses en Canadá. Please remember that you cannot remain in Canada for more than 8 months.**

Nombre Completo de Trabajador/Full Name of Worker

No. Expendiente/Worker File Number	Granja/Farm

Extension del/From Which Date	Al/Until Which Date

\_\_\_\_\_  
Firma del empleador/Employer Signature

\_\_\_\_\_  
Firma del trabajador/Worker Signature



**ACEPTACION DE TRANSFERENCIA POR EL TRABAJADOR  
WORKER TRANSFER ACCEPTANCE**

Si NO está de acuerdo con transferirse, NO firme este documento y comuníquese al Consulado al (778) 668-1242 / If you disagree with the transfer, do not sign this document and get assistance from the Consulate by calling (778) 668-1242.

**Motivo de la transferencia / Reason for the transfer**

--

Nombre Completo de Trabajador/Full Name of Worker	No. Expendiente/Worker File Number
Firma del Trabajado/Worker Signature	Fecha/Date

\_\_\_\_\_  
Empleador actual/Sending employer

\_\_\_\_\_  
Nuevo empleador/Receiving employer

\_\_\_\_\_  
Fecha de transferencia/Transfer date

\_\_\_\_\_  
Fecha fin de contrato/Contract end date

\_\_\_\_\_  
Sending Employer Signature

\_\_\_\_\_  
Receiving employer signature



Annex 4

## SOLICITUD DE REGRESO ANTICIPADO/EARLY RETURN REQUEST

Sólo llene este formulario si usted regresa a México antes de la fecha del término del contrato/ Only fill out this form if the worker returns to Mexico before the end of their contract date. Please ensure the worker receives this form at least one week before his departure date.

Nombre Completo de Trabajador / Full Name of Worker	

No. Expendiente/Worker's File Number	Granja/Farm

Fecha de Llegada/Arrival Date	Fecha Regreso Anticipado/Early Return Date

**Seleccione y explique las razones de su regreso a México/Select and explain the reasons for the early return to Mexico:**

- ☐ **Emergencia médica/Medical emergency**
- ☐ **Problemas familiares/Family issues**
- ☐ **Falta de trabajo/Lack of work**
- ☐ **Problema personal/Personal problema**
- ☐ **Accidente de trabajo/Work accident**
- ☐ **Muerte de familiar/Family death**
- ☐ **Otros/Other (please specify):**

<b>Firma del empleador/Employer Signature</b>	<b>Firma del trabajador/Worker Signature</b>
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Annex 5- English Version

**ZERO TOLERANCE FOR ALCOHOL AND DRUGS POLICY IN THE WORK SITE**

I \_\_\_\_\_ (worker's name) acknowledge that there is Zero tolerance for alcohol and drugs at \_\_\_\_\_ (farm's name) in the work site premises. Therefore, the following behaviors can be considered ground for immediate dismissal.

- To show up to work under the influence of any alcohol or drugs.
- To consume any alcohol or drugs on the work site premises.
- To operate any machinery or automobiles while impaired by alcohol or drugs.
- To allow my drinking habits outside of working hours affect the quality of my work.

If I become ill or injured due to the effects of drugs or alcohol, I acknowledge that I do not qualify for any medical insurance coverage through WorkSafeBC or COWAN Medical Insurance.

**Worker's Signature**

\_\_\_\_\_

## **POLITICA DE CERO TOLERANCIA ALCOHOL Y**

### **DROGAS EN EL TRABAJO**

Yo \_\_\_\_\_ (nombre -trabajador) estoy enterado que la empresa \_\_\_\_\_ (nombre -empleador) tiene cero tolerancia al consumo del alcohol y/o drogas en las áreas de trabajo por ser parte del Programa de Trabajadores Agrícolas Temporales.

Reconozco que las siguientes conductas son causales de recisión de mi contrato laboral:

- Presentarme a trabajar bajo los efectos del alcohol y/o drogas.
- Consumir alcohol y/o drogas en las áreas de trabajo.
- Manejar ni operar maquinaria bajo los efectos del alcohol y/o drogas.
- Permitir que el consumo del alcohol en horas de descanso afecte la calidad de mi trabajo.

Adicionalmente, si me lesionó o sufro un accidente estando bajo los efectos del alcohol y/o drogas, tanto Cowan y WorkSafeBC no harán valida la cobertura médica a la que tengo derecho por ser parte el programa de Trabajadores Agrícolas Temporales.

**Firma del trabajador**

\_\_\_\_\_

## AUTHORIZATION FOR RELEASE OF PERSONAL INFORMATION

Annex 6- English Version

### Worker's information

Worker's last name	First name	File number
Farm Name		
Farm Address	Farm Phone Number	

### Accountant's information

Name	Email
Address	Phone Number

I \_\_\_\_\_ authorize \_\_\_\_\_ (accountant's name) to view or obtain a copy of records pertaining to all areas concerning my taxes (T4s, TD1s, SIN number) from any source. I understand the information is collected, used, and disclosed under the authority of the *Freedom of Information and Protection of Privacy Act*. I acknowledge that \_\_\_\_\_ (employer) will release this information to \_\_\_\_\_ (accountant) for the purpose of assisting in filing my taxes in accordance with the law, including the *Freedom of Information and Protection of Privacy Act*.

Worker's signature	Date signed (yyyy-mm-dd)
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## AUTORIZACIÓN PARA LA DIVULGACIÓN DE INFORMACIÓN PERSONAL

### Información del Trabajador

Annex 6- Versión

Apellidos	Nombre	Número de expediente
Nombre de la Granja		
Dirección de la Granja	Teléfono de la Granja	

Información del Contador

Nombre	Correo Electrónico
Dirección	Teléfono

Lea cuidadosamente

<p>Yo _____, autorizo a _____ (Contador), revisar u obtener copia de todos los documentos relacionados con mis impuestos (T4, TD1s, Número de Seguro Social). Entiendo que la información será recolectada, usada ante las autoridades correspondientes, acorde a la Ley de Libertad de Información y Protección de Privacidad del Gobierno de Canadá.</p> <p>Estoy enterado que mi empleador _____, compartirá la información con _____ (contador), el propósito de hacer la declaración de mis impuestos acorde a los lineamientos del Gobierno de Canadá bajo la Ley de Libertad de Información y Protección de Privacidad.</p>	
Firma del Trabajador	Fecha

Annex 7-

## COWAN INSURANCE DEPARTURE CHART

In order to notify Cowan Insurance we require the chart to be completed in its entirety. Please download the [Excel version](#) of this chart if you need more space. Charts can also be copied and included in the body of your e-mail. Please DO NOT send this chart as a PDF document. This chart can only be sent to [sawpmobilityvan@sre.gob.mx](mailto:sawpmobilityvan@sre.gob.mx) .

Employer Name (as shown on LMIA):	STPS #	Last name	First Name	Arrival Date (DD/MM/YYYY)	Return Date to Mexico (DD/MM/YYYY)	direct arrival from Mexico, double arrival or transfer	Reason