

Overview

Working conditions refer to the provisions related to paid work and the employment relationship. Working conditions cover a broad range of topics, from working time (hours of work, rest periods and work schedules) to remuneration.

Working conditions are usually established between employers and workers based on a private negotiation process. However, minimum employment standards are in place in most regions to protect the rights of employees and ensure that they are being treated fairly and with respect.

The most common Employment Standards provisions include the following:

- Wages, pay and deductions
- Working hours and overtime
- Employment records
- Benefits, including vacations and holidays

These provisions, whether legally enforced or freely established, are usually formalized through working contracts.

Most grain farms in Canada are family-owned and labour is provided by family members. Only a portion of farms rely on hired labour to perform their activities. For example, in 2016 less than 10,000 farms in Saskatchewan reported hiring employees (full-time; part-time; seasonal or temporary), which is about one-third of farms in this major grain-producing province which has 45% of the cropland in Canada¹. A survey conducted in 2013 in Quebec showed that close to 60% of salary costs are paid out to family members².

Sustainability Report

1. The Canadian and provincial governments legislate working conditions of workers in Canada

The Government of Canada is a member of the International Labour Organization (ILO), a specialized agency of the United Nations (UN), and as such the signatory to international treaties and conventions. However, ratification of labour conventions must be accompanied by the ability to implement, which is dependent on both national and provincial legislative instruments. In practice, Canada does not proceed with the ratification and implementation of these conventions without the support of provincial

jurisdictions. The list of Conventions that have been ratified by Canada can be found at the end of this section.

While the Canadian Constitution does not specifically address labour rights and employment standards, the Canadian Charter of Rights and Freedoms does provide basic rights to all Canadians, including freedom from discrimination, freedom of association, freedom of expression and peaceful assembly.

Constitutionally, Canada is a federal state, and legislative authority is split between the federal Parliament and the provincial legislatures. Except for employees working for the federal government, certain key industries and most federal Crown corporations, labour and employment laws are within the jurisdiction of individual provinces, which establish and enforce relevant legislation.

Although there are many similarities, each province sets its own laws and mechanisms to enforce those laws. Agricultural workers are covered by labour relations statutes in most provincial jurisdictions in Canada, but there are some exceptions in regards to minimum employment standards (e.g. minimum wage; working hours) and occupational health and safety. The coverage and application of these standards vary across provinces.

2. Wages, pay and deductions of Canadian workers are regulated. Canadian farm workers are, at the median, paid more than minimum wage

There are minimum wage provisions in every jurisdiction in Canada. Each province or territory sets its own rate. The process for fixing minimum wage rates varies by province and adjustments are made periodically.

In 2019 the minimum hourly wage in grain-producing provinces ranged from a low of \$11.32 in Saskatchewan to \$14.00 in Ontario.

The application of minimum wages requirements to farm workers varies by province.

In British Columbia, farm workers must be paid the minimum wage. In Alberta, minimum wage provisions is applicable only to farms and ranches with six or more waged, non-family employees who have worked at least 6 consecutive months. In Saskatchewan, the provisions on minimum wage apply only to workers employed in the operations of egg hatcheries, greenhouses and nurseries, feedlots, confined feeding, bush clearing operations and commercial hog operations. In Manitoba, farm workers employed by family members are exempted but other workers, including workers on grain farms, are entitled to the minimum wage.

In Ontario, workers employed in primary production, including grain, are not covered by minimum wage

provisions. In Quebec, all farm workers are covered by the minimum wage provision. In New Brunswick, workers employed in primary production of crops, livestock and other farm products are covered by the minimum wage provision only when there are more than three non-family employees over a substantial period of the year. In Nova Scotia all farm workers, with the exception of those under the age of 16 and those paid on a piecework basis, are entitled to the minimum wage. In Prince Edward Island, farm workers are excluded from minimum wage provisions unless they work on a commercial farm, i.e. a farm that purchases at least 50% of its product from other farms.

Notwithstanding lack of full coverage under provincial regulations, wages paid to farm workers are usually higher than the minimum wage. In 2018, the median wage for full-time farm workers was higher in every province than the current minimum wage (as of October 1, 2019). For example, the minimum wage rate in Saskatchewan is currently \$11.32 per hour, while agriculture employees were paid a median wage rate of \$22.00 per hour in 2018. These results are illustrated graphically on the following chart.

3. Hours of work and overtime are regulated in Canada, but not all regulations apply to all farm workers

Provincial employment standards legislation limits the number of hours that an employee can work in a day or week. Time that is worked in excess of these hours (typically 40 hours per week) is usually compensated at a premium rate (e.g. 1.5 times the regular rate of pay). Some employment standards statutes also stipulate a maximum number of hours that cannot be surpassed in a given time period. In addition employment standards acts specify that employees are entitled to eating periods as well as the daily and weekly rest periods. Information on how to locate provincial labour standards is listed in the table at the end of this section.

The extent to which these provisions for working hours and overtime apply to farm workers vary by province. In British Columbia, farm workers are exempt from overtime provisions, except for the provision that a farm worker must not work excessive hours detrimental to the employee's health or safety. In Alberta, non-family, waged farm employees are exempt from standards of hours of work, overtime and breaks. In Saskatchewan, the provisions for working hours and overtime only apply to specific categories of farm workers (egg hatcheries, greenhouses and nurseries, bush clearing operations, and commercial hog operation). In Manitoba, the provisions for working hours and overtime do not apply to farm workers except for those employed by agricultural companies providing services to farms or employed in climate-controlled facilities.

In Ontario, workers in primary production, including grain, are not covered by these provisions. In Quebec, provisions on working hours and overtime do not apply to farm workers. In New Brunswick,

workers in primary production, including grain production, are covered by the working hours and overtime provisions in cases where there are more than three non-family employees over a substantial period of the year (exclusive of family-labour). In Nova Scotia employers of farm workers are not required to pay the workers overtime pay. On Prince Edward Island, farm workers are excluded from these provisions unless they work on a commercial farm, i.e. a farm that purchases at least 50% of its product from other farms.

4. Minimum employee benefits are stipulated in legislation

Employment standards define basic social benefits employers have to offer to their employees. In addition to vacation and statutory holidays, these could include unemployment benefits, sickness, maternity, parental or compassionate care benefits and pensions.

The federal government operates two programs providing social benefits to employees, namely the Canada Pension Plan (CPP) and Employment Insurance (EI) programs. Employees and employers both contribute premiums to these programs. Employees make their contributions through mandatory deductions made by their employers on their pensionable or insurable earnings.

In British Columbia, farm workers are entitled to two weeks paid vacation, increasing to three weeks after five years employment³. In Alberta, non-family, waged farm workers on farms and ranches with six or more waged, non-family employees who have worked at least 6 consecutive months are entitled to receive vacation pay, and unpaid maternity and compassionate care leave⁴. In Saskatchewan, provisions for social benefits only apply to specific categories of farm workers (egg hatcheries, greenhouses and nurseries, bush clearing operations, and commercial hog operation)⁵. In Manitoba, farm workers, excluding those employed by family members, are entitled to vacation pay and different types of leaves (including maternity). They are not however entitled to statutory holidays⁶.

In Ontario, workers in primary production, including grain farms, are entitled to leaves of absence. They are not covered by the public holiday pay and vacation pay⁷. In Quebec, farm workers are entitled to vacation pay, paid and unpaid leaves of absence and statutory holiday pay⁸. In New Brunswick, workers in primary production, including grain production, are covered by the provisions on social benefits in cases where there are more than three non-family employees over a substantial period of the year (exclusive of family labour)⁹. In Nova Scotia, farm employees are not entitled to holidays or holiday pay, or to a day of rest (i.e. one day off in seven). However they are entitled to different types of leave¹⁰. On Prince Edward Island, farm workers are excluded from these provisions unless they work on a commercial farm (i.e. a farm that purchases at least 50% of its product from other farms for the purpose of processing or

packaging)¹¹.

Whether or not it is required by regulation, it is common practice in Canada for farmers to offer benefits in addition to wages. The most commonly offered benefits include: vacation beyond that which is required by law, disability insurance, life insurance, contribution to a pension plan, paid sick leave and other in-kind benefits (e.g. housing; meals; in-kind products; access to a vehicle)¹².

5. Pay-slips and employment records are required by legislation in Canada

All provinces require that employee records be maintained. The types of information employers are required to record and keep vary from one province to the next.

Employers have to keep pay records which usually include the employee's name, rate/hour and amounts of mandatory deductions such as income tax, Canada Pension Plan and Employment Insurance¹³.

It is also mandatory in every Canadian jurisdiction that employers provide a pay slip to their employees. The information reported on an employee's pay statement must comply with employment/labour standards as per the legislation of where the work is performed. The legislative requirements vary by province. Usually, employee's name, rate/hour and all deductions, both mandatory and voluntary, are required.

In addition to mandatory pay information, employers of farm workers often maintain more extensive employment records. As part of the CRSC 2017 Grain Producer survey, respondents were asked the questions: "Do you keep up-to-date employment records to provide an accurate overview of all employees (including seasonal workers and subcontracted workers), including contact information and salaries?" - 53.4% of respondents responded "often" or "always", and 26.2% responded "rarely" or "never".

6. Canada's Temporary Foreign Worker Program facilitates and regulates the employment of foreign agriculture workers

The Government of Canada's Temporary Foreign Worker Program (TFWP) provides options to farmers to employ workers from outside Canada when labour is not available in Canada. Most foreign workers employed in agriculture in Canada are hired through the Seasonal Agricultural Worker Program (SAWP). To a lesser extent, the TFWP 'agricultural stream', the 'stream for high-wage positions' or the 'stream for low-wage positions' are also used. Under the SAWP, a temporary foreign worker can stay up to eight months in Canada, and return annually, whereas in the case of the other streams, this duration is a maximum of two years.

Employer obligations to workers hired under the Seasonal Agricultural Worker Program are outlined in bilateral agreements between Canada and the participating countries. The agreements outline the role of these foreign governments, which is to recruit and select the SAWs, make sure workers have the necessary documents, maintain a pool of qualified workers and appoint representatives to assist workers in Canada. These governments also ensure that the people selected to work temporarily in Canada meet all the requirements of the SAWP, which are to be experienced in farming, at least 18 years of age, a citizen of one of the participating countries and able to satisfy the Canadian immigration laws and those of the worker's home country¹⁴.

Employer obligations under the Temporary Foreign Worker Program are specified, and can be found on the Employment and Social Development Canada website¹⁵. Under this program the employer is responsible for arranging the employee's Worker's Compensation benefits and medical coverage, verifying that the employee has a Social Insurance Number, and ensuring that the conditions and time limits on the work permit are respected.

Regulations under these programs typically provide temporary workers entitlements to the rights and freedoms guaranteed in the Charter, as well as to at least the same provisions as locally hired labour. Farm workers hired through the TFPW are also entitled to the same wages and benefits as those provided to the other Canadian employees in the same occupation in the same workplace. For workers hired under the SAWP, the employer must provide appropriate housing.

The eligibility criteria to collect government program benefits are the same for temporary foreign workers as Canadian citizens and permanent residents. Some benefits are only made available while workers are in Canada. Others are offered even when they are back in their home country¹⁶. Additional required benefits to workers are embedded in the provincial regulations. As for the other provisions on working conditions, the extent to which farm workers are entitled to these benefits vary by province.

The Government of Canada is responsible for enforcing the requirements of the TFWP, conducts inspections and imposes fines and penalties in case of violations.

7. Resources are available for Canadian farmers to adopt best management practices

The Canadian Agricultural Human Resource Council (CAHRC) is Canada's agri-workforce centre of excellence. Through collaboration and partnership with industry associations, educational institutions and government departments, the organization develops tools and training programs to support farmers in the management of their workforce. The tools and programs offered include:

- AgriHR Toolkit - a comprehensive resource targeted to agricultural employers to improve people-

management skills and develop key resources to help find, retain, and support employees. Topics include recruitment and hiring; compensation and benefits; worker performance; health and safety; and diversity and inclusion.

- AgriSkills - Practical, targeted training options for agricultural employers, employees, associations and educators.
- AgriJobs - clarification of task and skill requirements for over 70 types of jobs in agriculture in Canada.
- Benchmarking Tool - tool to compare employee turnover to other employers in the industry.
- AgriWorkForce Diversity - research to improve diversity in the agriculture industry.

The Foreign Agricultural Resource Management Service (F.A.R.M.S.) and the Fondation des Entreprises en Recrutement de Main-d'œuvre agricole Étrangère (FERME) are two organizations assisting farmers to facilitate and coordinate the processing of requests for foreign seasonal agricultural workers.

Sources

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Industry Initiatives

The Canadian Agricultural Human Resource Council (CARHC) works with industry associations, educators, and all levels of government to examine human resource issues on the farm and build meaningful solutions. Their research explores emerging labour issues, tracks the number of positions required, and quantifies vacancies and their impacts on competitiveness. Website: <https://www.cahrc-ccrha.ca>

The Foreign Agricultural Resource Management Service (F.A.R.M.S.) is non-for-profit organizations designed to facilitate and coordinate the processing of requests for foreign seasonal agricultural workers. Authorized by Human Resources Skills Development Canada, F.A.R.M.S. performs an administrative role to the Caribbean and Mexican Seasonal Agricultural Workers Program. F.A.R.M.S. is governed by a Board of Directors, appointed from farm commodity groups participating in the program.

La Fondation des Entreprises en Recrutement de Main-d'œuvre agricole Étrangère (FERME) is a not-for-profit organization funded by its members. FERME's role is to coordinate all aspects (administration, logistics, advice, etc.) of the recruitment of temporary foreign workers in Quebec.

Global Sustainability Requirements

The Sustainability Report for Working Conditions may assist users who are interested in exploring international certification. Following is a summary of typical expectations as identified in the five international sustainability standards that are most frequently used in international marketing of grain. These schemes include: European Feed Manufacturer's Federation Soy Sourcing Guidelines, International Sustainability and Carbon Certification (ISCC), Roundtable for Responsible Soy, SAI Platform Farm Sustainability Assessment and Unilever Sustainable Agricultural Code This summary, prepared by the CRSC, is not exhaustive and is for your information only. If you are interested in the definitive requirements, please consult the relevant standard.

Career Development / Training

- There must be a training plan, ensuring that all legally required training is kept up to date and that all relevant farmers and workers are trained.

Employee Records

- Records are maintained for employees, including training activities and attendees.

Hours of Work

- Overtime in excess of 12 hours per week is only allowable if it happens in extraordinary, limited periods where there are time constraints or risks of economic loss and where conditions regarding overtime in excess of 12 hours per week have been agreed between workers and management.
- Overtime work at all times is voluntary and paid according to legal or sector standards. When overtime work is needed, workers receive timely notification. Workers are entitled to at least one day off following every six consecutive days of work.
- The work week shall be set according to local and national laws, shall be consistent with local industry standards, and shall, at maximum, not routinely exceed 48 hours per week (not including overtime).
- There is a time recording system for all workers that shows daily working time and overtime.

Pay and Deductions

- All legally mandated deductions' such as taxes or social insurance, are deposited each pay period to the legally stipulated accounts or agencies and as required by law.
- Deductions from wages for disciplinary purposes are not made, unless legally permitted.
- Farmers should provide support for workers who wish to remit money to their family (e.g. time off during banking hours, access to translators).
- The employer records the wages paid.
- Workers receive a payslip for each pay period clearly indicating the components of the compensation, including exact amounts for wages, benefits, incentives/bonuses and any deductions.

Wages and Benefits

- All work is compensated according to at least the legal minimum standards or the appropriate prevailing industry standards, whichever is the higher, including that of interns/students receiving academic credit for their work.
- National law and / or international standards (ILO Conventions) are followed for paid holiday leave, paid sick leave and paid parental leave for permanent and temporary workers.
- Salaried workers have all entitlements and protection in national law and practice with respect to maternity.
- The employer offers other forms of social benefits to workers, their families and/or community.
- The employment conditions of individual workers comply with legal regulations and/or collective bargaining agreements.

Worker Contracts

- Changes are agreed by both employer and worker, and documented in writing.
- The terms and conditions are clearly understood by the worker and are explained verbally if required in a language she or he can understand.
- Workers (including temporary workers), sharecroppers, contractors and subcontractors have a written contract, in a language that they can understand.