

On October 27th, 2010, Service Canada held a meeting in Edmonton to discuss the Seasonal Agricultural Workers Program (SAWP) and to inform employers that use this program of upcoming changes to the program. In addition to Service Canada, there were representatives from the Mexico Consulate, Human Resources and Skills Development Canada (HRSDC), Workers Compensation Board (WCB), Alberta Health Services and Alberta Employment and Immigration Workplace Standards.

There were 3% less Mexican nationals working in Alberta in 2010, for a total of 850 workers. Alberta employers using Mexican workers under SAWP account for 5% of the total Mexican workers currently in Canada. Ontario leads the way at 51%, Quebec at 20%, and British Columbia at 19%. There are 23,000 total Mexican nationals in the program. The majority of these Mexican workers that come to Alberta are name hires, with only 83 cases refused as name hires. There were a total of 15 complaints regarding Mexican nationals working in Alberta in 2010, with 1 worker sent home due to performance issues, 3 due to poor health, and 3 due to personal issues. These cases were down from 2009. On average, these workers have 6 years of worker experience in Alberta. There are a total of 118 farms currently using the SAWP program in Alberta.

Employers can apply for Mexican workers under SAWP 3-4 months in advance of when they need them, and there are currently 1000 workers in Mexico on a waiting list to come work in Alberta. These Mexican workers can call in by phone while still in Mexico to find out if they have been approved to work in Canada. Starting in 2011 it will be possible for both the Mexican worker as well as the Alberta employee to go online and find the current status of those workers. It is important to note that employers must keep these workers for a minimum 14 day evaluation period before they can call the Mexico consulate in the event a worker needs to be sent back to Mexico. A change regarding Mexican workers medical exam is coming for 2011. Citizenship and Immigration Canada (CIC) will no longer require these workers to have a medical exam done in order to issue a work permit. In response to this change the Mexico Health department has created a new "Fit for Work" exam that will be a requirement for all SAWP workers to take in order to be in the program. All employers using any foreign worker must have WCB coverage on both themselves and their workers.

New employers in the SAWP program can name hire Mexican workers, as long as those workers whose have been requested have not been requested by their previous place of employment in Canada. Currently Mexican workers cannot work in Canada for more than 8 months, and are required to leave Canada by December 15th, regardless of when they began working in Canada. There are proposed changes to the SAWP program which will change this mandatory December 15th return date, and only apply to the 8 month total work rule. When Mexican workers return home, it is very important that employers complete the worker evaluation issued by the Mexico consulate so that the Mexico Ministry of Labour can evaluate the program, the workers, and the employers.

If employers choose to send a cheque to a Mexican worker once they have returned to Mexico, it is important that these cheques include that workers full name (consisting of 4 names), as it will not be accepted at any banking facility in Mexico without these complete names. It is recommended that if funds are sent to a worker once they have returned to Mexico that it be exchanged to Mexican Peso's, as the exchanging Canadian Dollars to Mexican Pesos in Mexico is not recommended.

Service Canada will be doing random audits of employers using the Temporary Foreign Worker Program (TFWP), which includes SAWP, in 2011. It is vital that employers keep track of all pay stubs, time cards, etc., as well as honour all rules that are in the SAWP/TFWP contracts between themselves and their workers. It is possible to transfer SAWP workers to and from any farm in Canada that is in the program, but it is not possible to “lend” or “share these workers with another farm. Any farmers caught doing this is a contravention of the “Immigration and Refugee Protection Act” and is punishable by a fine of up to \$50,000 and imprisonment.