



INDUSTRIAL WORKERS OF THE WORLD

VANCOUVER GENERAL MEMBERSHIP BRANCH

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Farm Labour Contractors

This Employment Standards Factsheet is also available in a [printable pdf format](#)

In British Columbia, Farm Labour Contractors must be licensed under the *Employment Standards Act*.

A licensed Farm Labour Contractor is the employer of the farm workers who perform work for that contractor.

A contractor who operates solely in silviculture or in spraying or pruning trees does not have to be licensed. Agricultural producers are not required to be licensed as Farm Labour Contractors if they are only hiring people to pick crops on their own land.

Licensing Requirements

Applicants for a Farm Labour Contractor licence must pass a written test on the Act and Regulation and post security in the form of a bond equal to 80 hours at minimum wage (\$8 per hour) for each employee.

If a Farm Labour Contractor has had no previous contraventions of the Employment Standards Act, a licence may be issued for three years. Otherwise the licence must be renewed annually.

Unlicensed contractors

A farm producer who uses farm workers provided by an unlicensed Farm Labour Contractor is considered to be the employer of the farm workers for the purposes of the Act and may be held liable for any unpaid wages as required under Section 30 of the Act.

Duties of Farm Labour Contractors:

No charge for hiring: A Farm Labour Contractor must not charge a person for hiring or obtaining work for that person.

Must post wage rates: A Farm Labour Contractor must prominently display the wage rates being paid to farm workers at work sites and on all vehicles used for transporting workers.

Travel Pay: Where a Farm Labour Contractor transports a farm worker to a job site and then does not provide any work, the Farm Labour Contractor must pay the worker at least the minimum hourly wage for:

- 4 hours work, or
- The time spent travelling from and to the departure site or an alternate site that is no further away and is acceptable to the employee.

Whichever is greater.

This requirement does not apply if work is not available due to unsuitable weather conditions or other causes completely beyond the Farm Labour Contractor's control.

Keeping Records: A Farm Labour Contractor must keep the following records and make them available for inspection at each work site:

- The name of the employer and work site location to which workers are supplied.
- For each worker:
 - The name of the worker.
 - The site he or she works on each day.
 - The fruit, vegetable, berry or flower crop picked on each day.

All records must be kept in English. The employer must keep records for two years after the employment terminates.

Other Duties:

A Farm Labour Contractor must do all of the following:

- a. Carry the Farm Labour Contractor's licence at all times while carrying on the licensed activities and display a copy of the licence prominently on all vehicles used for transporting employees.
- b. Show the licence beforehand to all persons with whom the Farm Labour Contractor intends to deal as a Farm Labour Contractor.
- c. Immediately notify the director of a change in the Farm Labour Contractor's business or residential address.
- d. Display prominently at the site where the work is to be performed, and on all vehicles used by the Farm Labour Contractor for transporting employees, the wages the Farm Labour Contractor is paying to employees.
- e. Ensure that each vehicle used by the Farm Labour Contractor for transporting employees has affixed to it an unexpired inspection certificate in accordance with section 25.02 of the Motor Vehicle Act Regulations.
- f. File with the director
 - i. An up-to-date list of the registration numbers and licence number of each vehicle used by the Farm Labour Contractor for transporting employees, and
 - ii. If the vehicle is owned by the Farm Labour Contractor, copies of the inspection certificate and other records that must be maintained under section 25 of the Motor Vehicle Act Regulations.

For more information, please contact the Employment Standards Branch, Agricultural Compliance Team: 102-32555 Simon Avenue, Abbotsford, BC, V2T 4Y2
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