

## Information for Farm Workers Residing On-Site Evacuation Alerts and Evacuation Orders

This document has been developed in partnership by the following agencies to support farmers and workers during the wildfire season: WorkSafeBC; AgSafe; Service Canada; Employment and Social Development Canada (ESDC); Western Agriculture Labour Initiative (WALI); Emergency Management BC (EMBC); and the Ministry of Agriculture, Food and Fisheries (AFF).

### Overview

#### Evacuation Alerts and Evacuation Orders

Evacuation Alerts and Evacuation Orders under the *Emergency Program Act* are issued by the Province or by local authorities (which include certain Indigenous governments) in consultation with the BC Wildfire Service (BCWS). An Evacuation Alert is a warning to prepare for evacuation on short notice. An Evacuation Order means that the area must be vacated immediately using routes identified by Provincial or local emergency officials. People cannot re-enter an area under an Evacuation Order unless the Evacuation Order expires, is rescinded, has its geographic scope varied, or an evacuation zone entry permit issued by the same entity that issued the Evacuation Order or a person with delegated emergency power authority.

The following content outlines expectations of all employers to ensure the safety of all their workers during wildfire Evacuation Alerts and Orders. For the purposes of this document, “workers” include, but are not limited to, residents of British Columbia, residents of other provinces, Temporary Foreign Workers (TFWs), and undocumented workers. Please note that Temporary Foreign Workers (TFWs) have the same rights, responsibilities, and protections as all workers in British Columbia.

#### When an Evacuation Alert is issued:

- Prepare **all** workers for evacuation – ensure workers know how, when and to where they will be evacuated, according to the evacuation plan.
- Employers with TFWs must ensure workers understand the plan (which may involve engaging translation/interpretation services as necessary).

#### When an Evacuation Order is issued:

- All workers must be evacuated (and be restricted from re-entering) according to the evacuation plan and any provincial or regional evacuation orders.
- Employers must ensure that workers follow evacuation orders. Employers with TFWs must ensure that there will be an effective means of communication at all

times during and after evacuation (which may involve engaging translation/ interpretation services as necessary).

- If another regulatory agency such as EMBC, BCWS or a Regional District issues a permit/exception for an Evacuation Order, employers continue to be responsible for the health and safety of all their workers.

**When an Evacuation Order is rescinded:**

- For workers expected to re-enter after rescinding of evacuation orders, the employer must ensure that workers will not be exposed to harmful substances (e.g.: toxic gas from smoldering) and hazardous situations (for example, safe work procedures, appropriate training, and Personal Protective Equipment (PPE)).

**Contravening an Evacuation Order:**

- Once an Evacuation Order is issued under the *Emergency Program Act*, individuals must immediately vacate areas subject to the Evacuation Order.
- Due to limited resources, assistance and aid will not be provided to individuals who elect to stay behind contrary to an Evacuation Order.
- Employers that place workers in high-risk situations may be subject to fines or prosecutions from WorkSafeBC. Workers cannot undertake or assume risks of working in high-risk situations.

**Note:** An Emergency Wildfire Evacuation Plan should be created by employers in advance of an alert to ensure all workers understand the plan and are prepared to evacuate. WorkSafeBC has a [template available](#) to assist farmers.

For additional information and resources, please visit the following websites:

[AgSafeBC](#)

[WorkSafeBC](#)

[Western Agriculture Labour Initiative](#)

[Climate Action Initiative](#)

## Frequently Asked Questions

### **1) Do Service Canada, consulates, or the Ministry of Agriculture, Food and Fisheries remove workers from evacuation areas?**

No. The employer and/or local authorities move workers when required and with the worker's consent. The process is the same for the evacuation of any other resident in the area.

### **2) Who will ensure that TFWs understand their rights, and understand the implications of Evacuation Alerts and Evacuation Orders?**

ESDC will inform relevant consulates about TFW rights and the direction provided by WorkSafeBC, to ensure that consulates can reinforce this messaging when connecting with TFWs working in areas affected by an Evacuation Alert or an Evacuation Order. As stated above, employers are responsible for ensuring that all workers, including TFWs, understand their rights and the expectations of WorkSafeBC when an Evacuation Alert or an Evacuation Order is issued. Employers have an obligation to ensure that workers remain healthy and safe.

### **3) Can workers be moved to other farm locations and continue working to care for animals that are relocated?**

TFWs can change work and accommodation locations as long as they are working for the same employer. Please notify AFF and Service Canada of the location(s) of the workers. Please note that any changes that are not listed on the Labour Market Impact Assessment (LMIA) must be reported to Service Canada. This includes changes to TFW work and/or accommodation locations, transfers to a different employer, or early return to their home country. If the relocated TFWs fall under the Seasonal Agriculture Worker Program (SAWP), their respective consulate must be notified within 24 hours.

### **4) Can TFWs temporarily work for another farm business (i.e., a different employer than the employer specified on a work permit) while the evacuation order is in place?**

No. This is not permitted under any of the TFW Program streams (SAWP or non-SAWP). Any changes to work permits must be approved by Immigration, Refugee and Citizenship Canada (IRCC). Also, the employer who wishes to hire displaced TFWs may need to apply for an LMIA in order for the desired changes on the work permit to be recognized.

**5) If the TFWs cannot return to their farm of employment after the evacuation order, what is the process for relocation? Who needs to be notified?**

If there is still employment for the TFW from the same employer that is stipulated on the TFW's work permit, but they have been relocated to new accommodation, please notify AFF and Service Canada of the location(s) of the workers.

If the TFW will no longer have work and their contract with the employer specified on their work permit must end, SAWP TFWs can work with their respective Consulates and/or WALI to be re-assigned to a different employer. A new employer wishing to hire the TFW would need to apply for an LMIA. Once the LMIA is issued to the employer, the TFW can apply to the IRCC for a work permit.

TFWs can also choose to return to their home country. Repatriation (flight) costs for TFWs are covered by their employer.

**6) Do TFWs receive wage loss compensation if they cannot work during an evacuation order / cannot return to their place of work and don't have new work yet?**

TFWs are eligible for the same programs as Canadians and are required to meet the same criterion to access available financial supports and services.

**7) Who needs to be notified of where a TFW is staying after they evacuate?**

Please notify the following agencies (selecting the relevant consulate as applicable) regarding the temporary location of an evacuated TFW:

<b>Agency</b>	<b>Contact</b>
Service Canada (Employer Contact Centre)	1-800-367-5693 or 1-800-367-5693
AFF	<a href="mailto:Michelle.Irwin@gov.bc.ca">Michelle.Irwin@gov.bc.ca</a>
WALI	<a href="mailto:vmoreno@walicanada.ca">vmoreno@walicanada.ca</a>
Jamaican Liaison Service	1-250-869-6288
Barbados Liaison Service	1-416-464-4439 or 1-416-464-2997
Eastern Caribbean States Liaison Service	1-416-523-4662
Mexico Consulate Vancouver	1-778-668-1242

## 8) What is the AFF Labour Team's role?

AFF's Labour Team will lead the coordination of key messaging for agricultural workers affected by Evacuation Alerts and Evacuation Orders. This team does not play an active role in responding to situations as they arise.

## 9) When/how should farmers plan to move their livestock?

EMBC administers a [Livestock Relocation Assistance Policy](#) that provides financial support to farmers requesting assistance to relocate animals out of an area after an Evacuation Alert is issued. A farmer may be permitted to evacuate animals once an Evacuation Order is issued; however, this is a risk because relocation resources will be prioritized for human life. There is a chance that local authorities may deny relocation of animals once an Evacuation Order is issued.

Please familiarize yourself with the application form (PDF file below) so that you can gather information before an Evacuation Alert is issued. This will help you complete the form quickly (and allow for efficient submission and processing) if you require assistance:



Fillable Livestock Relocation Assistance Form.pdf

## 10) What type of insurance is available to farmers affected by wildfires?

AFF administers several insurance programs available to support farmers:

- Production Insurance will respond to production losses caused by fire but will not specifically address fire-related expenses.
- AgriStability protects a farm's margin (allowable income – allowable expenses) and will respond to drops in revenue and increases in expenses. Interim payments can be made once there is a relatively clear picture of the expected revenue and expenses (well before the end of the year). Payments can be issued within a few weeks of receiving all required information.
- AgriInvest is a producer-controlled account from which individual withdrawals can be made at any time. This money can be used to pay expenses.

AFF has requested assistance through AgriRecovery to support fire-related losses. AgriRecovery is a framework that a provincial government can use to work with the Government of Canada and specifically address extraordinary expenses. Fire-related AgriRecovery initiatives were made available in both 2017 and 2018.

### **11) When can workers return to the farm following an Evacuation Order?**

Re-entry can occur when the Province or the local authority authorize re-entry. This can be done when an Evacuation Order expires, is rescinded, or varied to exclude the location of the farm. Please refer to the Overview section “When an Evacuation Order is rescinded” for more details.

### **12) Can TFWs be included in an evacuation zone entry permit, to carry out essential functions for farms and livestock?**

Evacuation zone entry permits are granted by local authorities such as regional districts, municipal governments, and Indigenous governments. A permit would only be considered on the recommendation of a hazard subject matter expert, such as BCWS. If any worker is listed on an entry permit in an evacuation zone, employers need to have plans, procedures and training to ensure the safety of workers (including TFWs). Workers can refuse unsafe work.

Each authority has the discretion to determine who is allowed to be listed on a permit; a consistent standard does not exist across the province. For example, the Cariboo Regional District (CRD) does not allow TFWs to be listed in an evacuation zone entry permit. The Regional District of Central Kootenay (RDCK) does not specify whether TFWs can be included in an [evacuation zone entry permit](#).

An evacuation zone entry permit must be issued by the same entity that issued the Evacuation Order (or a person with delegated emergency power authority). For further information, please contact your local government/authority office to request contact information for the Emergency Program Coordinator, who will be able to assist.

### **13) Is there any specific insurance coverage that can be applied to support workers affected by wildfires?**

Under the SAWP Mexico contract, the following provision applies to coverage provided in the event of a fire:

#### XII MISCELLANEOUS

1. In the event of fire, the EMPLOYER will bear 1/3 of the replacement cost of the WORKER'S personal property, up to a maximum of \$650.00.

Alternatively, farms/employers may have coverage that would allow a worker to claim under their policy.