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Monthly Articles & Updates For HMGA Members

MOECC

Please be aware MOECC has been around checking on water taking permits due to dry season this year. If you have any issues or concerns regarding this, please contact the HMGA office.

2019 AGM INTENTION POLL

CHC AGM Halifax March 5-7, 2018 Halifax, NS

The CHC is looking for your feedback regarding the planning of the 2019 CHC Annual General Meeting. [Please click here to take their poll.](#)

CANADAGAP: PROGRAM FEE INCREASE FOR OPTIONS A1 AND A2

On July 4, CanadaGAP program participants received notice that the annual program fee for participants enrolled in certification options A1 and A2 (four-year audit cycle) will increase to \$600 (CAD), effective September 1, 2018.

The increase will be reflected the next time program participants are invoiced by CanadaGAP on the anniversary of their enrolment.

The increase in the annual program fee for Options A1 and A2 is necessary to cover growing costs related to administration and oversight, including the fees billed to CanadaGAP by the certification bodies for review of self-assessments and for surveillance (i.e. random audits).

The fee increase will be phased in over the next year, starting with invoices dated September 1, 2018. The timing of the increase coincides with the original launch date of the CanadaGAP program ten years ago, on September 1, 2008, not with the calendar year. If program participants are not due to be invoiced until September 1 or later, please note that the annual program fee cannot be prepaid at the \$525 rate. Program participants will pay the amount indicated when they receive their invoice.

“The CanadaGAP program is owned and operated by a not-for-profit corporation, CanAgPlus, which maintains a commitment to stability, fairness, and responsible fiscal management,” notes Jack Bates, chair of the board of directors for CanAgPlus. “The fees charged to program participants reflect only the amount necessary to cover the cost of delivery and to maintain program rigour and integrity.”

If you have any questions or require additional information, contact the CanadaGAP office at 613-829-4711 or info@canadagap.ca.

Option	Current annual fee (CAD)	New annual fee (CAD) Starting September 1, 2018
A1	\$525	\$600
A2	\$525	\$600





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SAFE FOOD FOR CANADIANS UPDATES

The Canadian Food Inspection Agency (CFIA) has launched a 45-day consultation on certain changes required as a result of the coming into force of the Safe Food for Canadians Act and Regulations.

[View consultation](#)

The Safe Food for Canadians Act brings with it a new licensing regime with related costs along with the repeal of the old food statutes. The CFIA is seeking feedback on proposed changes to certain parts of the CFIA Fees Notice to implement the licensing regime and align the Notice with the language and authorities found in the new legislation.

No changes to charges are being proposed at this time with two exceptions:

- the removal of some fees, and
- the introduction of a two-year licensing regime with an associated cost of \$250 for the issuance of the licence, as communicated during the consultation on the Safe Food for Canadians Regulations.

All changes relate to new wording and authorities found in the Safe Food for Canadians Act and Regulations.

The CFIA is seeking feedback on the proposed changes so that stakeholder questions can be addressed and concerns can be considered.

More information is available on the CFIA website. [click here to view](#)

2018 LATORNELL PROGRAM

Lateronell Conference is being held in September. They have many topics of interest to the farming community. The HGMA has participated as well as presented in this event for the past four years. Below is the link and info for those who have asked for information about it.

3 Full Days of Presentations / Workshops / Tours & More

Check out the sneak peek of the preliminary program including their schedule of concurrent sessions, tours, and workshops.

Delegates will tackle a wide variety of topics including:

- Great Lakes and Rivers
- Watershed Management
 - Stewardship
- Green Infrastructure, Tools and Technologies
- Municipal and Environmental Relationships
 - Natural Heritage and Biodiversity
 - Lands
 - Climate Change
- Communications and Outreach





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BILL 148 CHANGES

We have been had many questions with regards to Bill 148. Below are the changes and how it effects the farming business. If there are any other questions that are not covered, please feel free to contact the office.

Client Toolkit: Bill 148 Compliance Tool – Select ESA Issues

This Toolkit reflects the final version of Bill 148 given Royal Assent on November 27, 2017. It focuses on a range of select amendments to the ESA that were reviewed during the Advantage sessions at Hicks Morley. The final version of the Bill should be consulted for the official statement of the new law.

Minimum Wage

Effective January 1, 2018, January 1, 2019

- Assess how many employees are paid less than \$14.00 per hour
- Assess the differential between the lowest paid jobs and other jobs. Consider whether adjustments need to be made to address compression
- Consider pay equity implications of any changes to male dominated job classes
- Determine the cost of implementing any required changes to wage rates
- Assess whether any exemptions apply

Equal Pay for Equal Work

April 1, 2018

- Conduct job rate analysis and determine risk
 - Determine whether the work of part-time, full-time and casual employees the same
 - Determine the reasons for different rates for the same work
- Determine the cost of any necessary wage increases
- Consider pay equity implications if job rates have to change
- If different rates are permitted under the collective agreement, address in collective bargaining – ideally before April 1, 2018 but no later than January 1, 2020
- Develop a process to respond to employees who make inquiries regarding rate of pay
- Consider transparency regarding pay rates





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BILL 148 CHANGES

Temporary Help Agencies

January 1, 2018 (Notice of Termination of Assignment) or April 1, 2018 (Equal Pay for Equal Work)

- Conduct job rate analysis and determine risk
 - Determine whether the assignment employees performing same work as employees of the THA's customer
 - Determine the reasons for providing different wages to assignment employees
 - Determine wage rate of customer employees performing the same work
- Determine cost of implementing higher wage rate
- Consider pay equity implications if job rates have to change
- Determine how to manage increased costs in light of agreement with customer
- Develop a process to respond to employees who make inquiries regarding rate of pay
- Develop a process for providing written notice of termination of assignment
- Maintain records of all notices provided to assignment employees

Employee Classification

Upon Royal Assent (November 27, 2017)

- Audit your use of independent contractors or other persons who are not classified as employees, as well as all documentation supporting the classification
- Develop a process to gather information that will support your decision to engage a worker as an independent contractor or in another non-employment capacity

Vacation

January 1, 2018

- Review vacation policy and/or collective agreements to ensure that employees with 5 years of service are provided at least 3 weeks' vacation and 6% vacation pay
- Prepare to change policies and practices effective January 1, 2018
- Review your record-keeping practices in relation to vacation and ensure that the new requirements are included:
 - the amount of vacation pay an employee earned during a vacation entitlement year and how the amount was calculated
 - in cases of an alternative vacation entitlement year, the amount of vacation pay an employee earned during the stub period and how that amount was calculated
- Ensure that vacation-related records are maintained for 5 years



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BILL 148 CHANGES

Public Holidays

January 1, 2018

- Review how public holiday pay is calculated for your employees, including under any applicable collective agreements
- Determine whether your payments equal or exceed the payments required under the new ESA formula
 - When conducting this review, pay particular attention to part-time and casual employees or to employees working any form of non-standard shifts
- Prepare to change policies and practices effective January 1, 2018
- Develop a template to use when providing a substitute day to employees who work on a public holiday that identifies:
 - the public holiday being worked
 - the date of the substitute day
 - the date the statement was provided to the employee
- Maintain copies of the statements as part of your regular record-keeping practices

Scheduling

Schedule/Location Changes – January 1, 2019

- Establish a process for considering and responding to requests, which includes
 - schedule for meeting with employee
 - time frame for providing response to employee
- Ensure that process requires consideration of other legal obligations that may be engaged by the request – e.g. human rights obligations

Scheduling

Three-Hour Rule – January 1, 2019

- Review existing policy and/or collective agreements to determine if they provide for wages for 3 hours – at least 3 hours' pay at regular rate or a higher amount to take into account actual work performed
- Remember that existing 3-hour rule from current ESA regulations remains in force until January 1, 2019

Scheduling

Minimum On-Call Pay – January 1, 2019

- Assess usage of on call assignments, including how often on-call employees are called to perform work
- Consider whether need for on-call work can be met with alternative scheduling arrangements
- Review existing policy and/or collective agreements to determine if already provides for on call pay and, if so, how much is provided – recall that new ESA standard will be wages for 3 hours (at least 3 hours' pay at regular rate or a higher amount to take into account actual work performed)



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BILL 148 CHANGES

- If existing collective agreements need to be amended, must address before January 1, 2020

Scheduling

Right to Refuse Work or On Call – January 1, 2019

- Assess frequency of scheduling employees for work or to be on-call upon short notice (less than 96 hours)
- Consider whether alternative scheduling or staffing arrangements can reduce frequency of short-notice scheduling
- Review existing policy and/or collective agreements to determine if already provides for minimum scheduling notice requirements
- If existing collective agreements need to be amended, must address before January 1, 2020

Scheduling

Minimum Cancellation Pay – January 1, 2019

- Assess frequency of cancellations of scheduled shifts or on-call periods upon short notice (under 48 hours)
- Consider whether alternative scheduling or staffing arrangements can reduce frequency of cancellations
- Review existing policy and/or collective agreements to determine if already provides for minimum cancellation requirements
- If existing collective agreements need to be amended, must address before January 1, 2020

Personal Emergency Leave

January 1, 2018

- Review your existing PEL policy and ensure that first two days taken will be paid
- Determine when medical documentation is required from absent employees and ensure that it is not required to substantiate PEL absences
- If PEL is integrated into existing leave policies, including contractual benefit entitlements, consider whether changes are needed to ensure new payment rules are met
- Implement a system to track PEL usage

Leaves of Absence

January 1, 2018, except Parental Leave and Critical Illness Leave which were effective on December 3, 2017

- Prepare training plan for managers or employee's first point of contact for reporting absences they know what to do when an absence that potentially relates to a new leave comes up
- Assess SUB top-up plans and policies for potential revision to reduce costs
- Prepare to bargain any plans that are included in collective agreements
- Determine any additional cost

FOR MORE INFORMATION

To find out more about how Hicks Morley can serve you in this area, please contact www.hicksmorley.com
This Client Toolkit is intended as a general guide only and not specific legal advice. Updated January 2018





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BILL 148 CHANGES



Client Toolkit: ESA Application to Farm Workers – A Summary Chart

	Posting of Information	Payment of wages	Records	Hours of work and eating periods	Scheduling	Overtime pay	Minimum wage	Public holidays	Vacation with pay	Equal pay for equal work	Benefits plans	Leaves of absence	Termination and severance
Farm employees	✓	✓	✓	✗	✓	✗	✗	✗	✗	✓	✓	✓	✓
Harvesters	✓	✓	✓	✗	✓	✗	✓	✓	✓	✓	✓	✓	✓
Tree farmers	✓	✓	✓	✗	✓	✗	✓	✗	✓	✓	✓	✓	✓
Fruit and vegetable processors	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

✓ = special rules apply

Dark blue square = changed by Bill 148; Light blue square = largely unchanged by Bill 148

FOR MORE INFORMATION

To find out more about how Hicks Morley can serve you in this area, please contact www.hicksmorley.com. This Client Toolkit is intended as a general guide only and not specific legal advice. Updated March 21, 2018.

