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Foreign Agricultural Workers (FAW)

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Who

All Workplace Safety and Insurance Board (WSIB) staff who are directly involved with the adjudication and management of foreign agricultural worker (FAW) cases. This also applies to WSIB staff providing coverage on these cases.

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What

Overview

The Government of Canada arranges for out of country workers to enter Canada for temporary periods of time as farm labourers to provide assistance during the agricultural season. Employers hire temporary foreign agricultural workers under the “Commonwealth Caribbean and Mexican Seasonal Agricultural Worker Program” and the “Agricultural Stream of the Low Skilled Temporary Foreign Worker Program.”

Workers on the the Commonwealth Caribbean and Mexican Seasonal Agricultural Worker Program are in Ontario for up to eight months a year and typically return annually; and workers on the Agricultural Stream of the Low Skilled Temporary Foreign Worker Program can be placed in a job for two years at a time, with the ability to extend.

Adjudication and Case Management of FAW Cases

Adjudication and Case Management

Once a FAW case has been approved by an eligibility adjudicator (EA), it is transferred to a case manager (CM) to assist the worker with their recovery and return to work. The CM works with a nurse consultant (NC) to provide education, assistance and support to a FAW. The CM also works with a work transition specialist (WTS) to assist with return to work (RTW).

The CM will contact the FAW directly upon receipt of the case in order to complete an Initial Case Assessment and Plan (ICAP). During the initial discussion, the CM will gather information to assess and position the case. The goals regarding recovery and return to work will also be discussed at this time and documented in the ICAP. At the ICAP call, the CM will tell the worker about their eligibility for health care, and that the WSIB can assist them with finding health care and arranging taxi transportation to treatment.

Once the CM has developed the ICAP in collaboration with the worker, they will continue to monitor this plan with at least monthly follow-up calls that are well documented in the file. The purpose of the follow-up is to review and monitor the case, see if it is on-track, and provide assistance; this ensures that the worker is receiving the support and treatment they need to recover and RTW.

International cheques take a long time to process and mail to workers outside the country; and banks in foreign countries often hold Canadian funds for long periods. It can take months for the worker to be able to access the funds if sent by mail. CMs should review if the FAW has a Canadian bank account, find out they will be keeping it open, determine if there is an easily accessible branch in the worker's home country and outline the benefits of direct deposit.

Regional Evaluation Centre (REC) Appointments

When the WSIB is notified that a worker is repatriating to their home country, a referral is made for an expedited Regional Evaluation Centre (REC) appointment. This REC appointment is to evaluate the injury or illness, and obtain a clear diagnosis, prognosis, and proposed treatment plan.

These REC appointments are completed within five days of the referral. The subsequent report is completed within five days of the assessment. The NC makes the referral to the REC by initially calling the REC to get an appointment date and time, and outlines if a translator is required. Notifications are then made to the worker and employer by the case manager, outlining the date and time and clarifying if travel is required.

Return to Work (RTW)

When RTW assistance is required, CMs refer all FAW cases to a WTS. A WTS may meet with the worker anytime, including after the REC assessment, and gather information to assist with return to work planning.

In cases where the REC is not being completed due to repatriation, WTS involvement would not likely be required. Please see [How to Refer Temporary Foreign Agricultural Worker \(TFAW\) for WTS Consultation \(Non-Expedited\)](#) or [How to Refer Temporary Foreign Agricultural Worker \(TFAW\) for Expedited REC and WTS Consultation](#) for more information.

Translation Services

In some cases, FAWs require the assistance of a translator. The EA, CM, NC or WTS will arrange to call the worker back at an agreed-upon time with the assistance of [translation services](#) to obtain required information, communicate decisions, and provide assistance.

Liaison Officers

FAWs may utilize the use of a liaison officer to provide assistance with their claim. The liaison contact will act as an informal representative for the worker, and do not require an authorization on file. However, as their relationship is informal in nature, they do not have the ability to appeal decisions or act on a worker's behalf during the appeal process. If a FAW obtains official representation, authorization is required and the liaison officer would typically no longer be involved.

The liaison officer does not need to be added to the Claims Participant screen initially. However, when a FAW repatriates, the case manager should check with the worker what address they want information sent to – the worker's address in their home country or the liaison address. Mail and cheques can flow through the Liaison office to the worker in their home country, if that is what the worker wants.

Note: Foreign legal representation is not recognized. Legal representatives must be authorized under the guidelines of the Law Society of Upper Canada.

Supporting Health Care and Treatment

The WSIB will provide a FAW with information about their eligibility to health care benefits as well as their treatment options. The CM will discuss eligibility to health care benefits verbally with the worker during the ICAP conversation and at the time of issuing the [Foreign Agricultural Worker \(FAW\) Medical Outline – In Ontario \(Letter\)](#) or [Foreign Agricultural Worker \(FAW\) Medical Outline – Repatriated \(Letter\)](#) in order to provide the worker with the information in writing.

A FAW should not have to pay out of pocket for any health care related expenses. Given their unique employment situation, they may require additional WSIB assistance locating a health care clinic, pre-arranging travel to-and-from their appointments, and speaking with the clinic on the worker's behalf to arrange direct billing.

The letters and processes differ depending on whether the FAW is seeking health care in Ontario or in their home country. For a detailed step-by-step of each process, see the [How](#) section.

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When

All FAW cases are adjudicated and managed promptly upon allocation. The EA or CM is expected to take some time in advance of the call to plan out an approach and form a list of priority items that need to be covered during the call in order to obtain the necessary information from the WPP. They also determine if translation services are required in order to have a meaningful conversation with the FAW and arrange for translation services as needed.

A guided conversation occurs during the first contact with the worker and the employer, and in subsequent conversations.

From there, the CM continues to provide regular contact (at least monthly) to the worker in order to assist with any barriers or issues that may arise regarding access to health care, treatment, return to work issues, and (if applicable) LOE benefits. Due to the barriers that FAW experience in accessing health care and obtaining medical updates, the WSIB will refer workers for medical assessments as needed and proactively gather necessary medical evidence when determining ongoing entitlement and recovery.

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Where

A FAW may seek health care treatment in Ontario or in their home country (once they have been repatriated).

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Why

An integral part of case management is ensuring that workers receive the treatment they need in order to recover from their workplace injury or illness. Given their unique employment situation, FAWs may require additional WSIB assistance with obtaining access to treatment and ensuring that they do not have out-of-pocket expenses for the treatment.

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How

FAW and Health Care in Ontario

Step	Role	Activity
1.	Case Manager (CM)	Contact the worker and obtain details about their case. If the worker requires translation services make arrangements for a translator to be involved in the discussion. Discuss the

Step	Role	Activity
		<p>following:</p> <ul style="list-style-type: none"> • the worker's eligibility to WSIB benefits • goals for recovery and return to safe work • whether the referral to an expedited REC appointment is required <p>Document the conversation in an ICAP.</p>
2.	CM	<p>During the ICAP conversation advise the FAW that:</p> <ul style="list-style-type: none"> • they can choose to receive treatment from a chiropractor, physiotherapist, physician, or registered nurse (extended class) • the WSIB can pay for their treatment directly, but it is important to use a health care provider who bills the WSIB directly and accepts our rates • ask if they have a health care provider in mind and let them know that they can choose their health care provider • ask if they need assistance with finding a health care provider that accepts WSIB clients. <ul style="list-style-type: none"> ▪ If they do not need assistance, proceed to Step 4. ▪ If they require assistance, proceed to next step.
3.	CM or Nurse Consultant (NC)	<p>Using the Programs of Care Provider Directory and/or internet searches, locate a clinic close to the worker.</p> <p>Contact the clinic to arrange an appointment and ensure they have the worker's claim number in order to bill WSIB directly.</p>
4.	CM or NC	<p>Next, offer information to the worker about travelling to and from medical appointments and that the WSIB will cover health care costs. Advise the worker that:</p> <ul style="list-style-type: none"> • The worker should not have to pay of out of pocket expenses for their health care. • When filing a prescription, they can provide their claim number to a pharmacist, who will bill the WSIB directly. • If needed, the WSIB will arrange for a taxi to take them to appointments at no charge to them; and that they should call WSIB to let them know the dates that they need taxis. • Notify the worker that if they have already paid out-of-pocket for any expenses, that they should fill out a Worker's Travel Expense Form for reimbursement. <p>Based on this conversation, if they require transportation to and from appointments, the NC will arrange to set this up</p>

Step	Role	Activity
		via the Travel tab in ACES.
5.	CM	<p>Issue the Foreign Agricultural Worker (FAW) Medical Outline – In Ontario (Letter) to the worker, ensuring that:</p> <ul style="list-style-type: none"> • The agreed-upon date of next follow-up is entered in the letter • The worker is provided the CM's name and direct phone number for follow up and questions, should these arise, prior to the agreed-upon follow-up date.
6.	CM	<p>During the ICAP conversation with the injury employer, advise them of:</p> <ul style="list-style-type: none"> • the worker's eligibility to WSIB benefits • goals for return to safe work • the expectation that workers are able to speak with their doctor privately, and that if interpretation is needed, the worker should contact WSIB to help arrange an interpreter.
7.	CM	<p>Contact the worker via telephone, at a minimum of one time per month, to discuss:</p> <ul style="list-style-type: none"> • the worker's ongoing return to work and recovery issues • whether the worker requires assistance in accessing health care treatment and/or paying for travel-related costs. <p>Document the details of the conversation in either a Review and Monitor Action Plan (RMAP) or in a Review and Monitor Memo in the case file.</p> <p>Ensure the memo is saved and finalized in the case file.</p> <p>If further assessments are required, the CM and NC will arrange them.</p>

FAW and Health Care in their Home Country

Step	Role	Activity
1.	CM, NC, WTS	<p>Obtain information from the injured or ill worker when they are returning to their home country (repatriating).</p> <p>If ongoing recovery issues are present, arrange an Expedited REC assessment for the FAW, prior to them returning home. This health care assessment will provide them with an understanding of their medical needs, as well as medical information for their treating health care practitioner in their home community.</p> <p>The WTS will be involved in the expedited REC assessment and can assist in gathering the worker's contact information, including address and phone number, in his/her home country.</p>

Step	Role	Activity
		<p>CM will ensure the case file is updated with this information.</p> <p>If there is doubt as to the worker's ability to access health care in the home country, consider whether it is necessary for the worker to remain in Ontario for health care at the time of repatriation. If so, the WSIB pays accommodation expenses (hotel, or room and board) at approved rates. If not, provide the worker with the template letter Health Care Provider Letter Regarding Temporary Foreign Agricultural Workers (English). This letter can be given to health care providers in their home country to explain the WSIB and our coverage for the worker.</p> <p>Set up a date and time to contact the FAW once they have repatriated to their home country.</p> <p>Issue the Foreign Agricultural Worker (FAW) Medical Outline – Repatriated (Letter) to the worker, ensuring that:</p> <ul style="list-style-type: none"> • The agreed-upon date of next follow-up is entered in the letter • The worker is provided the CM's name and direct phone number for follow-up and questions should these arise prior to the agreed-upon follow up date.
2.	CM	<p>Contact the worker in their home country and discuss health care.</p> <ul style="list-style-type: none"> • Advise them that the WSIB can approve and arrange things like: <ul style="list-style-type: none"> ▪ Physiotherapy or chiropractic care ▪ Appointments with your doctor or specialist ▪ Medical tests and procedures ▪ Mental health services ▪ Medication and assistive devices • Let the worker know that the WSIB will pay their transportation costs to health care appointments before the appointment • Let the worker know that you can help the worker find a health care provider to bill them directly. Ask if they need this assistance. <ul style="list-style-type: none"> ▪ If they do not require assistance, go to Step 4. ▪ If they require assistance, speak to your NC or manager to discuss local health care providers in the FAWs home country (Step 3).
3.	NC or Manager	<p>Provide assistance to the CM to locate the required information about available health care providers via internet searches, professional associations, liaison offices, etc.</p>
4.	NC	<p>Contact with the treating health care provider to discuss details on invoicing directly to the WSIB.</p>

Step	Role	Activity
		If the clinic will not bill the WSIB directly, offer the worker assistance with locating another clinic so as to avoid out-of-pocket expenses.
5.	CM and NC	<p>Once the clinic has been set up, obtain details of the treatment plan, including the duration and frequency of treatment.</p> <p>Arrange to have the worker's travel costs reimbursed up front.</p> <p>CM can send an activity in ACES to the NC updating the treatment information.</p> <p>NC - Using the worker's address and the treatment location address determine the mileage between the locations (i.e. Google maps). Once the mileage is determined pay for the number of treatments upcoming at the appropriate WSIB mileage rate, to ensure that out of pocket expenses are limited.</p>
6.	CM	<p>Contact the worker via telephone, at a minimum of one time per month, to discuss:</p> <ul style="list-style-type: none"> the worker's ongoing recovery issues whether the worker requires assistance in accessing health care treatment and/or paying for travel-related costs. <p>Document the details of the conversation in either a Review and Monitor Action Plan (RMAP) or in a Review and Monitor Memo in the case file.</p> <p>Ensure the memo is saved and finalized in the case file.</p>

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References

[Coverage and Entitlement for Workers Hired Under the Commonwealth Caribbean and Mexican Seasonal Agricultural Workers Program](#)

[Foreign Agricultural Worker \(FAW\) Medical Outline – In Ontario \(Letter\)](#)

[Foreign Agricultural Worker \(FAW\) Medical Outline – Repatriated \(Letter\)](#)

[Health Care Provider Letter Regarding Temporary Foreign Agricultural Workers \(English\)](#)

[How to Refer Temporary Foreign Agricultural Worker \(TFAW\) for Expedited REC and WTS Consultation](#)

[How to Refer Temporary Foreign Agricultural Worker \(TFAW\) for WTS Consultation \(Non-Expedited\)](#)
[Language Services – Online Translation \(Translator\) Request and Interpretation \(Interpreter\) Request Forms](#)

[Policy 12-04-08, Foreign Agricultural Workers](#)

[Programs of Care Provider Directory](#)

[Worker's Travel Expense Form](#)

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