

**Recommendation 2 – On the development and implementation of minimum accommodation requirements: That, by December 31, 2022, Employment and Social Development Canada provide the Committee with a report on the development and implementation of minimum accommodation requirements as a condition of eligibility for this federal program and on the concrete measures taken as a result of the consultations with the provinces, territories and other stakeholders.**

The health and safety of temporary foreign workers is a key priority for the Government of Canada. Throughout the COVID-19 pandemic, the Temporary Foreign Worker Program moved to strengthen requirements and regulations to improve housing and working conditions, as well as efforts to support adequate, affordable, employer-provided accommodations for temporary foreign workers. This work continues to be an ongoing priority for the Program.

This is, however, a complex and multi-jurisdictional issue, as provinces and territories generally have exclusive jurisdiction over the development of accommodations-related rules and regulations, including housing standards. In some cases, this responsibility is delegated to municipalities. While it cannot act unilaterally to set or amend housing standards, Employment and Social Development Canada (ESDC) is committed to working closely with its provincial and territorial partners to increase worker protections.

The Department is responsible for ensuring employer compliance with the Temporary Foreign Worker Program requirements and conditions. As set out in the *Immigration and Refugee Protection Regulations*, these requirements include honouring commitments in an offer of employment (such as working conditions, which may include accommodations), providing an abuse-free workplace, and abiding by provincial and territorial labour and employment laws. At the cornerstone of the Program's compliance regime is the authority to conduct inspections, including unannounced on-site inspections to ensure employers are adhering to these program requirements. When an employer fails to meet program requirements, or does not cooperate during an inspection, they may be subject to administrative monetary penalties, bans, or revocations of Labour Market Impact Assessments.

In December 2021, ESDC released a ['What a Heard Report'](#) that summarized feedback from its fall 2020 public consultations on accommodations for temporary foreign workers. These consultations were part of the Federal government's action plan to address issues raised by many stakeholders, that the standards for employer-provided accommodations are not consistent across the country, and that these accommodations can be subject to overcrowding, unsanitary conditions, and other problems. Stakeholders have also called for stronger requirements under the Temporary Foreign Worker Program to ensure that migrant workers have access to adequate and safe employer-provided housing. Following the release of this report, ESDC has been developing proposed program requirements that will address the most pressing health

and safety concerns, as conveyed by stakeholders during these consultations. Key areas of focus are the availability of potable water and clean air, overcrowding, improper storage of hazardous material in close proximity to temporary foreign worker accommodations, structural integrity of accommodations, and compliance with fire safety requirements.

As this issue is multi-jurisdictional in nature, ESDC has been leading a Federal, Provincial and Territorial Working Group on Accommodations since March 2022, to facilitate collaboration across jurisdictions in the development of proposed new requirements. This Working Group meets regularly, and is comprised of officials who have experience with the Temporary Foreign Worker Program, and/or have involvement in the development and enforcement of building codes, fire codes, health and safety requirements, and other accommodation-related standards. These discussions will help ensure that proposed requirements are implementable, enforceable, and align with jurisdictional authorities.

Earlier this year, ESDC established a research contract with Goss Gilroy Inc. (GGI) through which the consultant completed a jurisdictional scan of existing provincial, territorial and municipal housing standards in six areas identified by ESDC as critical for health and safety. The objective of this research was to gain a common base of understanding of temporary foreign worker accommodation standards and inspection practices in each province and territory, and identify gaps that would need to be addressed in order to ensure effective implementation and enforcement of proposed requirements. The research conducted by GGI was concluded in March 2022 and this jurisdictional scan has formed the basis of the work that has been undertaken with the Federal, Provincial and Territorial Working Group on Accommodations. With this approach, the intent is not to change existing provincial and territorial standards in these areas, but to ensure that employers are meeting existing standards in these critical health and safety areas.

To enhance support for this work, ESDC held the first Temporary Foreign Worker Program Ministerial Consultative Roundtable on July 13 and July 14, 2022, which focused on housing standards for temporary foreign workers. The Roundtable was an opportunity to engage a broad group of stakeholders on ESDC's work to strengthen requirements for employer-provided accommodations, and to seek feedback on ESDC's proposed program changes and next steps. Participants included provincial, territorial and municipal governments, migrant worker support organizations, employer associations, and foreign government officials from source nations. Stakeholders shared their views and experiences "on the ground" in this area, and the discussion again highlighted the complexity of this multi-jurisdictional issue, the range of opinions, and the need for collaboration. ESDC is in the process of analyzing all of the input collected from this Roundtable and summarizing the key takeaways, and this will be made available in the near future.

While the work with the Federal/Provincial/Territorial (FPT) Working Group and the analysis of the Roundtable feedback are ongoing, ESDC is considering including additional health and safety criteria that also require immediate attention. Over the fall-winter of 2022, the FPT Working Group will work to identify solutions to the challenges identified, under ESDC's direction.

With the advancements described above, ESDC continues to anticipate publicly communicating the proposed requirements in early 2023, prior to anticipated implementation in 2024. Moving forward, the Department will continue with the discussions and actions already underway to advance on this important work, with the continued goal of implementing new, enforceable Program requirements that address the issue of unsuitable and unsafe temporary foreign worker accommodations.