

**EMPLOYMENT AND SOCIAL DEVELOPMENT CANADA (ESDC) DETAILED ACTION PLAN  
to the recommendations of the DM Draft for the Office of the Auditor General's (OAG) Performance Audit of Temporary Foreign Workers**

Report Ref. No.	OAG Recommendation	Management Response	Description of Final Expected Outcome/Result	Expected Final Completion Date	Key Interim Milestones (Description/Dates)	Responsible Organization/ Point of Contact (Name, Position, Tel #)	Indicator of Achievement (For PACP Committee Use Only)
Para 13.69	<p>Given the importance of rigorous assessment of employer compliance with the Immigration and Refugee Protection Regulations, Employment and Social Development Canada should, without delay,</p> <ul style="list-style-type: none"> <li>re-examine its system for identifying and assigning inspections to factor in the collective workload capacity of its inspectors to complete them in a timely manner</li> <li>train and support its inspectors to collect sufficient and appropriate evidence, as outlined in the department's policies and procedures</li> <li>improve its quality control system to monitor the progress and quality of inspections at various stages of completion and to ensure timely follow-up and application of appropriate corrective actions or consequences, as outlined in the department's policies and procedures</li> </ul>	<p>Agreed.</p> <p>The Temporary Foreign Worker Program was not designed to deal with a pandemic. As a result, rules, procedures, and training had to be developed in real time. The quarantine inspection compliance regime was developed in 2 weeks. Virtual inspections were initiated as an interim solution in order to comply with health requirements that did not permit in-person visits. The program had to adapt to continuously changing health directives and crisis conditions throughout the pandemic.</p> <p>Throughout the pandemic, Employment and Social Development Canada has attempted to a) adapt its inspection process to include new COVID-19 conditions; b) verify the quality and timeliness of inspections; and c) provide inspectors with updated guidance, training, and tools.</p> <p>As per the Auditor General of Canada's findings, there were clear problems with achieving appropriate inspection outcomes. A national steering committee was created in May 2021 and developed an action plan to identify, implement, and track improvements to inspections. The department will closely monitor the impact of the action plan.</p>	<p>The inspection process is strengthened through improved training, guidance and tools.</p> <p>Quality and timeliness of inspections are improved.</p>	<p>July 2021</p> <p>October 2021</p> <p>March 2022</p>	<p>Taking into account the Office of the Auditor Generals recommendations, lessons learned during the pandemic and building on recent improvements to strengthen the compliance regime, including enhanced workload management, tools, training, and quality, the Department is planning to rebuild the Temporary Foreign Worker compliance regime.</p> <p>Recent improvements achieved include:</p> <ul style="list-style-type: none"> <li>Completed – Establish a strengthened process to monitor and assess the quality of inspections.</li> <li>Completed – Establish a national workload management strategy, including a methodology to align capacity and the assignment of workload, taking into account program's objectives and <i>Immigration and Refugee Protection Regulations</i> requirements.</li> </ul> <p>The department will:</p> <ul style="list-style-type: none"> <li>Completed - Establish a new platform that serves as a one-stop shop to provide user-friendly access for inspectors to updated guidance and tools.</li> </ul>	<p>Caroline Harès, DG, Integrity Services Branch, Service Canada</p>	

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				March 2022	<ul style="list-style-type: none"> <li>Completed - Deliver updated training to support the inspection process.</li> </ul>		
Para 13.70	<p>Given Employment and Social Development Canada's responsibility to assess employer compliance with all amendments made to the Immigration and Refugee Protection Regulations in response to the COVID-19 pandemic, including the requirement that employers not prevent temporary foreign workers from complying with applicable provincial public health laws related to COVID-19, the department should</p> <ul style="list-style-type: none"> <li>obtain information from provincial and territorial authorities on applicable public health laws in order to facilitate a risk-based approach to inspecting employer compliance with this requirement</li> <li>inform, train, and support its inspectors in using a risk-based approach, in order to detect possible instances during their inspections where employers may be preventing workers from complying with applicable public health laws</li> </ul>	<p>Agreed.</p> <p>The provinces and territories are responsible for establishing and enforcing their public health and safety laws and policies, including those for COVID-19, in their respective provinces or territories.</p> <p>In April 2020, one of the new employer requirements introduced in the Immigration and Refugee Protection Regulations was to ensure employers did not prevent temporary foreign workers from complying with a provincial or territorial COVID-19 law that governs public health.</p> <p>Employment and Social Development Canada introduced a risk management approach in its inspection guidelines for inspectors to assess this condition when it becomes aware of potential employer non-compliance through tips or allegations or when detected during the course of an inspection.</p> <p>The department has collaborated with provinces and territories throughout the pandemic and will continue to further its information-sharing agreements with provinces and territories, to ensure that protocols are in place to exchange information when an employer is suspected or found to be preventing a temporary foreign worker from complying with applicable provincial or territorial laws related to COVID-19.</p> <p>The department commits to providing further training and support for inspectors to a) provide clarity on federal, provincial, and territorial roles and responsibilities; b) help identify possible instances of employer non-compliance; and c) follow up with the relevant provincial and territorial authorities.</p>	<p>Training and supports for inspectors is provided.</p> <p>Information with provincial/territorial authorities is shared.</p>	<p>June 2022</p> <p>March 2022</p> <p>March 2022</p>	<p>Advancing efforts in establishing additional information sharing agreements with provincial and territorial stakeholders and amend existing agreements if required.</p> <p>Completed - Strengthen guidance and develop and provide additional training for inspection staff.</p> <p>Completed - Establish a dedicated secretariat within ESDC to coordinate and triage multi-stakeholder issues affecting the Temporary Foreign Worker Program.</p>	<p>Caroline Harès, DG, Integrity Services Branch, Service Canada</p>	

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Para 13.71	<p>Employment and Social Development Canada should take immediate action to ensure that its post-quarantine inspections and its regular program inspections post-pandemic verify that employer-provided accommodations meet applicable requirements throughout the temporary foreign workers' stay, in accordance with its inspection policies. In particular, the department should:</p> <ul style="list-style-type: none"> <li>verify that the condition and description of accommodations do not differ from those outlined in housing inspection reports approved by the provincial, territorial, or local authority</li> <li>verify that the accommodations do not exceed occupancy limits and that there are no reasonable grounds to believe that the accommodations pose any significant risk to workers' health and safety.</li> </ul>	<p>Agreed.</p> <p>Employment and Social Development Canada recognizes the importance of safe accommodations and remains committed to working with provinces and territories to help protect the health and safety of temporary foreign workers.</p> <p>Provinces and territories are responsible for setting housing standards, inspecting against these standards, and approving the Housing Inspection Report, which is a prerequisite for employers to participate in the Temporary Foreign Worker Program. Once workers are living in the employer-provided housing, the department may conduct an employer-compliance inspection.</p> <p>In line with jurisdictional responsibilities and using department policy and procedures, inspectors use the Housing Inspection Report as a reference tool to verify if accommodations are adequate, including verifying that the accommodations do not exceed occupancy limits and that there are no reasonable grounds to believe that accommodations pose a significant risk to workers' health and safety. If such issues are observed or uncovered during an inspection, the department will immediately inform the relevant provincial, territorial, and municipal authorities. In the event that the appropriate authority confirms a breach, the department will then reach a decision on employer compliance with the program.</p>	<p>Additional measures related to employer-provided accommodations are in place to help protect the health and safety of temporary foreign workers.</p>	<p>December 2021</p> <p>March 2022</p> <p>March 2022</p> <p>June 2022</p>	<p>Completed - Strengthen the Department's review process of the Labour Market Impact Assessment, including the Housing Inspection Reports so that overcrowding concerns can be addressed prior to temporary foreign worker arrival.</p> <p>Completed - Establish a dedicated secretariat within ESDC to coordinate and triage multi-stakeholder issues affecting the Temporary Foreign Worker Program.</p> <p>Completed - Strengthen guidance and develop and implement additional training for inspection staff.</p> <p>Advancing efforts in establishing additional information sharing agreements with provincial and territorial stakeholders and amend existing agreements if required.</p>	<p>Jacinthe David, Executive Director, Program Operations Branch</p> <p>Brian Hickey, DG, Skills and Employment Branch</p> <p>Caroline Harès, DG, Integrity Services Branch, Service Canada</p> <p>Caroline Harès, DG, Integrity Services Branch, Service Canada</p>	
Para 13.72	<p>Given long-past quarantine and outbreak periods, Employment and Social Development Canada should use a risk-management approach and consider information currently</p>	<p>Agreed.</p> <p>Employment and Social Development Canada recognizes the importance of addressing the volume of inspections while remaining responsive to the continued pandemic context. Through the continuum of activities that are part of the compliance regime, inspections play a key role in temporary foreign worker protection.</p>	<p>A strategy is in place to manage the inventory of active inspection cases.</p>	<p>September 2021</p>	<p>Completed – As part of the action plan to strengthen the Temporary Foreign Worker Program compliance regime, establish a national workload management strategy, including a workload oversight network, to monitor,</p>	<p>Caroline Harès, DG, Integrity Services Branch, Service Canada</p>	

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	<p>on file to assess the relevance and value of completing backlogged inspections. It should then balance the completion of inspections underway with the need to undertake and complete new ones in a timely manner.</p>	<p>Throughout the pandemic, the department expanded its inspection regime and attempted to adapt to the unprecedented and evolving context. The newly established National Steering Committee is mandated to guide the development and implementation of a national workload strategy, using a risk-based approach to address the inventory of active inspections.</p> <p>As the department has identified quarantine and outbreak inspections as priorities during the pandemic, the National Workload Strategy will be a key tool to balance the completion of active inspections with the introduction and timely completion of new inspection cases.</p> <p>The department will also use program data to inform future enhancements to the operational model.</p>			<p>analyse and coordinate workload priorities based on a risk approach.</p>		
<p>Para 13.88</p>	<p>Given Employment and Social Development Canada's repeated commitments over the years to improve workers' living conditions through the Temporary Foreign Worker Program, the department should expedite the development and implementation of minimum accommodation requirements as an eligibility condition of this federal program, in consultation with provinces, territories, and other jurisdictions.</p>	<p>Agreed.</p> <p>Employment and Social Development Canada recognizes the importance of safe accommodations. Living conditions for temporary foreign workers in the agricultural sector is a multi-stakeholder challenge, requiring cooperation among many players. The federal role in the context of the Temporary Foreign Worker Program includes setting eligibility conditions and enforcing compliance with applicable regulations governing the program. Provincial and territorial governments generally have exclusive jurisdiction over the development of accommodation rules. In 2020, the department undertook consultations on proposed minimum standards with provinces, territories, municipalities, and key stakeholders with a view to improving employer-provided accommodations.</p> <p>While the federal government cannot set standards in the areas of exclusive provincial jurisdiction, it will work with the provinces and territories to propose changes to help address health and safety concerns related to accommodations. The employers will need to demonstrate that they meet provincial or territorial requirements in order to participate in the program.</p> <p>The department is also pursuing other actions such as the Migrant Worker Support Program, which will provide \$49.5 million over 3</p>	<p>Employers participating in the program have demonstrated that housing meets essential safety criteria standards.</p>	<p>December 2021</p> <p>March 2022</p> <p>Beginning in 2022</p> <p>June 2022 (TBC)</p> <p>2024 (month TBC)</p>	<p>Completed - Release a 'What We Heard' report to the public.</p> <p>Completed - Establish a dedicated secretariat within ESDC to coordinate and triage multi-stakeholder issues affecting the Temporary Foreign Worker Program.</p> <p>Ongoing - To help address health and safety concerns related to accommodations, engage provinces, territories and program partners on new program participation requirements, potentially through the pre-publication of proposed regulatory changes.</p> <p>Initiate roundtable discussions with stakeholders to solicit on-going input on the Temporary Foreign Worker Program.</p> <p>Implement requirements for employer-provided accommodations.</p>	<p>Brian Hickey, DG, Skills and Employment Branch</p>	

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		<p>years for migrant support organizations and regulatory amendments to help prevent mistreatment.</p> <p>While advancing this work, the department is also implementing immediate measures to improve the review of housing inspection reports so that overcrowding can be addressed prior to the arrivals of temporary foreign workers.</p>					
Para 13.95	<p>As the federal lead for Goal 8 of the United Nations' Sustainable Development Goals, Employment and Social Development Canada should use a gender-based analysis plus lens to develop new performance indicators for the Temporary Foreign Worker Program that would contribute to advancing the United Nations' 2030 Agenda for Sustainable Development and to promoting a safe and secure working environment for temporary foreign workers. The department should also monitor and track progress against these indicators and report on its progress.</p>	<p>Agreed.</p> <p>Employment and Social Development Canada recognizes the importance of the United Nations' 2030 Agenda for Sustainable Development and supports the aims of Sustainable Development Goal 8.</p> <p>The Temporary Foreign Worker Program will utilize a gender-based analysis plus lens in the implementation and measurement of actions, including in the department's inspection processes, to support worker protection within the department's mandate and jurisdiction. The department is currently working to implement proposed regulatory amendments and launch the Migrant Worker Support Program, which builds on a pilot in British Columbia launched in 2018 to support migrant workers dealing with abuse or mistreatment. In 2020, this funding was expanded to organizations elsewhere in Canada to assist workers affected by the pandemic.</p> <p>The new Migrant Worker Support Program is part of the federal government's broader commitment to protect temporary foreign workers from mistreatment and abuse by supporting this population in learning about and exercising its rights. As part of this program, the department will conduct a survey with workers, and funded community organizations will report on the impact of enhanced supports.</p> <p>The department will look for opportunities to integrate the results of this data collection into its gender-based analysis plus reporting in the Departmental Results Report and other public channels.</p>	<p>Indicator(s) developed to measure departmental contribution to the protection of migrant workers.</p>	<p>Spring 2022</p> <p>Spring 2024</p>	<p>Launch a call for proposals to support the formal implementation of the Migrant Support Worker Program.</p> <p>As part of the new Migrant Worker Support Program, the Department will conduct a survey of temporary foreign workers and funded community organizations in order to understand the impact of the enhanced supports.</p>	<p>Brian Hickey, DG, Skills and Employment Branch</p>	