

RE: Employment and Social Development Canada (ESDC) consultation on *Mandatory Requirements for Employer-Provided Accommodations in the Temporary Foreign Worker (TFW) Program*

Submitted by email to: NC-TFWP-APT-PTET-EPA-GD@hrsdc-rhdcc.gc.ca

On behalf of the Canadian Produce Marketing Association (CPMA) and its members, it is my pleasure to provide comments in regard to the ESDC stakeholder consultation on *Mandatory Requirements for Employer-Provided Accommodations in the Temporary Foreign Worker (TFW) Program*.

About CPMA

Based in Ottawa, CPMA is a 95-year-old not-for-profit organization representing companies active in the marketing of fresh fruit and vegetables in Canada, from the farm gate to the dinner plate, spanning the entire produce industry. The produce industry generates over \$17 billion annually in economic activity throughout the supply chain and supports over 249,000 jobs across Canada. The Association's members include major growers, shippers, packers and marketers; importers and exporters; transportation and logistics firms; brokers, distributors and wholesalers; retailers and foodservice distributors; and fresh cut operators and processors. Founded in 1925, CPMA is today proud to represent over 810 domestic and international members who are responsible for 90% of fresh fruit and vegetable sales in Canada, including almost 200 Canadian-based grower/shipper organizations.

Introduction

The fresh fruit and vegetable industry relies upon thousands of workers coming into Canada as part of the TFW Program and the Seasonal Agricultural Worker Program (SAWP) in order to plant, cultivate, process, harvest and pack our products. Even prior to the additional challenges brought on by the COVID-19 pandemic, the labour gap in horticulture was becoming a crisis, expected to increase to 46,500 jobs by 2025 – the largest labour gap in the agricultural sector.

As noted by CHC, the seasonal and labour-intensive nature of many growing operations means that Canadian horticulture relies more heavily on international workers than do other segments of agricultural production, with 43% of horticultural workers coming from outside Canada, (compared to 17% for the rest of agriculture), and 61% of horticultural farmers hiring foreign workers, (compared to 35% of the rest of agriculture). Our sector would therefore be acutely impacted by any changes to the requirements of the TFW Program.

To begin, we would like to express our strong support for the submissions made on behalf of Canada's fresh produce sector by the Canadian Horticultural Council (CHC), the Ontario Fruit and Vegetable Growers' Association (OFVGA) and the Ontario Greenhouse Vegetable Growers (OGVG). We have shared general comments below, but also wish to amplify the specific comments of these organizations. The TFW Program is critical to the ongoing viability of many fruit and vegetable growing operations across Canada, and we urge the government to give serious consideration to these submissions to avoid unintended negative consequences to fresh fruit and vegetable production in Canada.

General Comments

CPMA and its members are committed to ensuring that all workers who come to Canada are provided with safe, clean and comfortable housing. However, CPMA is concerned that the government's proposed requirements are far too prescriptive and do not account for geographic factors (such as climate) or differences between different agricultural sectors (such as year-round housing required in some sectors versus seasonal accommodations needed in others). As noted by CHC, a wide variety of physical arrangements can effectively achieve the desired outcomes when appropriate precautions are also put into place. Furthermore, requiring such specific items as the proposed requirements for desks and padded chairs in bedrooms, or for urinals when sufficient toilet facilities may already be present, will create a situation where employers with perfectly acceptable housing are put at risk of being non-compliant – without truly making any improvement to workers' wellbeing.

Particularly if the intention of these proposed new requirements is, as the government has stated, to “complement existing provincial-territorial housing standards and establish consistent, mandatory requirements for all employers who must provide accommodations to TFWs”, **CPMA emphasizes that any federal standard should be outcome-based and accompanied by clear guidance to support effective inspections and enforcement.**

CPMA would also like to echo CHC's recommendation that many of the proposed requirements could be provided as guidelines, rather than as required items in all TFW housing; and that the federal government should aim to educate and/or discipline employers with inadequate housing, and to educate all employers and employees on their respective rights, obligations and responsibilities, to better improve enforcement of the housing requirements.

CPMA is supportive of ESDC's overall aim to ensure that all international workers coming to Canada through the TFW Program are given access to clean, safe and comfortable accommodations. At the same time, we recognize that this government department does not have specific expertise in the agricultural sector. Therefore, we would strongly urge the government to collaborate with employers and employer groups, such as FARMS, FERME, and WALI, as well as with associations such as CHC, CFA, CAHRC, CPMA and others on efforts to achieve this goal. **While these consultations are a good first step, ongoing engagement with stakeholders is needed to bring the necessary subject matter expertise into the design and implementation of the standard.**

It must also be noted that significant time, resources and financial costs will be required of employers to meet any new housing requirements. Therefore, not only must the requirements be practical and outcome-based so as to have a genuine impact, but the implementation timeline for any such changes must also be reasonable and take into account the length of time required to obtain the necessary permits and/or environmental assessments, and to hire contractors and purchase supplies. **CPMA recommends a seven-year implementation timeline to allow employers to make the necessary adjustments without imposing undue financial burden.**

Finally, the COVID-19 pandemic has brought unprecedented challenges across the fresh fruit and vegetable supply chain, including in relation to accommodations for international workers. While this has been far from a typical year, we recognize that governments at all levels must build on the lessons learned from the first wave of COVID-19 to further develop emergency preparedness protocols to be able to adapt to future pandemics or similar public health events. Improved sharing of best practices, more timely information on outbreaks, sharing of culturally-appropriate information for workers in applicable languages, as well as enhanced government supports for off-farm housing for the purpose of quarantining, should all be considered in these efforts. CPMA is also supportive of the nation-wide rollout of the Hub app, created by the Ontario Greenhouse Vegetable Growers, as a resource to help connect workers in their new communities and to disseminate vital public health and safety, SAWP and TFW Program information.

On behalf of its members, the CPMA thanks you for the opportunity to provide comments to the *ESDC* stakeholder consultation on *Mandatory Requirements for Employer-Provided Accommodations in the Temporary Foreign Worker (TFW) Program*.

We would be pleased to answer any questions you may have in regard to these comments.

Sincerely,

A handwritten signature in black ink, appearing to be 'R Lemaire', followed by a horizontal line.

Ron Lemaire
President
Canadian Produce Marketing Association