



Ottawa Canada K1A 0J9

October 18, 2022

The Honourable John Williamson, M.P.
Chair, Standing Committee on Public Accounts
House of Commons
Ottawa ON K1A 0A6

Dear Mr. Williamson:

Pursuant to Standing Order 109 of the House of Commons, I am pleased to respond on behalf of the Government of Canada to the recommendations made by the Standing Committee on Public Accounts in its nineteenth report entitled *Health and Safety of Agricultural Temporary Foreign Workers in Canada during the COVID-19 Pandemic*, tabled in the House of Commons on June 20, 2022.

The Government of Canada thanks the members of the Standing Committee for their report and for providing recommendations to report on the progress made to improve the management and delivery of the Temporary Foreign Worker Program, in particular the quality and timeliness of inspections, the design and implementation of minimum accommodation requirements, the use of a gender-based analysis plus lens within the program, and the outcomes of the program. The Government of Canada accepts all four recommendations and commits to providing the requested reports to the Committee by or before the deadlines that were identified in the Committee's report. These reports will provide the Department with an opportunity to show the progress it has made in addressing the recommendations raised by the Auditor General of Canada in her report.

Specifically, the House of Commons Standing Committee on Public Accounts issued the following recommendations:

Recommendation 1: That, by October 31, 2022, Employment and Social Development Canada should provide the House of Commons Standing Committee on Public Accounts with a report on: 1) the action plan of its national steering committee for improving and monitoring inspections, including statistics on in-person and virtual inspections; 2) progress related to communication with provincial and territorial authorities regarding the public health laws in force; 3) its national workload strategy; and, 4) the measures taken to strengthen the procedure for reviewing housing inspection reports.

The Government accepts this recommendation and a detailed status report on this recommendation will be shared with the Committee by the October 31, 2022 deadline.

At a time of global uncertainty, Employment and Social Development Canada (ESDC) took immediate action by prioritizing the health and safety of Canadians and temporary foreign workers. Throughout the pandemic, ESDC has adapted its inspection process to include new COVID-19 conditions; verified the quality and timeliness of inspections; and, provided inspection staff with updated guidance, training and tools.

From May 2021 to March 2022, the National Steering Committee within the Temporary Foreign Worker Program, identified vulnerabilities and areas for improvement in the Temporary Foreign Worker Program employer compliance regime. An action plan was developed in July 2021 focused on five key areas, specifically: quality; technology; workload; guidance and training.

Working groups (e.g. workload and quality) comprised of individuals from ESDC national headquarters and Service Canada regions were formed to support and track improvements in the five key areas identified in the National Steering Committee's action plan. For example, in August 2021, a working group on workload was formed, which began putting the foundations in place, leading to the creation of a workload oversight network in October 2021 to monitor, analyze and coordinate workload priorities. In March 2022, in preparation for the upcoming agricultural season, a national workload strategy was developed, designed to use a risk management approach to support the delivery of high-quality and timely inspections.

The health and safety of workers continues to be prioritized, and the Department continues to work in collaboration with provincial and territorial governments on a regular basis, which are responsible for establishing and enforcing public health and safety laws and policies in their respective provinces.

In November 2021, Service Canada implemented measures to improve the review of Housing Inspection Reports so that overcrowding can be addressed prior to temporary foreign worker arrivals. For example Service Canada reviews the Housing Inspection Report's listed maximum occupancy and ensures that the number of workers being requested on the Labour Market Impact Assessment application form is equal to or less than the total number of workers approved by the appropriate authority for that specific dwelling. Service Canada also confirms that the employer has a plan for occupants so housing will not exceed maximum occupancy.

In addition to improving the review of Housing Inspection Reports at the assessment stage of the Labour Market Impact Assessment, Housing Inspection Reports are also being more closely reviewed at the compliance inspection stage. Inspection staff use the Housing Inspection Reports 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.

Recommendation 2: That, by December 31, 2022, Employment and Social Development Canada should 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 Government accepts this recommendation and a detailed status report on this recommendation will be shared with the Committee by the December 31, 2022 deadline.

The Government is committed to supporting adequate employer-provided housing for temporary foreign workers. This is, however, a complex issue, as provinces and territories generally have exclusive jurisdiction over the development of accommodations-related rules and regulations.

ESDC is responsible for ensuring employer compliance with Temporary Foreign Worker Program requirements and conditions, which may be above and beyond provincial and territorial rules and regulations. 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 include housing), 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, a range of consequences can be imposed, such as administrative monetary penalties, bans, or revocations of Labour Market Impact Assessments.

Given the issues' multi-jurisdictional nature, the Department assembled a Federal, Provincial and Territorial Working Group on Accommodations, in March 2022, to facilitate collaboration across governments in the development of proposed new accommodation requirements for employer-provided housing to temporary foreign workers. A Ministerial Consultative Roundtable was also convened in July 2022, where proposed program changes and next steps were presented to a wide range of program stakeholders for consultation (including provincial, territorial and municipal governments, migrant worker advocates, employer associations, and foreign government officials from source nations). This provided an opportunity to engage on work to strengthen requirements for employer-provided accommodations, and to seek feedback on ESDC's proposed program changes and next steps.

Recommendation 3: That, by 31 May 2023, Employment and Social Development Canada should provide the Committee with a report on the department's use of a gender-based analysis plus lens to develop monitor and report on performance indicators for the Temporary Foreign Worker Program.

The Government accepts this recommendation and a detailed status report on this recommendation will be shared with the Committee by the May 31, 2023 deadline.

ESDC recognizes the importance of applying a gender-based analysis plus lens, and is exploring opportunities to collect and integrate more robust gender-based analysis plus data into program monitoring and reporting.

ESDC maintains data systems, including the Integrity Case Management System and Foreign Worker System, which enable comprehensive and reliable monitoring and reporting on the programs' usage and outcomes. Program and policy options are modelled using Temporary Foreign Worker Program data and Immigration, Refugees and Citizenship Canada work permit data. ESDC will continue to collect and monitor data on the performance of proposed initiatives to identify emerging gender-based analysis plus impacts using these data systems.

Recommendation 4: That, by April 30, 2023 and again in 2024, 2025 and 2026, Employment and Social Development Canada should provide the Committee with annual reports presenting statistics for the previous fiscal year on: 1) the percentage of accommodations that were inspected; 2) the number of inspections in the backlog; 3) the percentage of inspections where problems were found, if possible according to the seriousness of the problems; and 4) any other indicator the department may possess on the living conditions of temporary foreign workers.

The Government accepts this recommendation and annual reports will be shared with the Committee by April 30, 2023 and again in 2024, 2025, 2026.

ESDC monitors several indicators, such as rate of overall non-compliance among employers inspected, for the Temporary Foreign Worker Program, so a statistical report on parts 1 to 3 of the recommendation can and will be provided. For part 4, the Department is looking into what other indicators, related to living conditions, can be provided.

The Government looks forward to providing the Committee with status updates on these items as part of the reports that the Committee has requested. We are grateful for the work of the Committee and are steadfast in our commitment to improve the health and safety of temporary foreign workers and better protect their living conditions alongside our partners.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Carla Qualtrough', written in a cursive style.

The Honourable Carla Qualtrough, P.C., M.P.
Minister of Employment, Workforce Development and Disability Inclusion