

## Notice regarding temporary foreign workers' freedom of movement

August 30, 2020

Good day,

The COVID-19 pandemic has required significant adjustments to address public health imperatives arising from the current situation. We recognize the extraordinary efforts and commitment by employers, government partners and community organizations to continue to protect the health and safety of temporary foreign workers (TFWs) while they are in Canada.

The Government of Canada has received allegations that some employers are requiring TFWs to remain on the property where they live (and work, in some cases) when not at work outside of mandatory quarantine or self-isolation periods. Amidst these reports, the Government would like to provide the following reminders:

- While in Canada, TFWs have the same rights and protections as Canadians and permanent residents under applicable federal, provincial and territorial labour and employment standards. An employer cannot restrict a TFW's off-duty conduct, except when, for example, such movement is restricted by a government-issued order such as those relating to states of emergency or public health.
- The TFW Program does not provide employers with the right to limit the free movement of workers, such as movement off the property where TFWs live and/or work. Like all workers, TFWs are free to run errands, access services, and enjoy their time off work when not in quarantine, self-isolating, or otherwise restricted from doing so as per government laws and orders.
- Limiting a TFW's movement **may be considered abuse under the Immigration and Refugee Protection Regulations and a violation of the TFW Program's conditions**. Examples may include:
  - Threatening or intimidating a worker to not leave the location where they live or work
  - Imposing policies or agreements - whether oral or written, coerced or mandated by the employer – that restrict a worker's ability to leave their housing or work location (including situations where a worker may feel compelled to agree to and/or abide by a policy or request out of fear of reprisal)
  - Physically confining a worker to their housing or worksite without a legal authority (such as government or court issued order)
- Government laws or orders may require employers to implement policies and practices that restrict a worker's movement, such as within their housing or workplace. In these cases, employers will be required to provide proof to Service Canada that such a policy or practice adheres to laws or orders issued by a government authority. Employers are strongly encouraged to be transparent with their employees about government-imposed restrictions on and off the worksite and to share relevant records (such as public health orders).
- Employers found non-compliant with TFW Program conditions could be subject to:
  - warnings
  - administrative monetary penalties
  - a temporary or permanent ban from the TFW Program and International Mobility Program
  - the publication of their name and address on the Immigration, Refugees and Citizenship Canada public website with details of the violation(s) and/or consequence(s)

- the revocation or suspension of previously-issued Labour Market Impact Assessments
- It is also important that workers are aware of and follow public health requirements and guidelines to ensure that they take steps to minimize the risk of infection and spread of the disease when they are out in the community. You may find resources for TFWs about how to protect oneself and others from COVID-19 through the following links and you are strongly encouraged to share the resources with the workers:
  - [COVID-19: A guide for Temporary Foreign Workers in Canada](#) (available in English, French, and Spanish from Employment and Social Development Canada)
  - [Coronavirus disease \(COVID-19\): Awareness Resources](#) (available in multiple languages from the Public Health Agency of Canada)

Please visit the TFW Program website for more information about [employer compliance and TFW Program inspections](#).

Regards,

Philippe Massé  
Director General  
Temporary Foreign Worker Program