

Additional Information for Temporary Foreign Workers in Relation to Border Measures Announced on August 9, 2021 /

Hello,

As many of you are likely aware, new measures for fully vaccinated international travellers were introduced on September 7, 2021. These new measures apply to discretionary, non-essential international travel to Canada, and do not include any new specific measures that would likely have an effect on Temporary Foreign Workers (TFWs) travelling to Canada. For more information on these new measures, I invite you to visit the following [news release](#).

The purpose of today's communication is also to provide you with additional information in relation to the border measures announced on August 9, 2021, by Public Health Agency of Canada (PHAC) and how it affects TFWs travelling to Canada. Specifically, there have been several queries related to determining whether a traveller is exempt from quarantine.

The Canada Border Services Agency (CBSA) and PHAC are making determinations at points of entry with respect to whether TFWs are exempt from quarantine requirements as per the *Quarantine Act*. In doing so, CBSA and PHAC officials are reviewing information provided by TFWs with respect to whether they are fully vaccinated from COVID-19 (see criteria to qualify as a fully vaccinated traveller: <https://travel.gc.ca/travel-covid/travel-restrictions/covid-vaccinated-travellers-entering-canada>) and are providing instructional brochures to inform travellers of their obligations as they enter Canada. The type and colour of brochures provided to each traveller correspond to the traveller's information needs, in part based on whether or not they are exempt from quarantine requirements. It is recommended that TFWs carefully review the information contained in these instructional brochures to ensure they understand their vaccination status and obligations, and that they keep them for future record-keeping purposes.

Travellers, including TFWs, that are determined by Canadian authorities to not be exempt from quarantine are individually responsible for compliance with mandatory quarantine and testing requirements and are reminded that:

- They may be subject to penalties of up to \$750,000 for not following instructions provided by Canadian authorities, including instructions related to quarantine or testing requirements;
- A person who causes a risk of imminent death or serious bodily harm to another person while willfully or recklessly contravening the Quarantine Act, or associated regulations, could be liable for a fine of up to \$1,000,000 or to imprisonment of up to 3 years, or to both; and,
- Under the Immigration and Refugee Protection Regulations, workers who are found to have failed to adhere to an isolation order could be found inadmissible, issued a removal order and barred from coming back to Canada for 1 year.

While these responsibilities rest with the individual traveller, employers of TFWs play an important role in preventing the introduction and spread of COVID-19. Employers are required to confirm with TFWs the vaccination status that was determined by Canadian authorities upon entry and are reminded that:

- They must pay workers for the quarantine/isolation period upon entry into Canada;
- They must not prevent a worker from meeting their requirements under orders made under the Quarantine Act and/or the Emergencies Act, as well as provincial/territorial public health laws related to COVID-19; and,
- They are subject to inspection, and those who do not comply with the requirements could be subject to penalties of up to \$1 million and a ban from hiring foreign workers, depending on the seriousness of the situation and number of workers affected.

Service Canada continues to request that all employers inform Service Canada when workers arrive at the work location by sending an email message to: ESDC.ISB.QUARANTINE-QUARANTAINE.DGSI.EDSC@servicecanada.gc.ca.

The email message should now include the following information:

- Subject: Temporary Foreign Worker arrival to [name of employer of record].
- Names of TFW(s)
- Date and time of arrival of TFW(s) to your work location
- Confirm for each TFW whether they declared that CBSA has determined they are exempt from quarantine
- Quarantine location of the TFWs that are, if any, required to quarantine
- Contact information of each temporary foreign worker(s), if available
- Employer contact information, including the mailing address. If applicable, please include information for a secondary contact
- Business Number

This information will facilitate efficient communication with Service Canada with respect to both compliance with the aforementioned border control measures. Employers and TFWs who have any concerns and wish to make a report, such as for when a TFW is experiencing undue influence by an employer with respect to compliance with quarantine and testing requirements or when an employer suspects that a TFW is not following quarantine and testing instructions provided by Canadian officials, can submit a report using the following [resources](#).

Employment and Social Development Canada and Service Canada appreciates the ongoing cooperation of all stakeholders with the extraordinary measures that have been required as we continue to manage the effects of the COVID-19 pandemic.

Thank you,

Steven West
Director
Temporary Foreign Worker Program