

Income support and employer obligations with respect to TFW

Good afternoon,

The purpose of this email is to provide information on income support and employer obligations with respect to Temporary Foreign Workers (TFWs) in Canada. In addition, his message provides information to TFWs about benefit programs for which they may be eligible.

Employers must adhere to the requirements of the Temporary Foreign Worker Program (TFWP), as well as province and territories' employment and labour laws, to ensure the health and safety of the TFWs.

### **TFW Support Upon Arrival**

Employers who hire a foreign national (workers) should follow the order set out under section 58 of the Quarantine Act. As per the Immigration and Refugee Protection Regulations (IRPR), all employers have responsibilities relating to the quarantine period:

During the quarantine period, employers must provide the worker with wages for a minimum of 30 hours per week at the hourly rate of pay specified on the confirmed LMIA and/or Offer of employment contract. This is also consistent with the TFWP Genuineness Policy, which indicates that reasonable employment needs are a full time workload (e.g. a minimum of 30 hours per week). Should a TFW be required to quarantine for under 7 days, wages can be prorated. The above IRPR obligations apply **upon entry** of TFWs (including those that are fully vaccinated and were randomly selected for testing and asked to quarantine) into Canada.

In addition:

- The payment received is not an advance and should NOT be reimbursed by the TFW later. This requirement also applies to workers in the Seasonal Agricultural Worker Program (SAWP) and the period of paid quarantine will be in addition to the minimum 240 hours of pay as specified in the SAWP contract.
- If the initial quarantine period resets or is extended for any reason (e.g. a newly arrived TFW is housed in the same accommodations of those who are already in quarantine, the worker is becoming COVID symptomatic/sick, awaiting test results), the initial quarantine/isolation period extends and the workers must continue being paid by the employer accordingly.
- Employers are required to pay wages to all TFWs during the initial quarantine period, regardless of whether their arrival into Canada is to begin work or return to work from a holiday.

The regulations require that employers must not do anything to prevent their employee from complying with requirements under the [Emergencies Act](#) or the [Quarantine Act](#), including requiring the foreign national to do anything that is contrary to those requirements.

### **TFW Support Post-Arrival**

Throughout the mandatory initial quarantine, employers are obligated to ensure that TFWs have access to essential necessities, in accordance with the regulations within the IRPR. Employers must also ensure

transportation that meets Public Health Agency of Canada and local Public Health guidelines. A detailed list of these measures can be found by visiting [the travel.gc.ca](https://www.the-travel.gc.ca) website.

- Quarantine obligations require that workers go directly to their place of quarantine upon arrival in Canada, which includes not stopping to purchase food or any supplies.
- Some workers may not have access to food delivery, due to the location of their accommodations, access to internet, credit card, etc. Therefore, many workers coming into Canada will require assistance in arranging for food, medicine, and/or basic supplies.
- As stated within IRPR and the policy for the Temporary Foreign Worker Program, employers must not prevent or inhibit workers from meeting their obligations under the *Quarantine Act* in any way.
- The employer must not deny assistance, if the foreign worker needs the assistance of the employer to access the necessities of life. The worker cannot leave quarantine and therefore must be given assistance in obtaining food and other basic survival items.
- Employers are expected to ensure that the TFW has access to the essentials without inflated prices or surcharges. Food provided should be fresh, of good quality and is responsive to the workers' requests.
- Employers are expected to facilitate this as required, but are not expected to pay for it.
- Costs for food, medication, basic supplies, or other necessities could be paid by the worker upon delivery, or through a payment plan. Any plan to cover costs should be mutually agreed upon between the employee and employer, ideally in writing.
- For workers under the Seasonal Agricultural Worker Program (SAWP), typical employment contracts provisions remain in place, which allow for workers to elect to cook their own meals or arrange for the employer to provide meals at the worker's cost

#### Government of Canada Income Supports

Should a TFW become ill at any time following the initial quarantine period, they may be eligible for other government sickness benefits, such as the [Canada Recovery Sickness Benefit](#) or [EI Sickness Benefits](#). **Note:** a worker would have to apply for these benefits and would be assessed according to the eligibility criteria for each benefit through the application process.

Additionally, TFWs may be eligible for individual supports through Canada's COVID-19 Economic Response Plan ([COVID-19 benefits and services - Canada.ca](#)) which is a plan comprised of a suite of benefit programs designed to provide an economic relief to workers and businesses directly affected by the COVID-19 pandemic. **Note:** TFWs may only apply for these benefits following their initial isolation/quarantine period, following the end of their initial isolation/quarantine period and after they have begun working.

#### *Canada Recovery Sickness Benefit (CRSB)*

Specifically, the Canada Recovery Sickness Benefit (CRSB) provides \$500 (\$450 after taxes withheld) per week for up to a maximum of six weeks, for workers who:

- are unable to work for at least 50% of the week because they contracted COVID-19;
- are self-isolated for reasons related to COVID-19; and,
- have underlying conditions, are undergoing treatments or have contracted other sicknesses that, in the opinion of a medical practitioner, nurse practitioner, person in authority, government or public health authority, would make them more susceptible to COVID-19.
- Have a valid Social Insurance Number (SIN)

The CRSB does not renew automatically. If the situation continues, a worker must apply for another eligibility period separately. A worker may apply for any eligible 1-week period for up to 60 days after that period has ended.

- A worker can apply for a maximum of 6 weeks between September 27, 2020 and May 7, 2022 (the 6 weeks **do not** have to be taken consecutively).
- A worker cannot apply retroactively for periods that are closed.
- If a worker becomes sick or has to self-isolate due to COVID-19 part way through a period, it can only apply for the period if the worker missed more than 50% of that work week.
- If the worker misses less than that, the worker will need to wait to apply for the next eligibility period.
- The benefit is available **between September 27, 2020 and May 7, 2022**.
- A worker can no longer receive CRSB payments after it has reached the maximum of 6 periods.
- Eligibility **cannot** be extended, even if the worker is sick or self-isolating due to COVID-19 for more than 6 periods or becomes sick or is self-isolating due to COVID-19 again between September 27, 2020 and May 7, 2022.

Individuals are **not** eligible for the benefit if **they have applied for or received** any of the following for the same period:

- Canada Recovery Benefit (CRB)
- Canada Recovery Caregiving Benefit (CRCB)
- Canada Worker Lockdown Benefit (CWLB)
- Employment Insurance (EI) benefits
- Québec Parental Insurance Plan (QPIP) benefits
- Short-term disability benefits

As stated above, this benefit is available **until May 7, 2022**, after which, workers may be eligible for EI sickness benefits should they become ill or are required to Quarantine.

Please visit the [CRSB webpage](#) for more details on eligibility.

#### Federal and provincial and territorial benefits

Finally, in addition to the federal options included above, workers and employers are encouraged to explore the range of provincial and territorial benefits that may be available to them (e.g. workers compensation; private medical insurance etc.). Should you have any questions, we invite you to contact the Temporary Foreign Worker Program at the following address: [EDSC.DGCE.TET-TFW.SEB.ESDC@hrsdc-rhdcc.gc.ca](mailto:EDSC.DGCE.TET-TFW.SEB.ESDC@hrsdc-rhdcc.gc.ca).

Thank you in advance for your collaboration and understanding.

The Temporary Foreign Worker Program  
Employment and Social Development Canada