



COVID-19 Employer Responsibilities – 2022*

Temporary Foreign Worker Program

Service Canada – Reporting Requirements

WHEN FOREIGN WORKERS ARRIVE...

- You must inform Service Canada when Foreign Workers **ARRIVE** at the work location
 - ❑ Send an email to – ESDC.ISB.QUARANTINE-QUARANTAINE.DGSI.EDSC@servicecanada.gc.ca
 - ❑ Include the following information:
 - **Subject:** Temporary foreign worker arrival to (name of Business)
 - **Body:**
 - Date and time of arrival of Foreign Workers to your work location, and their names
 - Contact information for the Foreign Worker(s), if available
 - Your contact information, including the mailing address. If applicable, please include information for a secondary contact

IF THERE IS A COVID-19 OUTBREAK...

- You must inform Service Canada in the event of an **OUTBREAK** at your worksite
 - ❑ Send an email to – ESDC.ISB.QUARANTINE-QUARANTAINE.DGSI.EDSC@servicecanada.gc.ca
 - ❑ Include the following information:
 - **Subject:** COVID-19 Outbreak (name of Business).
 - **Body:**
 - Number of Foreign Workers onsite and number of Foreign Workers infected, as well as their names
 - Contact information for the Foreign Worker(s), if available
 - Your contact information, including the mailing address. If applicable, please include information for a secondary contact

Defining Quarantine and Isolation

- **Quarantine:** means the separation of persons in such a manner as to prevent the possible spread of disease. There may be different quarantine requirements if you or any of your other household members are vaccinated against COVID-19.
- **Isolation:** means the separation of persons who have reasonable grounds to suspect that they have COVID-19, who exhibit signs and symptoms of COVID-19 or who know that they have COVID-19, in such a manner as to prevent the spread of the disease.

For either quarantine or isolation, Foreign Workers are to:

- Stay in their home, suitable accommodation or co-living setting and monitor themselves for any COVID-19 symptom
- Follow the instructions from the local Public Health Authority regarding testing and requirements for the quarantine or isolation period.

Mandatory Quarantine Upon Arrival

As an Employer of Foreign Workers, you must not do anything that prevents them from meeting their requirements of orders under 58 of the *Quarantine Act*, including mandatory quarantine, or from complying with provincial / territorial public health laws.

➤ Employer Responsibilities:

- Employers will be contacted by Service Canada two (2) weeks in advance of the anticipated arrival date to provide information regarding the location of quarantine for Foreign Workers.
- The Quarantine Information form will be required to be completed and submitted to Service Canada.
- It is strongly recommended that this form (once completed) be provided, where possible, directly to the Foreign Workers prior to their arrival as it will support accuracy of information into the ArriveCAN app.
- ❑ **You must ensure Foreign Workers have access to necessities of life, including food and other basic survival items**
 - Employers must facilitate and ensure food is fresh, good quality and meet needs of Foreign Worker.
 - Reasonable costs for all necessities, food, medication and basic supplies, could be paid by the Foreign Worker upon delivery or through a payment plan, which should be mutually agreed upon and in writing.
 - Employment contract provisions remain in place for Foreign Worker under the Seasonal Agricultural Worker Program (SAWP), which allow them to elect to cook their own meals or arrange for the Employer to provide meals at the worker's cost.
- ❑ **You must pay your Foreign Workers wage and benefits for the quarantine period**
 - You must pay the Foreign Worker for a minimum of 30 hours per week at the hourly rate of pay specified on the Labour Market Impact Assessment confirmation letter or Offer of Employment.
 - The payment is not in advance and should not be reimbursed later.
 - Period of paid quarantine is in addition to the minimum 240 hours of pay specified in SAWP contract.
 - This requirement applies to unvaccinated Foreign Workers who all must complete a COVID-19 test upon arrival and vaccinated Foreign Workers randomly selected for testing upon arrival.
 - **Unvaccinated Foreign Workers** will require to remain in and be paid for the 14 day quarantine period upon arrival and any extensions to the period as a result of a positive test result.
 - **Fully vaccinated Foreign Workers** will require to remain in and be paid for the quarantine period upon arrival until they receive a negative test result. If the test result is positive the Foreign Worker must remain and be paid during the quarantine or isolation period as directed by a government official.
 - Please note that this stipulation applies each time a Foreign Worker enters or re-enters Canada and must quarantine or isolate.
- ❑ **You must continue to follow all federal, provincial, and territorial employment regulations and laws**
 - Immigration and Refugee Protection Regulations may consider limiting a Foreign Worker's movement abusive and a violation of the TFW Program's conditions, which may result in administrative and/or monetary penalties.
 - Employers cannot ask or allow Foreign Workers to perform any duties during the quarantine period.

2022 Housing Inspection Reports

Employers must provide Foreign Worker with adequate, suitable and affordable housing as defined by Canada Mortgage and Housing Corporation.

Employers must provide a valid Housing Inspection Report for off-site or on-farm accommodation. The inspection must be conducted by an appropriate provincial, territorial or authorized private inspector with appropriate certifications.

Accommodations

Employers who provide accommodations are required to house quarantining Foreign Workers in accommodations that are separate from those not subject to quarantine.

➤ Employer Responsibilities:

- You must ensure that there is enough space for the Foreign Workers to remain two (2) metres apart from each other at all times
 - If this requirement cannot be met, alternate acceptable accommodations (e.g. a hotel) are required.
- You must ensure that surfaces in the accommodations are clean and disinfected regularly
 - You may use the services of a professional cleaner, if desired. You must always provide cleaning materials and replace them when necessary.
- You must post information about preventing the spread of COVID-19 in the accommodations
 - Such information should be posted in the language of the Foreign Worker in bathrooms, kitchens, and common areas.
- If a Foreign Worker becomes symptomatic at any time, you must assist them in accessing medical care, medicine, and food during isolation
 - You must provide immediate accommodations that enable the Foreign Worker to isolate from others. This is different from quarantine accommodation requirements as these accommodations must include a single occupancy bedroom and single occupancy bathroom.

Compliance

The Integrity Services Branch has continuously evolved from strictly verifying Employer compliance with the program regulations, to also playing a significant role in ensuring the safety and health of Foreign Workers.

- You may be subject to and must comply with inspections conducted by Integrity Services Branch to verify Employer compliance.
 - Employers who do not comply with these requirements could be subject to penalties. These include fines of up to \$1 million and a permanent ban from hiring TFWs
- In order to verify compliance with TFWP conditions, Employers will be asked to provide one or more of the following:
 - Time Sheets
 - Payroll information
 - Cash advances
 - Photographs of your accommodations

Financial Support for Temporary Foreign Workers

Should a Foreign Worker become ill and/or need to quarantine or self-isolate at any time after they have begun working, they may be eligible for other government benefits through [Canada's COVID-19 Economic Response Plan](#) including:

➤ Employment Insurance Benefits:

- Can provide up to 15 weeks of financial assistance if unable to work due to medical reasons including illness, injury, quarantine or any medical condition preventing work
- Not available to first time TFWs in Canada
 - [EI sickness benefits: What these benefits offer - Canada.ca](#)

➤ Canada Recovery Sickness Benefit

- Provides \$500 (\$450 after taxes withheld) per week for up to a maximum of six weeks for workers who have contracted, are self-isolation or may have underlying conditions that make them more susceptible to COVID-19
- Not available to first time TFWs in Canada
- Benefit is available until May 07, 2022
 - [Canada Recovery Sickness Benefit \(CRSB\) - Canada.ca](#)

➤ Canada Worker Lockdown Benefit:

- Provides \$300 a week to eligible workers who are unable to work due to a temporary local lockdown order designated for their region
- Benefit is available until May 07, 2022
 - [Canada Worker Lockdown Benefit \(CWL\) - Canada.ca](#)

Financial Support for Employers

➤ Enhanced Agri-food Workplace Protection Program

- The program provides a maximum non-repayable contribution amount of up to \$50,000 to Employers through the following categories:
 - **Workplace COVID-19 Prevention:** supports adoption of prevention and mitigation measure to reduce spread of COVID-19
 - **Responsive COVID-19 Outbreak Management:** reimburse applicants impacted by outbreaks of COVID-19 for costs related to employee wage support and worker isolation
 - Applications are being accepted until **February 15, 2022**
 - For more information:
 - <http://www.omafra.gov.on.ca/english/about/agrifoodprogramwcpapp.pdf>

Employer Toolkit

Resource	Website or Contact Information
<p>Government of Ontario: Find additional provincial COVID-19 information and what you need to know when travelling to Ontario including quarantine and isolation rules</p>	<p>https://www.ontario.ca/page/travelling-during-covid-19</p>
<p>Public Health Agency of Canada: Find additional federal information on COVID-19 including rules regarding how to quarantine and isolate</p>	<p>https://www.canada.ca/en/public-health.html</p> <p>Phone: 1-833-784-4397</p> <p>Email: phac.covid19.aspc@canada.ca</p>
<p>Agriculture and Agri-Food Canada: Conditions and obligations for TFW and employers during the COVID-19 pandemic</p>	<p>COVID-19 - Information for the agriculture and agri-food industry - agriculture.canada.ca</p>
<p>Temporary Foreign Worker Program: Guidance for employers of Temporary Foreign Workers regarding changes to the Temporary Foreign Worker Program</p>	<p>https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural.html</p>
<p>Temporary Foreign Worker Program Compliance: Provides information about Employer compliance and TFW Program Inspections</p>	<p>https://www.canada.ca/en/employment-social-development/services/foreign-workers/employer-compliance.html</p>
<p>WSIB Ontario</p>	<p>https://www.wsib.ca/en/foreign-agricultural-workers-program</p>
<p>Canadian Centre for Occupational Health and Safety: Provides resources and guide to prevent the spread of COVID-19 in the workplace</p>	<p>https://www.ccohs.ca/products/publications/covid19-tool-kit/?&orig=/products/publications/covid19/</p>
<p>Switch Health: Support the facilitation of COVID-19 test and test results in Ontario</p>	<p>Primary Agriculture employers can contact Switch Health directly at 1-888-511-4501 or by email at tfw-Canada@switchhealth.ca</p> <p>This service will be available between the hours of (8:30am-6:30pm EDT Monday-Friday and 10am-4pm Sat and Sun)</p>
<p>Guide for Foreign Worker travelling to Canada: Provides information for TFWs to be informed of how to prepare for pre and post arrival</p>	<p>https://www.canada.ca/en/employment-social-development/campaigns/foreign-worker-rights/covid19-guide.html</p>
<p>Ministry of Labour, Training and Skills Development: Information for Employers on what to expect when a Provincial health and safety Inspector visits your workplace</p>	<p>https://www.ontario.ca/page/ministry-labour-training-skills-development?_ga=2.2103161.899066202.1583255607-23641436.1458836562</p>
<p>Ministry of Agriculture, Food and Rural Affairs (OMAFRA): Learn about the voluntary registry and its benefits to Primary Agriculture Employers</p>	<p>https://www.ontario.ca/page/registry-employers-international-agri-food-workers</p>



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Temporary Foreign Worker Program – Employer Responsibilities

Defining Border Entry (Point of Arrival) & Community (Post Arrival) Parameters

When a Foreign Worker arrives in Canada, they and their Employer are required to follow Federal, Provincial and Municipal regulations related to COVID-19 to ensure the safety of the Foreign Workers and the community. Employer responsibilities may differ from the point of arrival of a Foreign Worker to once they are in the community and have begun working. The information below will further support Employers understand their responsibilities from the point of arrival at the port of entry to their final location of residence for the remainder of their employment period.

Border Entry / Point of Arrival

The following defines the border entry / point of arrival parameters in which an Employer and Foreign Worker would be required to follow federally mandated COVID-19 regulations:

- Once a Foreign Worker has landed in Canada at a port of entry
- The first 14 days including the day of arrival for fully vaccinated Foreign Worker even if they are not randomly selected for testing or not directed to quarantine or isolate
- The first 14 days including the day of arrival for unvaccinated Foreign Worker
- If at the port of entry a Foreign Worker is directed to quarantine or isolate by a government official the duration including any extensions as a result of a positive case and/or exposure falls

The following information provides further direction related to common scenario's and mandatory Employer responsibilities.

Case Scenarios	Employer Responsibilities
<ul style="list-style-type: none"> ○ At the port of entry a fully-vaccinated Foreign Worker was randomly selected to take a COVID-19 molecular test and is serving the quarantine period as directed by a government official ○ At the port of entry an unvaccinated Foreign Worker completed the mandatory COVID-19 molecular test and is serving the quarantine period as directed by a government official ○ At the port of entry, either a fully-vaccinated or unvaccinated Foreign Worker is directed by a government official to a Designated Quarantine Facility (DQF) ○ For either a fully-vaccinated and randomly selected for testing Foreign Worker or an unvaccinated Foreign Worker where an extension has been instructed to the quarantine or isolation period assigned by a government official at the port of entry 	<ul style="list-style-type: none"> <input type="checkbox"/> Wages: <ul style="list-style-type: none"> • Employers must pay Foreign Worker equal to 30 hours per week at the rate of pay agreed on the LMIA confirmed application or Offer of Employment for the initial quarantine or isolation period <input type="checkbox"/> Accommodation: <ul style="list-style-type: none"> • Employers must pay all costs associated to accommodations supporting Foreign Worker during their employment duration including when there is a need for separate quarantine and/or isolation accommodations. Provided accommodations must meet all health guidelines <input type="checkbox"/> Meals: <ul style="list-style-type: none"> • Employers to ensure food is fresh, good quality and meets the needs of Foreign Worker (i.e. type, variety and quantity of food) • Foreign Worker is responsible for the cost of food, payment should be coordinated between Foreign Worker and Employer (recommended in writing) <input type="checkbox"/> Transportation: <ul style="list-style-type: none"> • Employers must arrange and pay for the round-trip transportation of the Foreign Worker. Transportation includes travel to and from their place of work in Canada and their country of residence • Includes travel to and from hospital or clinic when medical attention is needed. Employers to follow local Public Health measures while in transit





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Community Based / Post Arrival

The following defines the community based / post arrival parameters in which an Employer and Foreign Worker would be required to follow provincial and municipal mandated COVID-19 regulations:

- Day 15 following the first day of arrival for fully vaccinated Foreign Worker even if they are not randomly selected for testing or were not directed to quarantine or isolate by a government official
- Day 15 following the first day of arrival for unvaccinated Foreign Workers who have not been directed to extend their quarantine or isolation period by any government official and have received a negative result from a COVID-19 molecular test
- After a Foreign Worker has completed the above two stipulations and has begun working for the Employer

The following information provides further direction related to common scenario's and mandatory Employer responsibilities.

Case Scenarios	Employer Responsibilities
<ul style="list-style-type: none"> ○ A fully-vaccinated or unvaccinated Foreign Worker has been directed by a government official to quarantine or isolate 	<ul style="list-style-type: none"> □ Wages: <ul style="list-style-type: none"> • After a Foreign Worker has begun working, wages during quarantine/isolation due to infection or exposure would not be the Employer's responsibility. Should a Foreign Worker require income support for isolation/quarantine after they have begun working, they may apply for benefits under Canada's COVID-19 Economic Response Plan. • Foreign Workers and Employers are also encouraged to explore the range of provincial and territorial benefits that may be available to them (e.g. workers compensation; private medical insurance etc.). □ Accommodation: <ul style="list-style-type: none"> • Employers must pay all costs associated to accommodations supporting Foreign Worker during their employment duration including when there is a need for separate quarantine and/or isolation accommodations. Provided accommodations must meet all health guidelines □ Meals: <ul style="list-style-type: none"> • Employers are to ensure food is fresh, good quality and meets the needs of Foreign Workers (i.e. type, variety and quantity of food) • Foreign Workers are responsible for the cost of food, payment should be coordinated between Foreign Workers and Employers (recommended in writing) □ Transportation: <ul style="list-style-type: none"> • Employers are responsible for transportation to and from hospital or clinic when medical attention is needed. Employers to follow local Public Health measures while in transit
<ul style="list-style-type: none"> ○ A fully-vaccinated or unvaccinated Foreign Worker was prevented to go to work due to circumstances outside of their and the Employers control (e.g. mandated lock down) 	<ul style="list-style-type: none"> □ Wages: <ul style="list-style-type: none"> • After a Foreign Worker has begun working, wages during quarantine/isolation due to infection or exposure would not be the Employer's responsibility. Should a Foreign Worker require income support for isolation/quarantine after they have begun working, they may apply for benefits under Canada's COVID-19 Economic Response Plan. • Foreign Workers and Employers are also encouraged to explore the range of provincial and territorial benefits that may be available to them (e.g. workers compensation; private medical insurance etc.). □ Accommodation: <ul style="list-style-type: none"> • Employers must pay all costs associated to accommodations supporting Foreign Worker during their employment duration including when there is a need for separate quarantine and/or isolation accommodations. Provided accommodations must meet all health guidelines □ Meals: <ul style="list-style-type: none"> • Employers to ensure food is fresh, good quality and meets the needs of Foreign Worker (i.e. type, variety and quantity of food) • Foreign Worker is responsible for the cost of food, payment should be coordinated between Foreign Worker and Employer (recommended in writing) □ Transportation: <ul style="list-style-type: none"> • Employers are responsible if travel is required to and from hospital or clinic when medical attention is needed. Employers to follow local Public Health measures while in transit