

Cindy Evans, Director General, Public Health Agency of Canada
Elisha Ram, Associate Assistant Deputy Minister, Employment and Social Development Canada
Stephen Jurgutis, Director General, Agriculture and Agri-Food Canada
Calvin Christiansen, Director General, Government Operations Centre, Public Safety Canada
CC: COVID-19 Cabinet Committee; Minister of Immigration, Minister of Labour

April 1, 2020

Dear Ms. Evans, Mr. Ram, Mr. Jurgutis, and Mr. Christiansen,

Re: Guidance for Employers of Temporary Foreign Workers Regarding COVID-19

We welcome the creation of the *Guidance for Employers of Temporary Foreign Workers Regarding COVID-19* and are writing to you with specific changes to ensure these guidelines can actually be effective and that migrant worker rights are protected. We support requirements that employers must ensure workers are able to keep a physical distance of two meters with each other at all times, and must be provided income when they aren't working during quarantine.

Without the essential changes we propose below, tens of thousands of workers will soon arrive in Canada without adequate information, the ability to enforce their rights, to properly self-quarantine or to take care of their families. Failure to implement these changes will lead to devastating public health consequences - as the outbreak in Kelowna is proving, and a human rights catastrophe.

These guidelines must be mandatory requirements, and monitoring and enforcement mechanisms to ensure employer compliance must be established:

- These requirements must be adapted with a view to giving workers the ability to enforce their rights and thus protect public health. Employers already have inordinate control over workers' lives, including over their working conditions, housing, transportation, and access to services and groceries. As such, it is essential that these proposals be deemed as requirements, not as 'guidelines' - failure to meet them will endanger the health and well-being of workers and the communities in which they live.
- Employers must be required to enable self-isolation and quarantining, provide healthcare information in a worker's language of choice, and connect workers to local public health services.

MIGRANT RIGHTS NETWORK

- Employers must provide wages to workers during the quarantine period, even if they are not working. Federal income supports must be available to workers who cannot come to Canada, or who have been delayed in their arrival.
- These requirements must apply from the moment workers depart their home countries, throughout their travel to Canada, and through travel from airports to workplaces. If workers are housed in hotels, these requirements must extend to travel from hotels to workplaces.
- A responsive monitoring and enforcement system must be set up, in consultation with migrant worker organizations like ourselves. At a minimum this enforcement and monitoring system must include:
 - A dedicated enforcement unit established between federal and provincial authorities, building on Employment and Social Development Canada's compliance unit. Contact information about the enforcement unit must be shared with migrant worker organizations.
 - The enforcement unit must assess work and housing conditions prior to workers arrival to ensure physical distancing is possible and health and safety rights protected. This pre-assessment should be done via a safety plan checklist that employers must submit.
 - The enforcement division must do swift, unannounced inspections on employers where complaints have been made, in coordination with local public health officials.
 - Non-compliance should be met with fines and suspensions as per the pre-existing employer compliance regimes. In addition, specific measures must be enacted to ensure workers are appropriately compensated where employers put their lives at risk through non-compliance.
 - A 24-hour accessible telephone hotline and web interface for workers to confidentially and anonymously make complaints about employer non-compliance in their own languages, or through third parties such as migrant worker support organizations, including through photos and videos.

Public health, not enforcement

- Employers are not equipped to assess the health of migrant workers. All health assessment and follow-up support must be done by public health officials. Where workers are symptomatic, and with worker permission, public health officials can coordinate with employers to ensure workplace health and safety is upheld.
- There should be no sharing of information or contacting of law enforcement or consulates, either by employers or by compliance units in cases where workers make complaints. The

possibility of health information being shared with non-health related authorities will dissuade workers from taking necessary steps to protect themselves and others from the spread of COVID-19.

- Workers who are sick must be provided healthcare in Canada, not deported.
- Employers must ensure adequate hygiene products and meals for workers during their quarantine period without deductions. These must be extended to the entire course of the crisis, if workers request it, also without deductions. These meals must be prepared by an unrelated third party catering company and the meal plan must be reviewed and approved by a qualified nutritionist (as outlined in existing SAWP contracts).
- Workers' ability to reach social supports must be facilitated through guaranteed wireless internet access, and connecting workers to local support organizations.
- Healthcare must be guaranteed in all provinces, without the need for a health card, through emergency changes to Interim Federal Health program or expanded provincial health transfers.

Communication with workers is essential

- These requirements must be made available to workers and worker rights organizations in advance of workers travelling to Canada and at the port of entry, with information on how workers can assert their rights and make anonymous complaints, available in appropriate languages.
- Employers must be required to share information on the safety plan with workers immediately upon arrival, and update on changes regularly.
- Workers should also be provided with public health guidelines on hand-washing and physical distancing during the COVID-19 pandemic in appropriate languages.
- All workers at a workplace must be informed about the results of inspections following anonymous tips.

We look forward to a swift and comprehensive response. Please contact Syed Hussan, Executive Director, Migrant Workers Alliance for Change at hussan@migrantworkersalliance.org for any questions and to continue this conversation.

Thank you.

Migrant Rights Network

MIGRANT RIGHTS NETWORK

1. Migrant Workers Alliance - Niagara, Ontario
2. Cooper Institute and the Prince Edward Island Action Team for Migrant Workers' Rights
3. Radical Action with Migrants in Agriculture (RAMA), Okanagan region, BC
4. Fuerza Migrante, Vancouver, BC
5. Migrant Workers Alliance for Change
6. Asian Community Aids Services
7. Butterfly (Asian and Migrant Sex Workers Support Network)
8. Caregivers' Action Centre
9. Chinese Canadian National Council Toronto
10. Centre des travailleuses et travailleurs immigrants
11. Collaborative Network to End Exploitation
12. Durham Region Migrant Solidarity Network
13. FCJ Refugee House
14. GABRIELA Ontario
15. Fuerza Migrante Vancouver
16. Income Security Advocacy Centre
17. IAVGO Community Legal Clinic
18. Migrant Worker Solidarity Network - Manitoba
19. Migrant Students United
20. Migrant Workers Alliance for Change
21. Migrante Alberta
22. Migrante BC
23. Migrante Canada
24. Migrante Manitoba
25. Migrante Ontario
26. No One Is Illegal – Halifax
27. No One Is Illegal – London
28. No One Is Illegal - Toronto
29. No One Is Illegal – Vancouver
30. Northumberland Community Legal Centre
31. OHIP For All
32. OCASI – Ontario Council of Agencies Serving Immigrants
33. PCLS Community Legal Clinic
34. South Asian Legal Clinic of Ontario
35. Sanctuary Health
36. Solidarity Across Borders
37. UNIFOR
38. UFCW
39. Vancouver Committee for Domestic Worker and Caregiver Rights
40. Workers Action Centre.
41. Workers United