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Recommendations for the Federal Consultations on Employer-provided Worker Housing for the Temporary Foreign Worker Program

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SUMMARY COMMENTS

BC Agriculture Council (BCAC) and Western Agriculture Labour Initiative (WALI) believe that temporary foreign workers (TFWs) should be housed safely and comfortably during their work tenures in Canada. As employer representatives, we have been working with the Government of British Columbia (ministries of Health, Labour and Agriculture), and representatives from foreign governments to improve the quality of life and safety of TFWs for the last 16 years. Through this process we have identified and implemented recommended changes to housing conditions and developed best practices guidelines. We believe that this collaborative approach to continuous improvement will make more progress than imposing new arbitrary standards that will drastically impact current housing capacity. The proposed requirements could have serious unintended consequences for our domestic food security and the industry's export potential, as well as reduce agriculture's ability to contribute to economic recovery post-COVID.

It is also important to understand employee values when proposing changes and ensure that there is real value and benefit for the workers. Our regular discussions with workers and foreign government representatives have helped to serve this purpose for many years. One suggestion to improve the feedback process is to expand the HUB Connect app¹ to collect feedback from workers.

The federal government must pursue more thorough consultations with provinces and municipalities to resolve areas of overlap and conflict to ensure requirements are clear across all levels before imposing new requirements on employers. The most challenging components for employers providing housing for workers are the many separate regulations that often overlap and sometimes conflict with each other. Having the Federal Government add additional regulations (many of which directly overlap with existing provincial requirements) will add to this confusion without significantly improving conditions for workers. Our response to question 1 under the "Adequacy of proposed requirements" section includes specific examples of how the proposed regulations conflict with what other regulators at the provincial and municipal levels require or have encouraged in the past. These conflicts will make implementing some of the

¹ <https://walicanada.ca/hub-connect/>

The Hub Connect app is a resource for international farm workers to access information on health care providers, transportation services, local news and weather, important contacts, and more.

proposed requirements impossible and will draw out implementation timelines on other existing and proposed changes

The levels of government currently responsible for housing must improve the efficacy and consistency of the inspection process through training, collaboration, and cooperation, and ensure there is follow through with penalties when issues arise. It is important to note that according to information provided during industry meetings by Integrity Services Branch and the B.C. Government (who conducted additional COVID-19 specific inspections of every TFW accommodation in B.C. this year), the majority of employers follow existing requirements and ensure that TFW housing meets or exceeds standards for inspection. For the few that do not, there should be more education and outreach to employers and workers on the housing standards. Many of the issues relate to the maintenance of housing over time. Maintenance is a joint responsibility of the employer (to repair and upgrade items showing normal wear and tear) and workers (who are responsible for keeping the house clean during their stay).

The type of TFW housing varies widely across the province and the country due to the number of workers on-site, length of stay and seasonality. Standards need to be flexible to accommodate the different housing styles (e.g. dorms, apartments or houses), and inspectors need to understand the expectations of regulations and be able to help employers meet that standard in a variety of different housing styles.

The two preceding paragraphs speak to the need for a more effective inspection process. More effective enforcement of the existing standards (including timely and meaningful penalties for repeat offenders) would go much farther to improving TFW housing overall, than simply requiring additional regulations for everyone without increased enforcement action. Over the years there have been situations where local enforcement agencies (e.g. fire safety inspectors) or neighbouring farms have referred serious concerns to Integrity Services Branch (ISB). As no visible action appears to be taken to address these concerns, and no change in employer behaviour seen, the effectiveness of this process is questioned by many stakeholders. Employers also comment that Integrity Service Branch inspectors do not consistently understand the requirements or regulations that they are enforcing.

Proposed changes must be practical, feasible and realistic and must be phased-in over time with consideration given to grandfathering housing that is in the planning stages, under construction, or has been built to meet existing standards. Employers have invested heavily into building and maintaining TFW housing in good faith that these housing units would be in use for many years. Many of the proposed requirements cannot be achieved by renovating or retrofitting existing housing. B.C. employers estimate that the proposed requirements would result in a 40-60% decrease of occupancy in existing housing units. Key areas of concern include the removal of bunk beds, space between beds, and the ratio of number of workers per washroom facility.

Applying these two proposed changes retroactively would have significant impacts on existing accommodation. For example, one employer shared that the removal of bunkbeds combined with a minimum of 72" between beds would cut the occupancy rate in a house from four people per bedroom to one per room due to the location of the door, window and closet. This would provide each worker with 1,250 cubic feet of air space and 156 square feet of floor space in the sleeping quarters alone. For comparison, the current required occupancy space in B.C. is for 300 cubic feet of air space in the bedroom and minimum of 80 square feet of total living space.

The short-term seasonality of most farm work has made attracting Canadian workers challenging and forced farmers to rely on TFWs. If half of the beds were to disappear because of the proposed requirements, many employers could not afford to replace those lost beds all at once. This would result in many farms going out of business which would then impact our domestic food security and the cost of food. BCAC believes that food security is vital for our nation's economy and cannot support proposed requirements that would put that in jeopardy. Proposed regulation changes should focus on additional amenities and not fundamentally alter the sleeping capacity of existing housing. Additional amenities that could be encouraged include providing cleaning supplies, services, and/or schedules, personal dish sets, and/or extra linens as needed.

Before imposing new regulations, the federal government should conduct a comprehensive economic impact assessment of the new requirements and provide funding for the construction and ongoing maintenance of housing costs in line with what is provided in competing jurisdictions. Canadian farmers compete in a competitive global market when selling their products. In Washington State, our direct neighbour and global competitor, there are government subsidized loans and grants available for farmers to, "provide affordable financing to develop housing for year-round and migrant or seasonal domestic farm laborers."² The funds may be used for construction, improvement, repair, and purchase of housing in urban or rural areas, if there is a demonstrated need.² Loan terms include 1% fixed rate with up to a 33-year payback period². Loans are also available for on-farm labor housing.² In 2019, there was \$27,000,000 available in funding for loans and \$8,000,000 available in grants through this program.²

² <https://www.rd.usda.gov/programs-services/farm-labor-housing-direct-loans-grants/wa>

RESPONSES TO SPECIFIC CONSULTATION QUESTIONS

I. Adequacy of Proposed Requirements

1. Do the proposed federal accommodation requirements cover the right requirements to ensure improved living conditions for TFWs? Are they specific enough to allow for proper implementation and assessment?

While some of the proposed requirements are specific enough to allow for proper implementation, many are not. In large part, they are not practical or realistic, and are not necessarily valued by the employee. The core TFW housing challenges today are due to a lack of effective enforcement action during the season and a confusing inspections process. Improving the inspections process, properly training inspectors, and ensuring enforcement actions are applied when necessary would have a much greater impact on improving housing conditions than the proposed requirements. See our response to the “Inspections” questions in section 3 for more details. Many of the proposed requirements could be provided as guidelines, but not as required elements in all TFW housing.

There are already many separate regulations for TFW housing governed by different levels and areas of government. Employers struggle to ensure they meet the demands of several provincial and municipal regulations for building, renovating, and inspecting TFW housing. Some of the proposed federal requirements conflict entirely with what has been imposed on employers in the past by provincial and municipal governments. Having the federal government now add another level of regulation to the process will add to this confusion without significantly improving conditions for workers. Examples of this conflict include:

- The Agricultural Land Commission (ALC) in B.C. has shown preference for housing that is not built on permanent foundations. This has led to many housing facilities with washrooms and kitchens that are separate from the sleeping quarters. This type of housing has been embraced because it prevents housing that is built on agricultural land from being used for non-farm purposes in the future. The proposed federal requirements suggest that this should not be permitted.
- Some municipalities have capped the cumulative maximum square footage that can be used for farm worker housing on an individual farm. As the farm is unable to expand employee housing to comply with the proposed requirements of additional washrooms and increased space between beds, for example, they would reduce the total number of TFWs able to stay in housing on the farm. This would force the employer to seek housing elsewhere and increase an employee’s commute to the farm (off-farm accommodations and the need to commute are often a source of complaint by TFWs). It would be unfair to request that employers make costly renovations to existing buildings now when they were prevented from implementing these things at the time of building.
 - One employer in B.C. shared that they recently lost their TFW housing due to a fire. They requested approval to increase the floor space when rebuilding and were declined by local government. They invested over \$1-million in the rebuild which was approved in 2019. The proposed requirements would still require them to reduce occupancy by 40% if implemented, and it is unlikely the municipality would grant approval to build additional housing on-site.

- Another employer stated that they wanted to build their newest housing with more common areas to provide additional space for workers, but the municipality restricted them to the existing minimum required square footage per worker.
- Employers who have been unable to construct sufficient housing on their farms often try to rent or purchase additional accommodations in nearby towns. Existing municipal bylaws already make this option very difficult in some locations as it requires a change in zoning which can also require a public hearing. Adding the proposed new requirement around the number of washrooms would add another step by requiring employers to build custom homes (rather than renovating existing facilities).

2. Do the proposed requirements meet the objective of ensuring adequate personal space and privacy and eliminating the risk of overcrowding? In particular, are the proposed ratios of workers to sleeping quarters and essential amenities adequate?

It is unclear whether the proposed changes would achieve the objective of ensuring adequate personal space and privacy. The term, "adequate" is subjective to our personal experiences and living conditions. However, many of the proposed requirements are not economically feasible. There are other options available that could serve to improve quality of life and privacy in TFW housing. These include such things as barriers between beds and ensuring that bunkbeds are sturdy enough to accommodate adults.

It seems that many of the proposed requirements (the proposals to remove bunk beds and require 72" between beds, for example) have been suggested because of COVID-19 and the necessary measures that are required for preventing and managing outbreaks associated with this pandemic. This is not an appropriate course of action. Pandemics are rare events and are not a concern in a typical year. In the employers' point of view, the off-farm, government-sponsored quarantining utilized prior to moving workers to their usual TFW housing was a successful approach in B.C. (see our responses to the questions in section 2, "Public Health Considerations" for more details on off-farm quarantining and other measures for managing outbreaks during a pandemic).

There are many different types of housing used and many different types of farms with TFWs employed for varying lengths of time. These proposed requirements do not appear to offer any flexibility with respect to the specific needs of each farm and its own workers.

3. Should there be different requirements for workers who work in year-round jobs (e.g. greenhouses, mushroom production) vs. seasonal jobs?

The requirements of seasonal housing may differ from housing occupied year-round. Seasonal housing from late spring to early fall should allow more flexibility due to the average climate experienced during this time of year. It is reasonable to have washroom, kitchen and/or common area facilities that are in separate buildings from the sleeping quarters when the weather is moderate. It is less reasonable to expect TFWs to wade through snow or rain to use such facilities in the fall or winter. Covered outdoor common areas are also popular during the summer months and are viable options during this season.

4. What are possible approaches to better ensuring that workers have adequate freedom to come and go and are able to receive guests?

This question appears to stem from public health orders on restricted movement imposed this past season due to the COVID-19 pandemic. These were highly unusual circumstances and everyone living in Canada (and many places around the world) experienced limitations on their typical freedoms to visit friends and family. Provincial health restrictions are followed during a pandemic and, at the current moment, BC Health restrictions indicate that socialization outside the household is not permitted. Community transfer of COVID-19 was a big concern; communal living can amplify the spread of viruses. The focus in 2020 has been to keep COVID-19 away from farms through quarantine upon arrival, increased sanitizing in housing and at the workplace, and reducing workers exposure to the outside community to ensure workers are kept safe and healthy.

Workers still have freedom of movement for essential services, including going to the grocery store, bank, doctor's appointments, etc. In a typical year, workers are permitted to meet whomever they would like off-site and, in many cases, can request permission for visitors to their housing property.

Permitting guests would not be in the best interest of all the workers sharing the housing accommodations. Because these are shared living spaces, it is not fair to allow anyone to bring whomever they want on-site whenever they please. This could present personal health and safety concerns for the workers and makes enforcing house rules difficult when guests don't abide by them.

Most TFW housing is located on farms, near the workplace. Employers are required by provincial health and safety regulations to train staff on proper safety protocols for heavy equipment, chemical and sanitizer use, animal handling, etc. Allowing anyone free access could put untrained guests at risk and could have legal implications for employers if an accident were to occur. There are also food safety and biosecurity concerns with having free public access to farms.

Some people who desire access to farms may intend to cause harm to workers and/or employers and their families (who often live on-site as well). Many industries, including food processing and manufacturing, do not allow free public access to worksites to ensure the safety of the workers, the public, and the product being produced. This should not be any different for farms.

Some additional concerns expressed by workers about free access to housing sites by visitors include:

- Concern for privacy. Visitors may arrive late or stay late with the host. This can create friction if others want to rest, feel that their privacy is not respected, or feel that the common areas are too busy to use because visitors are using them.
- Concern for safety. Visitors could bring illegal substances, or other hazards into the housing.
- Concern for security. Workers have personal belongings in the housing, and some have experienced theft from off-farm visitors.

5. Are there other aspects or alternative approaches that should be considered?

BCAC supports more efforts to make sure that workers feel connected to their communities and feel that they are part of a team in their workplace. It is important that TFWs have opportunities to participate in extra-curricular activities, to visit with friends, and to enjoy parks and community recreational spaces. TFWs should also have access to healthcare and religious and cultural events and services. Of course, in the 2020 season and likely for most of 2021, there may be restrictions on these extra activities due to COVID-19 in accordance with public health orders.

Please refer to specific comments and other considerations of the proposed requirements in Annex A (found in the attached appendices).

II. Public Health Considerations

1. Would the proposed requirements assist in mitigating public health risks associated with pandemics and/or communicable diseases? What adjustments should be considered?

It is unclear whether the proposed requirements would assist in mitigating public health risks in the future. For COVID-19, the recommendation is to keep 72" of distance between one another. However, the next pandemic or communicable disease could spread much differently. It would not be appropriate to make sweeping, costly changes to housing requirements based on a specific 1 in 100-year event. It is unknown what the future will hold in terms of the next major pandemic and/or communicable disease.

As stated above, pandemics are rare events and are not a concern in a typical year. From the employers' point of view, the off-farm, government-sponsored quarantining process that took place this past year was a successful approach in B.C. There were very few outbreaks of COVID-19 on B.C. farms. BCAC supports the government continuing to sponsor off-farm quarantining to limit the spread of disease in years when this is necessary, rather than requiring all housing be updated to meet standards that may not be needed within a year. The federal government should assist with the costs of quarantining workers in the future, so provincial governments are not burdened with the entire cost (as was the case in B.C. in 2020).

BCAC is also supportive of implementing additional measures when necessary to manage a pandemic, such as those that were applied in 2020. Examples of these include providing workers with their own dish sets, performing additional cleaning and sanitizing in the housing and at the workplace, installing plexiglass barriers at the workplace and in lunchrooms, and providing workers with cleaning supplies.

Employers in B.C. have cooperated with provincial and local health authorities to address changing recommendations and requirements around COVID-19 as the pandemic unfolded and as more was learned about the virus. We expect that employers will continue to cooperate with health authorities in the future to address community health issues in a timely and responsible manner.

2. Are there additional requirements that should be considered to make living quarters more adaptable to pandemics and/or communicable diseases in the future?

No, as stated in question 1 in this section, pandemics are rare events and are not a concern in a typical year. It would not be pertinent to make sweeping, costly changes to housing requirements for a 1 in 100-year event. When pandemics and/or communicable diseases occur, employers can be asked and expected to make reasonable modifications to housing to limit the spread of disease, following a quarantine period, just as they did this year. For example, this past season, employers installed barriers between beds, increased cleaning schedules, provided additional cleaning supplies, created cooking schedules, and organized deliveries of food, medicine, and clothing to limit worker exposure to COVID-19.

During this pandemic, the recommendations and regulations constantly changed as health professionals learned more about how to limit the spread of the virus. It is important to work with

industry leadership to communicate best practices to employers and workers by ensuring that health objectives are shared in ways that are understood on farms. This should include practical examples of how to implement the requirements. BCAC believes that this was done effectively during the COVID-19 pandemic. BCAC was able to work with AgSafe BC and use public health orders to develop simple checklists and guidelines that farmers and farm workers could understand and implement. This assisted employers in responding appropriately and in a timely manner to recommendations that keep workers healthy and safe.

III. Impacts of new requirements

1. The government recognizes that adapting accommodations to meet new requirements for the program could require changes to existing structures or the building of new structures, and time to make changes.

Appropriate phase-in timelines are always required when there are new requirements. However, some of the proposed requirements will be impossible for employers to implement due to conflicts with provincial and municipal regulations (see our response to question 1 under “Adequacy of proposed requirements” for more information and examples on this subject). BCAC supports a thorough consultation with appropriate federal, provincial, and municipal authorities to reduce overlap and confusion on any proposed changes.

2. What would be the impacts for employers in terms of investments to adapt to proposed new standards? How could these impacts be mitigated?

Employers in B.C. estimate that it costs approximately \$20,000 to \$25,000 per worker to build new accommodations based on existing rules today. This does not include land costs. In most situations, employers believe that it would be impossible to meet the proposed requirements by renovating existing housing (for example, there would not be space to add the additional washroom facilities that are being proposed, and existing houses may have limitations with respect to piping and septic sizes that would make it impossible to add the washrooms as well). Employers have estimated that the cost to build new facilities at the proposed standards would be approximately \$35,000 per worker.

Based on the proposed requirements, employers estimate that they could house 40-60% fewer TFWs in their existing housing. For B.C., this means that to employ the same number of TFWs, there would be an immediate need to build new housing for 4,000 workers. Using an estimate of \$35,000 per worker to build new housing at the proposed standard, this means that the industry would need access to \$140-million to invest in housing to continue employing the same number of TFWs on their farms.

In many cases, renting off-farm housing for TFWs is not a solution. It presents challenges on several levels, including the ability to secure short-term rentals (given the housing shortage across B.C.), insurance challenges, etc. Employers currently using rental housing note that they are often restricted from making renovations by the property owner. If employers cannot renovate rental accommodations, this source of housing is removed as an option. When suitable rentals are found, they can be located far from the farm and require lengthy commutes. For example, one employer told us that the workers housed in their rentals typically have a one-hour commute each way to the farm.

3. What would be the implications of moving away from the use of bunkbeds? Are there alternative designs or approaches to bunkbeds that would meet public health objectives and improved living conditions?

Imposing the proposed standards for removing bunkbeds coupled with the proposal for 72" between beds would result in an immediate reduction in housing of 40-60%, as noted above. This past year, employers utilized curtains between beds where the distance was less than 72". These types of temporary (or more permanent) barriers need to be considered, whether the goal is to provide additional privacy or increase safety in the instance of a pandemic and/or communicable disease. It is also important to consider requirements in other jurisdictions around the use of bunkbeds to ensure that impact and cost of new regulations do not impede Canadian farmers from competing in the global market.

BCAC is also supportive of implementing and enforcing a bunkbed standard to ensure that beds are rated for adult use. Adding specifications around weight limits, construction materials, etc. would help to ensure that bunkbeds are sturdy and comfortable for workers. Adding curtains or other barriers would serve to give workers more privacy.

4. What other factors would affect the ability to implement new requirements?

As previously mentioned, there are many areas in the proposed requirements where there are conflicting requirements between federal, provincial and municipal regulations and bylaws. This creates a lot of confusion for employers over which requirements to follow. See our response to question 1 under the "Adequacy of proposed requirements" section for specific examples of conflicting regulations.

5. Are there implications from the perspective of PTs, including impacts on laws and regulations that would affect implementation?

As previously noted, one of the most challenging components for employers providing housing for workers are the many separate regulations that often overlap and sometimes conflict with each other. See our response to question 1 under the "Adequacy of proposed requirements" section for specific examples of conflicting regulations. Some of the proposed requirements conflict entirely with what has been imposed on employers in the past from provincial and municipal governments. Specific examples include municipal responsibility around housing and municipal fire codes.

In some cases, the agencies that are responsible do not have the time or resources to conduct the inspections associated with the proposed requirements. If that is the case, then these requirements should simply be recommendations or suggestions for best practices when building new TFW housing.

6. What could be the anticipated timelines for implementing new requirements such as these?

Employers estimate that it currently takes seven years to build new facilities from the time that they begin sourcing land for new housing. This is likely a conservative estimate should the proposed requirements be approved. Municipality building bylaws are restrictive and most municipalities have no timeline for approving and issuing permits. As indicated, the proposed requirements would result in a 40-60% decrease in TFW housing spaces. This means that farms in B.C. would

immediately be looking to double their housing accommodations all at the same time. This would likely result in further delays and increased costs.

There is also the question of securing such a large amount of financing all at once. It is unlikely that many farms will be able to cash flow the investment of doubling its worker housing in the short-term. This means that just because housing can technically be built within seven years from planning to completion, it does not mean that it can financially be done in this short timeframe. It can be a challenge for farmers to secure financing to construct TFW housing. Many banks cannot or will not lend money (especially large amounts of money) for non-agricultural assets. This brings even more emphasis to the need for the Canadian government to provide funds and loans to build TFW housing, as is provided in Washington State. See our summary comments for more specifics around loans and grants available to for TFW housing in Washington State.

7. There are differing approaches to the amount charged to workers for accommodations under the program. In some cases, accommodations are provided free of charge, while in other cases workers are charged a weekly amount.

Yes, and none of them reflect the market rate of the housing provided. Using estimates to build new housing of at least \$35,000 per worker under the proposed requirements, employers have the following expenses per worker annually:

- a) Annual interest on housing mortgage = \$1,400
 - Based on investment cost of \$35,000 per worker for a 40-person housing unit and 4% interest = \$56,000 per 40 workers = \$1,400 per worker
- b) Housing insurance cost = \$200
 - Based on total estimate of \$8,000 for housing unit
- c) Property tax for housing = \$150
 - Based on total estimate of \$6,000 for housing unit
- d) Maintenance and supply (appliances, utilities, furniture, etc.) for housing = \$1,200

Total: \$2,950 housing operational expenses per worker per year

Other costs covered by the employer on top of wages and housing include airfare, utilities, vehicles for transportation to work and shopping, and more.

There could be greater consistency in what is permitted to be charged, however provincial rules must also be taken into account to ensure that farms in different provinces are in an equitable position when it comes to worker deductions. If employers are expected to provide additional amenities (such as individual dish sets, extra linens, cleaning services, etc.), then they should be permitted to recover those costs.

8. To what extent should employers vs. workers be responsible for paying the cost of accommodations? What factors should be considered and why?

BCAC supports that workers should be responsible for an increased proportion of housing costs, particularly if any of the proposed requirements are implemented. Both minimum wage and housing costs have increased in recent years, so employers have faced rising costs associated with housing and employing TFWs. If improved housing is provided, then workers should have higher

deductions. Canadian farmers must be able to compete on a global market to attract workers and sell their products.

In other jurisdictions, including our direct competitors in Washington State, employers have access to direct loans and grants for constructing, improving, repairing, and purchasing TFW housing.² In effect, this provides a government subsidy to employers for the costs of employee housing. If workers are not paying market housing rates, government should assist Canadian farmers to subsidize employee housing costs as in the U.S. As stated in our summary comments, the federal government should conduct fulsome research on housing regulations, funding for construction and maintenance, and employee housing costs in competing jurisdictions before imposing new regulations in Canada to ensure that Canadian farmers can compete on overall costs and continue to attract workers.

As mentioned in our response to question 7 in this section, it can be challenging for farmers to secure financing to construct TFW housing in general. This brings even more emphasis to the need for the Canadian government to provide funds and loans to build TFW housing, as is provided in Washington State.

BCAC already encourages employers to develop house rules for all accommodations. These rules improve understanding of roles and responsibilities, improve communication, and help develop a "community norm." House rules should outline employer responsibilities for housing maintenance and employee responsibilities for maintaining the cleanliness of the housing provided. This type of written agreement could allow employers to be refunded if workers do not return items that are loaned to them in good working condition (for example, bed linens, pots and pans, etc.). Employers using this approach provide training on expectations and perform routine inspections to ensure that rules are being observed. They also report less problems in the accommodation. Government can help promote this approach and enable ways to hold both employers and workers accountable to upholding house rules.

IV. Inspections

- 1. The TFW Program will be engaging with PTs on potential approaches to improve oversight of TFW accommodations both before and after workers arrive. Potential measures include developing a list of authorized inspectors that employers must use to conduct accommodations inspections; and requiring that housing inspection reports include new elements of proof, such as photographs and geo-location information, to support subsequent integrity inspections.**

This is a great idea in principle, however, the pilot project completed this summer on joint inspections led by Integrity Services Branch in B.C. showed that individual regulators have very different areas of focus, are constrained on the information they can share with each other and have poor understanding of other related regulatory requirements. BCAC is supportive of improving inspections and relieving the regulatory confusion for employers, but a lot of work is needed to bring regulators together with a common vision and give them permissions to share pertinent information.

BCAC is also supportive of increased enforcement action to improve existing housing conditions, rather than increased requirements for all. A key component of increased enforcement must include

pre-emptive outreach and education for employers and workers to ensure that they are aware of housing requirements and expectations.

It is also vital to improve the consistency of the subjectivity around assessing TFW housing quality. Due to the variability in housing styles, it is impossible to develop prescriptive requirements for every situation. Having well trained and experienced inspection teams that are able to make sound and consistent interpretations will improve conditions. Many employers are already doing a great job of providing safe, comfortable housing to their workers. Making stricter requirements does nothing to improve living conditions if employers and workers do not know or understand the requirements and/or the requirements are not enforced in the first place.

The focus should be on bringing improvement to housing that needs it the most. We need properly trained inspectors and a robust audit process to ensure that inspectors are being held to the same standards that the program is holding employers to. More training and greater oversight of inspectors would be beneficial to increasing housing consistency and ensuring that housing with issues is improved for workers.

As mentioned in our response to question 8 under the "Impacts of new requirements" section, the federal government should support the development of standard house rules for TFWs. Having an enforceable house rules policy would improve consistency between housing units, and clearly outline employee and employer responsibilities for cleanliness and maintenance.

2. Would such measures serve to strengthen the consistency and quality of the accommodation's inspections process for the TFW Program?

Yes, improving the effectiveness of oversight of TFW accommodations would undoubtedly strengthen the consistency and quality of the accommodations' inspections process. Improving the inspections process, properly training inspectors, and ensuring enforcement action would go much further to improving employee housing overall than imposing stricter requirements for everyone (many of whom are already providing adequate housing for workers).

There are reports of different inspection outcomes depending on the inspector hired. This is a serious concern for employers and workers. The focus should be on bringing improvement to housing that needs it the most. We need properly trained inspectors and a robust audit process to ensure that inspectors are being held to the same standards that the program is holding employers to. More training and greater oversight of inspectors would be beneficial to increasing housing consistency and ensuring that housing with issues is improved for workers. Inspectors should also be trained to provide outreach and education and make forward-looking commentary around housing elements that may need updating in future years so that employers know where to focus improvement efforts.

3. More generally, what other aspects or alternative approaches should be considered to ensure compliance with new requirements both before and after workers arrive?

Overall, BCAC is supportive of enforcement of existing housing requirements, and penalties when there are issues. Harsh penalties for repeat offenders would go a long way to improving housing conditions and achieving greater consistency across housing units. BCAC believes it would be pertinent for the federal government to provide funding for a more effective review of employers and inspectors in B.C. and across the country.

There are many changes that could be made to the inspections process to achieve the goal of providing safe and comfortable housing for workers and remove some of the subjectivity from the process. Prior to the pandemic, B.C. was working with the provincial Ministries of Labour, Health and Agriculture to build a more robust inspections process. Details of this include:

- Providing education and outreach to employers and workers on regulations and expectations, and working with them to address discrepancies
- Proper inspector training (including on delivering education and outreach), certification and audit
- Developing a list of critical issues to focus on during on-site visits to ensure the health, safety and comfort of all TFWs
- Emphasizing less critical areas where continuous improvement could be achieved on inspections reports, and working with employers to find solutions in these areas over the longer-term
- Adding a mid-season review to address any issues with lack of maintenance or upkeep during the season when workers are living in the housing, and to verify that the original assessment was accurate for quality control
- Establishing a process for receiving complaints through the use of a neutral third party (or through B.C.'s new HUB Connect app) so that workers feel more comfortable raising any concerns

It would also be pertinent to collect and review housing complaints at an aggregate level to provide the industry with statistics on the overall quality and maintenance of TFW housing. These details could serve to inform the focus for outreach and education efforts to employers to ensure that they understand their responsibilities.

ABOUT US

BC Agriculture Council (BCAC) is a “Council of Associations” providing leadership in representing, promoting, and advocating the collective interests of all agricultural producers in B.C. The Council fosters cooperation and a collective response to matters affecting the future of agriculture in the province and facilitates programs and service delivery for several programs that benefit the industry.

Our organizational structure allows us to tackle issues efficiently in collaboration with staff from our member associations and also between board directors, achieving farmer-to-farmer communication.

Over the years, BCAC has developed strong relationships with industry leaders, elected officials, policy makers and government representatives through ongoing policy dialogues and industry networking. BCAC staff and members are influential participants at the local, provincial and national level where they explore policy issues and industry priorities that affect BC's agriculture sector.

Western Agriculture Labour Initiative (WALI) supports BC farmers and ranchers by working with governments to develop labour policies that benefit both farmers and workers. WALI works with member organizations to find solutions for temporary foreign worker (TFW) program related issues.

APPENDIX A – BCAC comments on specific proposed elements

Proposal element	Proposed requirement	Recommendations
Building structure	Accommodations must be sound as per PT building codes, fire codes and health and safety legislation	Agree – But there are still challenges in some regions where the responsible authority does not have the time and resources to support the TFW housing program, and does not provide the required approvals.
	The building must be accessible to the public	Housing is a private, shared dwelling for the workers. All workers would need to feel comfortable with invited guests. Also, much of the TFW worker housing is on-farm. Allowing free public access would create food safety and biosecurity concerns, on top of the personal safety concerns for workers, employers and their families. COVID-19 restricted movement this past year but, typically, workers are permitted freedom of movement and association off the housing property.
	Housing must allow for a range of 20°C – 25.5°C to be maintained in all areas at all times	Temperature ranges should be suggested, not prescribed, as some workers prefer much warmer conditions. The range is too tight and should be maintained at the current B.C. requirement of 18-27 °C. Adding the wording “maintained at most times” would allow some flexibility, and the focus should be on maintaining these temperatures in the sleeping quarters.
	Housing must have heating and A/C to maintain this range	This requirement should not specify “how” the temperature is maintained, but rather that the prescribed temperature range be maintained at most times. It is not necessary to require A/C as many homes in Canada do not have A/C at all. This requirement would present further challenges for those employers who rent homes for TFWs as they cannot make changes like adding A/C when they don’t own the home. Space heaters are a fire hazard.
	Sufficient furniture should be provided dependent on the number of workers housed in the accommodations	
	Furniture should be of sound construction and in good condition.	Agree

	A maximum occupancy rate of 7.44 sq. m (80 sq. ft) of total usable, and unobstructed floor area per person for common living spaces	The justification states that B.C. requires 80 sq. ft. in common areas. This is incorrect. B.C. requires 80 sq. ft. per worker for the entire accommodation. This is sufficient. Additionally, the reference to “unobstructed floor area” is unclear.
Sleeping quarters	Maximum of 4 persons per room	Particularly when renting homes, some homes have large bedrooms or bedroom/playroom areas that can adequately house more than four beds.
	Minimum 2m between beds	This is unacceptable. The 72” proposal stems out of COVID-19 recommendations. We don’t expect COVID-19 to be a concern for more than 1 or 2 more growing seasons so we should not make permanent requirements as a result of the pandemic. (Also, the recommendation for COVID has been 72”, which is actually 1.8m). Employers would prefer to use partitions (temporary or permanent) when there is less than 1.8m between beds.
	Desk required per room	Provide a desk per cohort in the bedroom OR another common space.
	Waste basket per room	This is a concern because the waste baskets may not get emptied frequently, and could cause odours and/or attract rodents.
	Padded chair per room	This is not necessary. Seating areas are provided in the common areas.
	Minimum one coat hook per person in bedroom	The term “coat hook” is too prescriptive. Some housing units have closets instead of hooks for hanging clothing.
	Door and a mortise-type lock per room	Locks are a fire hazard. Additionally, some employers who have provided locks in the past have indicated that there were many issues with lost keys. BCAC recommends that the requirements include a suggestion to provide one storage locker (with the lock provided by the employee) per worker.
	All beds must consist of a proper bed base/frame at least 20 cm (7.87 inches) off the floor; mattress min width of 38” (95.6 cm); min length of 75” (190.5 cm), min height of 25” (63.5 cm)	A standard twin bed is 74” in length, not 75”. Standard mattress thickness is 6-7”.

	Linens package which includes a minimum of 2 pillowcases, 2 sheet sets and at least 1 blanket per bed	This is acceptable, but employers should be permitted to have workers sign off on receipt of the linens, and request a deposit that is returned when the linens are returned in proper order.
	Adequate, enclosed, storage space/compartments within a reasonable distance from the bed, which may take the form of one locker OR one shelf OR a small dresser (2-4 feet in size)	This requirement could include a recommendation/suggestion for drawers as they keep the room tidier and give the workers more privacy.
	Review approach to bunkbeds, including alternative designs/approaches that would meet public health objectives and improved living conditions.	
	Males and females cannot share a bedroom (unless they are spouses)	
	Workers should be provided their own individual bed and are not required to share a bed with anyone other than a spouse.	Removing bunkbeds would cut the occupancy rate of B.C. TFW housing by 40-60%. We are open to putting up privacy curtains/barriers, but cannot support the removal of bunkbeds entirely. However, BCAC is supportive of implementing a bunkbed standard that would ensure bunkbeds are sturdy and are rated for adult use.
	Spouses should be provided with a double/queen size mattress.	
Washroom facilities	All washrooms must be within worker accommodations.	This has not always been done in the past as some authorities have discouraged building TFW housing and facilities on permanent foundations.
	Washrooms to be separated from sleeping rooms by full partitions and lockable doors	

	and to have separate ventilation with exhaust fan.	
	One (1) toilet for every five (5) workers.	The B.C. ratio of 1 toilet for every 7 workers should be maintained. BC changed this to 1 toilet per 7 workers (from 1 toilet per every 10 workers) several years ago after discussions with foreign governments. To our knowledge, there have not been significant complaints since then, so it seems unnecessary to change it again.
	1 shower, opaque privacy barriers, for every 4 workers. Each shower to have an adjacent dressing cubicle with curtains, a hinged seat on the wall or a bench seat and 2 double clothes hooks.	The B.C. ratio of 1 shower for every 7 workers should be maintained. This ratio was discussed and negotiated with foreign governments when the ratio for toilets was changed. To our knowledge, there have not been significant complaints since then, so the change seems unnecessary. Further, a seat and adjacent dressing areas are not necessary if the shower is in its own room with a locked door, and the adjacent floor area remains dry.
	1 sink furnished with a mirror above for every 4 workers with hot and cold running water.	The B.C. ratio of 1 sink for every 7 workers should be maintained. This ratio was discussed and negotiated with foreign governments when the ratio for toilets was changed. To our knowledge, there have not been significant complaints since then, so the change seems unnecessary.
	Urinals shall be furnished at the ratio of 1 per 15 persons.	It is unclear if this is in addition to the number of toilets or in lieu of the toilet requirement. It is not necessary as an additional requirement.
Eating facilities	1 dining set with table and chairs in good condition for every 10 workers	This requirement should be that there is enough space for all workers to sit down and eat at the same time if that is the intention. It may take the form of a table and chairs, but some housing units also have eating space and stools at the counter.
	1 microwave for every 10 workers	
	1 oven and stove; minimum of 4 functional burners for every 6 workers	Some homes have separate ovens and stove cooktops. One cooktop per every 6 workers is adequate, but the ovens are not used often. One over per housing unit is likely sufficient.
	1 refrigerator with sufficient space for food storage for every 6 workers	Some farms use walk-in type coolers with individual lockers (an approach that is appreciated by the workers). The proposed wording is far too prescriptive and does not provide the flexibility needed. It would be better to specify the

		amount of refrigerated space required per worker as refrigerators come in many different sizes.
	Adequate cabinets and shelves for cooking equipment and food storage	
Laundry facilities	Worker accommodations must contain free laundry facilities for the workers	
	1 full-sized washer and dryer for every 10 workers.	Washers and dryers do not need to be full size as workers do not have full loads. Apartment-size stacking units are okay and may permit space for additional units to be provided. Some municipalities do not allow dryers in the facilities as they can be a fire hazard. We suggest adding a clothesline as an alternative requirement when dryers are not permitted.
	Additional drying facilities (e.g. clotheslines) must be in laundry area and not in the bedrooms.	
	Facilities used to clean personal protective equipment (e.g. spray masks, rain gear, gloves) must be separate from laundry machines and living areas.	
	Access to phone service and free internet will be provided where available.	Internet is not always readily available in rural B.C. and can be expensive when it is. Also, most workers have smartphones, so telephones are not likely necessary anymore. Regardless, this requirement needs flexibility to allow employers to monitor usage at the employee-level and to restrict usage if there is abuse. One individual's overuse should not affect the whole household if data limits are exceeded, for example. It is also recommended that this be a shared expense between employers and workers.