

Navigating the Temporary Foreign Worker Program During COVID-19



April 28, 2020

WHAT WE WILL COVER

Welcome – OFA

Brief Overview - CAHRC

What's Happened with TFWs in Ontario Since Mar 30 webinar - OFVGA

What's Happening at the Federal Level and Looking Forward - CFA

Q&A



PRESENTERS



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DISCLAIMER

The COVID-19 pandemic is an evolving situation and the response to it is also evolving. The information shared in this webinar is based on the current environment of April 28, 2020.

Information shared in this webinar does not replace workplace requirements as outlined by federal, provincial and regional legislation, regulations and requirements (e.g. Quarantine Act, Employment Standards, Human Rights, Occupational Health and Safety) and should not be used as or considered legal advice.

It is the responsibility of workplace parties to ensure compliance with the legislation. This document does not constitute legal advice.

OFA WELCOME

COVID-19 Resources



<https://ofa.on.ca/covid-19/>

<https://www.ofvga.org/covid-19>

<https://www.cfa-fca.ca/resources/resources-on-covid-19/>

<https://cahrc-ccrha.ca/programs/emerging-agriworkforce-issues/information-and-updates-coronavirus-covid-19>

Overview

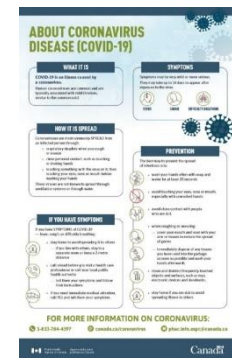


KEEPING EMPLOYEES SAFE ON THE JOB

Make sure employees are informed

- Ensure your workers have access to information about proper protocol to limit transmission.

- Post fact sheets areas



- Keep up-to-date on current information at www.Ontario.ca

KEEPING EMPLOYEES SAFE ON THE JOB

- Where possible, workers are encouraged to keep 2 metres apart.
- In circumstances where 2 metres cannot be maintained, the employer must protect the worker from the hazard.
- Control measures including robust screening, hand hygiene, cough/sneeze etiquette and frequent cleaning of high touch surfaces are even more important.
- In the hierarchy of controls the last line of defence is personal protective equipment (PPE).

- Ministry of Labour, Skills and Training Webinar April 23, slide 12

PHYSICAL DISTANCING/LIMITED CONTACT

- Do not allow employees to congregate e.g. No group coffee/lunch breaks
- Reduce numbers of workers in close spaces, adjust schedules/work flow to keep employees apart
- Consider creating work teams to reduce contact
e.g. Have “Barn Teams” that do not interact/cross paths with other “Barn Teams”
- Limit number of people accessing equipment
- Encourage workers from separate households to travel to and from work on their own for now
- Install physical barriers or partitions

INCREASE CLEANING PROTOCOLS

Regularly clean and disinfect:

- Frequently touched surfaces (e.g. workstations, countertops, fridge/freezer doors, steering wheels, hand tools, handles, light switches, doorknobs, etc.);
- Entry points to farm structures, common spaces, breakrooms, bathrooms and showers, between uses, and at the end of the day;
- Farm equipment, tools, and machinery.

Source: Ontario Workplace Safety & Prevention Services Health and Safety Guidance for Agricultural Workers during COVID-19

INCREASE CLEANING PROTOCOLS

How to find out which disinfectant meets Health Canada's requirements for COVID-19

1. Locate the Drug Identification Number (DIN) on the disinfectant product label
2. Look for that number on the [Disinfectants for Use Against SARS-CoV-2 \(COVID-19\) list](https://www.canada.ca/en/health-canada/services/drugs-health-products/disinfectants/covid-19/list.html)

Source:

<https://www.canada.ca/en/health-canada/services/drugs-health-products/disinfectants/covid-19/list.html>

INCREASE CLEANING PROTOCOLS

- For any soiled uniforms, laundry etc. , minimize shaking and disturbance; If possible, arrange to ensure the laundering of items using the warmest appropriate water setting for the items and dry items completely and clean and disinfect hampers or other carts for transporting laundry and sanitation equipment.
- Improve fresh air intake/air circulation with open doors, windows or fans. Increased airflow can reduce contaminant build up.

Source: Ontario Workplace Safety & Prevention Services Health and Safety Guidance for Agricultural Workers during COVID-19

MANAGING VISITORS AND PERSONNEL ON THE FARM

- Ensure farm entry is limited to personnel performing essential activities (i.e. those required for the care and wellbeing of the farm and farm animals, employees and facilities, as well as individuals carrying out inspections for regulatory functions)
- Pre-authorized visitors to the farm (e.g. feed delivery, seed delivery, milk truck, veterinarian, farrier, etc.) should call ahead and schedule a meeting or drop-off time. Limit the number of visitors at any one time to reduce potential interactions.
- Screen visitors prior to entry into the site for signs of illness and restrict entry. Ensure visitors adhere to the following practices while on site.

Source: Ontario Workplace Safety & Prevention Services Health and Safety Guidance for Agricultural Workers during COVID-19



MANAGING VISITORS AND PERSONNEL ON THE FARM

- Designate and provide signage for a specified area where interactions (e.g. drop off, pick-up, service) will take place.
- Limit face-to-face contact wherever possible. Always ensure a minimum distance of two metres between yourself and others. Avoid physical contact such as shaking hands or hugging.
- Limit physical signature requirements and utilize online and/or phone transactions wherever possible.

Source: Ontario Workplace Safety & Prevention Services Health and Safety Guidance for Agricultural Workers during COVID-19

KEEPING EMPLOYEES SAFE ON THE JOB

Government of Ontario Guidelines

Your responsibilities (Employer)

If you find out a worker has been exposed to COVID-19 at work, or a related claim has been filed with the WSIB, make sure to notify the Ministry of Labour, Training and Skills Development and your workplace joint health and safety committee, health and safety representative and trade union, if you have them.

Emergency leave due to COVID-19

We created a new [unpaid, job-protected infectious disease emergency leave](#). Workers can take this leave if they are not able to work due to COVID-19. Learn more about the [new leave and the *Employment Standards Act*](#).

<https://www.ontario.ca/page/covid-19-support-businesses#section-4>

KEEPING EMPLOYEES SAFE ON THE JOB

For more details on requirements to keep employees safe:

- Consult the Workplace Safety & Prevention Services (WSPS) Health and Safety Guidance for Agricultural Workers during COVID-19
- Review the Ministry of Labour, Training and Skills [webinar](#) from April 21, 2020.
- Review employer requirements regarding leave by the Government of Ontario at <https://www.ontario.ca/page/covid-19-support-businesses#section-4>

KEEPING EMPLOYEES SAFE ON THE JOB

Pandemic / Emergency Plans

- Key contacts
 - Emergency response
 - Local hospital
 - Employee emergency contacts
 - Suppliers, customers
- Chain of Command
 - Who is in charge (1st, 2nd, 3rd)
 - Roles and responsibilities

CFIA GUIDELINES

CFIA expectations for the prevention of and response to suspected and confirmed cases of COVID-19 by operators

“In order to protect the health and safety of its employees, the CFIA expects that each operator abide by the advice and guidance provided by the [Public Health Agency of Canada \(PHAC\)](#), as well as by local public health authorities in addressing the COVID-19 outbreak. Operators must be prepared to respond to queries from the CFIA. The absence of appropriate measures by the operator to protect CFIA employees may impact the delivery of CFIA inspection services.”

Link to Guidelines:

<https://www.inspection.gc.ca/covid-19/cfia-information-for-industry/cfia-expectations-for-the-prevention-of-and-respon/eng/1586912798979/1586912981233>

CFIA GUIDELINES

Operator: Any regulated party or business to which the CFIA may be required to physically interact for the purposes of carrying out its mandate, including, but not limited to:

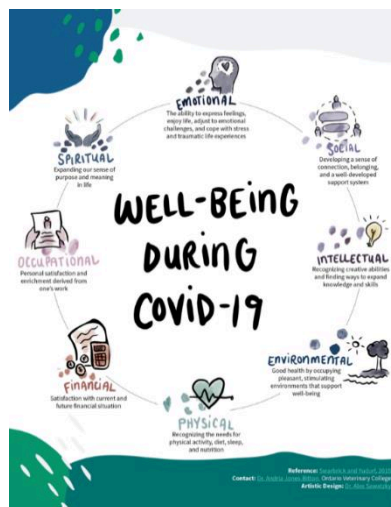
- food processing establishment where a CFIA inspector conducts inspection activities, or
- farm where a CFIA representative carries out an animal disease investigation

Source:

<https://www.inspection.gc.ca/covid-19/cfia-information-for-industry/cfia-expectations-for-the-prevention-of-and-respon/eng/1586912798979/1586912981233>

TAKE CARE OF MENTAL HEALTH

OFA:



Other Resources: [Wellness Together Canada](#), [CAMH Mental Health and COVID-19](#)

Spanish: [Ontario Fruits and Vegetable Growers Association Mental Health Resources](#), [Multicultural Mental Health Resource Centre](#), [US Centre for Disease Control and Prevention](#)

CANADIAN AGRICULTURAL HR COUNCIL

HERE TO HELP

HR TOOLKIT

AGRI
HR TOOLKIT

Recruitment, Selection, and Hiring ▾

Compensation and Benefits ▾

Worker Performance ▾

Succession Planning ▾

Workforce Planning ▾

HR Policies ▾

Health and Safety ▾

Workplace Wellness ▾

Diversity and Inclusion ▾

NEW! Foreign Workers

Welcome to the The AgriHR Toolkit

Français



What's Happened with TFWs in Ontario Since Mar 30 webinar



WHAT'S NEW – PROVINCIAL TIMELINE

March
31

- Ministry of Health [Guidance](#) for TFWs

April 21

- Ministry of Labour compliance initiative [launch](#)

April 23

- WSPS Health and Safety [Guidance](#) for Agricultural Workers during COVID-19

MINISTRY OF LABOUR

Ontario Health and Safety Act

25 (2)(a) “an employer shall provide information, instruction and supervision to a worker to protect the health or safety of the worker;”

25 (2)(h) “an employer shall take every precaution reasonable in the circumstances for the protection of a worker;”

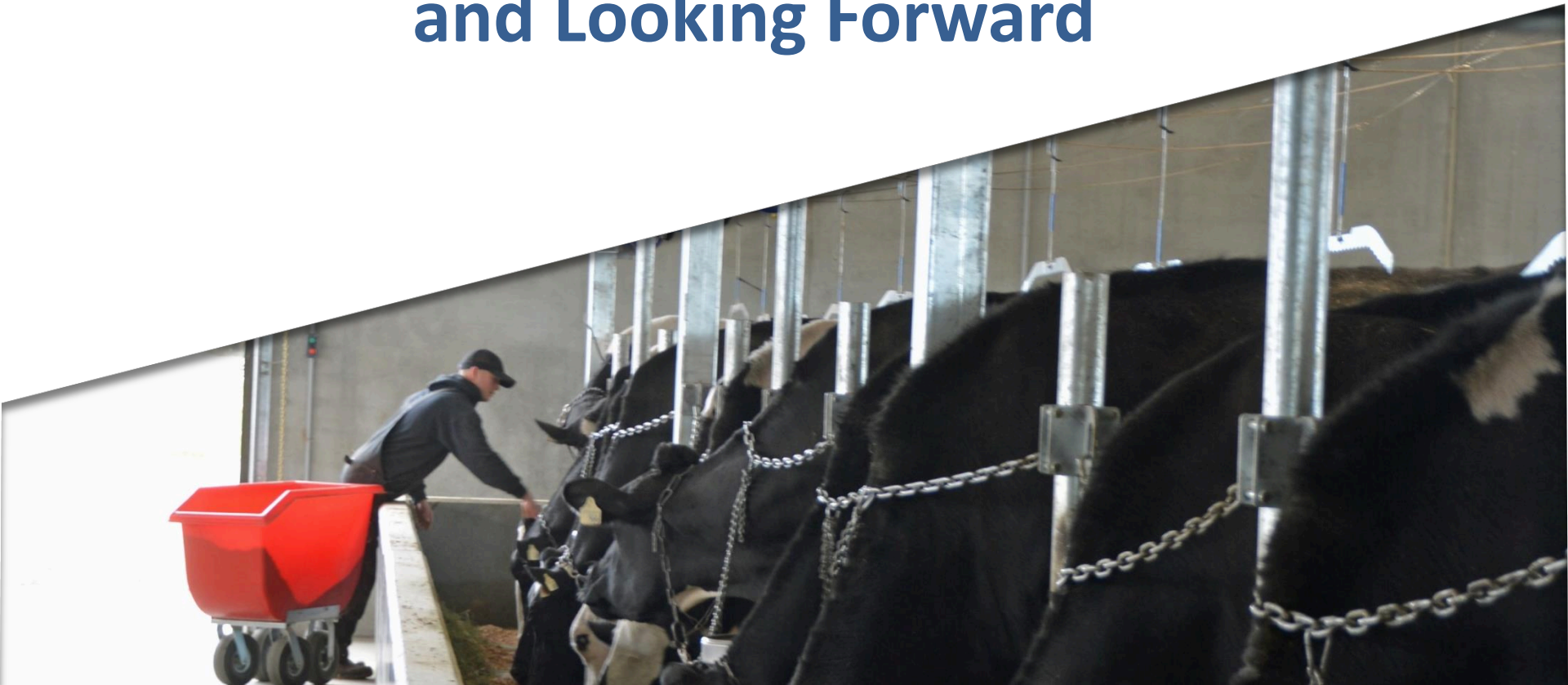
PLANNING FOR AN OUTBREAK

At minimum:

- Capacity and protocol for isolating symptomatic or confirmed sick individuals in separate accommodations
- Written plan/protocol for dealing with symptomatic or confirmed cases, **e.g. contacting local health unit**

Consult with your local public health agency if you can

What's Happening at the Federal Level and Looking Forward



WHAT'S NEW – FEDERAL TIMELINE

March

- ESDC TFWP Guidance
- Updated housing inspections guidance & processing improvements
- Update on work permit extensions

1st

- FAQ on COVID TFWP Protocols
- Joint Ministerial Letter

13th

- \$1,500 support for farmers
- Additional measures regarding travel, isolation and quarantine

20th

- Guidance on special compliance inspections

April

WHAT'S NEW - FEDERAL MARCH

March 24th: Initial guidance

March 27th: Temporary housing inspection approach:

- If cannot submit recent HIR, first try to provide a satisfactory HIR obtained within previous 3 years AND provides a new HIR within duration of work permit.
- If cannot provide HIR from previous 3 years, LMIA can be issued IF employer provides photos of accommodation AND provides new HIR within duration of work permit.

March 27th: Work permit extensions:

- Extended terms for biometric collection and priority status

WHAT'S NEW - FEDERAL

APRIL

April 1st Letter from Ministers

- Penalties up to \$750,000 for TFWs
- \$1 million or imprisonment for “causing a risk of imminent death or serious bodily harm to another person while wilfully or recklessly contravening this Act “

TFWP Frequently Asked Questions

- Self-isolation is mandatory without special designation by Chief PHO
- No CERB during self-isolation, employers must pay 30 hours
- What to do if a worker gets COVID

WHAT'S NEW - FEDERAL

WEEK OF APRIL 13TH

Support for Farmers

- \$50 million in support, \$1,500 per worker
- For wages while in quarantine, costs of housing space to isolate, other associated costs (details TBD)

Update to Mandatory Requirements

- Quarantine/self-isolation cannot be in contact with vulnerable people (e.g. ppl over 65 years old, existing medical conditions)
- Need to confirm place of quarantine upon arrival
- All entrants require non-medical masks or face coverings (provided, if needed)

WHAT'S NEW - FEDERAL

WEEK OF APRIL 20TH

Special Compliance Inspections during COVID-19

- New regulations came into force April 20th clarifying employers' specific responsibilities
- Service Canada inspectors focused on new requirements
- Must inform SC when employees arrive at work location:
esdc.isb.quarantine-quarantaine.dgsi.edsc@servicecanada.gc.ca
- Virtual inspections: documents and photos, interviews, tours, etc.
- Inspectors have discretion on non-compliance
- Administrative Monetary Penalties apply

WHAT'S NEW - FEDERAL ANTICIPATED MEASURES

April 15th: Fed-Prov Wage 'Top-up'

- Cost-sharing program to top-up wages of essential workers making less than \$2,500 per month
- Details expected this week
- CFA concerned with \$2,500 figure, wage rates and seasonal variation in hours

April 22nd: Canada Student Service Grant

- \$5,000 to support student's post-secondary education costs in the fall
- Linked to students taking part in national service, skills development
- CFA noted need for farm work to qualify



Questions and Answers



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Thank you

