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**RE: Stakeholder Consultations on Mandatory Requirements for Employer-Provided Accommodations in the Temporary Foreign Worker (TFW) Program**

The Ontario Federation of Agriculture (OFA) is pleased to provide comments to Employment and Social Development Canada (ESDC) on Stakeholder Consultations on Mandatory Requirements for Employer-Provided Accommodations in the Temporary Foreign Worker (TFW) Program. OFA is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. We are passionate and dedicated to ensuring the agri-food sector and our rural communities are included, consulted, and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses.

Ontario's diverse and innovative agri-food sector is a powerhouse for the province – growing and producing more than 200 farm and food products, fuelling our rural communities and driving the provincial economy by generating more than 860,000 jobs and contributing over \$47 billion to Ontario's annual GDP. We are the leading agricultural advocate for Ontario farmers, their businesses, and their communities.

OFA represents the interests of Ontario's farm businesses – the employers of farm labour. In that role, we take our obligations to farm workers seriously and believe that all farm workers, from both Canada and abroad, should be treated with dignity and respect, and be provided with a safe, fair and rewarding work environment.

While the OFA supports the principle of providing jobs to Canadians first, foreign labour is also required to fill a significant and ever-increasing shortfall in farm labour. OFA supports access to foreign agricultural labour provided there is a shortage of Canadian workers seeking agricultural employment.

In its role as an advocate for Ontario's farm employers, OFA works closely with the Labour Issues Coordinating Committee (LICC) and the Foreign Agricultural Resource Management Service (FARMS). LICC is a farmer-driven coalition group representing the interests of Ontario employers in the agriculture and horticulture sector. Together we represent the unified voice of farm employers from across the province; from over 200 different commodities; from big farms and from small; and from large employers to those that have only one employee.

The nature of agricultural production is a fundamental driver for OFA's position and advocacy on farm labour issues. Our farm workplaces are different. At its core, farming attempts to control the growth of plants and animals under conditions that are rarely under a farmers' control. To do this successfully, it requires a very *flexible* approach to managing people, and a *flexible* approach to matching human resources with the demands of food production.

Agricultural production is a highly seasonal activity, and there is a high variability around when crops are planted, and when they are ready for harvest. The challenge of growing food that is subject to highly variable weather conditions creates high risk and vulnerability of employers, especially when the vast majority of our products are marketed in a domestic or international marketplace where competition is strong, margins are very tight, and the returns on investment are not dictated by the producer.

## **Key Considerations for approaching federal accommodations standards**

- *Respecting for the existing provincial standards and local jurisdiction*

This consultation is intended to address situations where accommodations standards are inadequate. The proposed solution is to apply an across-the-board standard to the dozens of local health units which each have their own provincial and local dynamics with interrelated public health, fire and building regulations.

We caution against pursuing rigid federal consistency for its own sake, especially for areas in which provinces and local health units have a history of having well-established and enforced standards, such as Ontario.

It should be noted that Ontario's current housing guidelines for seasonal farm workers were authored by Ontario's local health units and were most recently updated in 2010, in the immediate wake of the H1N1 pandemic. It is also important to note that in order to receive an approved Labour Market Impact Assessment (LMIA) and continue with the TFW application process, an employer must prove that they have passed a housing inspection.

- *Enabling local responsiveness to future pandemics*

Respect for the knowledge and expertise of local health units is particularly important in the context of a pandemic. The current COVID-19 pandemic has highlighted the need for local departments (e.g. building, fire and health) to be able to approve additional housing within short time windows depending on the nature of a pandemic, to accommodate public health needs like self-isolation, quarantining and physical distancing.

We caution against using an overly rigid and prescriptive approach that has the unintended consequence of preventing local departments from finding timely solutions for additional accommodations during future pandemic situations. Local flexibility is critical to avoid such unintended consequences.

- *Evidence-based solutions*

It is critical that any prescriptive changes to the accommodations standards or other program changes are truly evidence-based to avoid negative or catastrophic unintended consequences.

In particular, with bunkbeds being a feature of health unit-approved worker accommodations for decades, it is concerning that the consultation document appears to represent bunkbeds as inherently bad and directly contributing to overcrowding and poor living conditions and acting as an amplifier of disease transmission, especially since no evidence is offered to support this premise. To the contrary, there is plenty of evidence that a wide range of physical

arrangements can achieve public health objectives when coupled with appropriate precautions<sup>1</sup>.

While we recognize the government's desire to consider elements that would make accommodations more adaptable to future pandemics, these improvements should be evidence-based rather than based on a demonization of certain practices without scientific arguments.

## Recommendations

1. That **public health** be recognized as the main determining factor behind policy decisions about employer-provided accommodations for TFWs. Worker health must always be the immediate and long-term priority.
2. That the proposed federal standard be implemented following the principles used to apply the Greenhouse Gas Pollution Pricing Act (GGPPA) in different jurisdictions across Canada, where provincial jurisdiction is respected and a federal default standard is only applied where a satisfactory provincial standard does not exist.

This model has already been successfully implemented to differing degrees for COVID-19-specific standards: Since the spring of 2020, ESDC has issued a number of federal directives<sup>2</sup> which have been incorporated into provincial guidelines (e.g. Ontario's guidelines regarding Temporary Foreign Workers<sup>3</sup> and on-farm housing<sup>4</sup>); these provincial guidelines have in turn been incorporated into local health unit requirements and checklists (e.g. Niagara Region<sup>5</sup>) *in a way that allows them to respect unique local circumstances such as building and fire code requirements*.

3. For employers seeking to meet one or more elements of the federal standard, **cost-share funding support** should be provided to make the associated investments needed to modify existing accommodations and/or establish new accommodations needed to meet the new requirements. This should include dedicated cost-share funding over and above all current programs, for 75% of incurred costs with no funding limit on individual employers (although a funding limit per occupant in the accommodation may be workable).

<sup>1</sup> <http://ph.lacounty.gov/media/Coronavirus/docs/settings/GuidanceBedPositions.pdf>

<sup>2</sup> <https://www.canada.ca/en/employment-social-development/services/foreign-workers/employer-compliance/covid-guidance.html>

<sup>3</sup>

[http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019\\_foreign\\_workers\\_guidance.pdf](http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_foreign_workers_guidance.pdf)

<sup>4</sup> [http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/COVID-19\\_Farm\\_Outbreak\\_guidance.pdf](http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/COVID-19_Farm_Outbreak_guidance.pdf)

<sup>5</sup> <https://www.niagararegion.ca/health/covid-19/reopen/farmers.aspx>

## Responses to SECTION A – Questions for All Stakeholders

### *Adequacy of Proposed Requirements*

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

OFA believes that provincial jurisdiction over accommodation standards should be respected and a federal default standard should only be applied where a provincial standard does not apply. The approach the federal government took towards implementing the Greenhouse Gas Pollution Pricing Act (GGPPA) illustrates that this principle can be implemented in practice<sup>6</sup>.

Ontario Public Health Inspectors ensure that the owners of accommodations follow the housing guidelines for seasonal farm workers set out in the Ministry of Health and Long-Term. These guidelines already address the specified goals of the federal proposal. For example, Ontario guidelines already have minimum space requirements for total floor space and air space in sleeping area; have set out minimum ratios for wash basins, showers, toilets, laundry washing machines, access to laundry drying; and provide direction on minimum indoor temperature and adequate ventilation. It should be noted that this standard was updated in 2010 in the immediate wake of the H1N1 pandemic.

At minimum, any superseding of provincial jurisdiction and standards needs to have a strong evidence-based rationale for why the established and accepted provincial standard is insufficient. The justifications currently listed next to the proposed federal requirements in Annex A of the consultation document are mostly examples of alternatives, but do not appear to constitute a sufficient rationale for why the proposed value is more adequate or justifiable than those of existing provincial standards.

OFA is concerned that elements of the proposed federal standards potentially infringe on our farmers' rights to protection from unsolicited intrusion to their property, rather than respecting provincial property rights. The consultation key objective of *ensuring that accommodations enable workers to have freedom of movement and reasonably receive guests without restriction, while respecting biosecurity and public health considerations* is contrary to Right of Access provisions set out in the Agricultural Employees Protection Act, 2002 (AEPA).

A further assessment of the proposed requirements is provided in **Appendix 1** of this document.

#### **Question 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?**

The current ratios and related parameters in the Ontario housing guidelines are the product of extensive consultation between the Ontario government and public health officials across the province. These ratios are based on expert evidence and developed in the context of another deadly pandemic, the H1N1 pandemic of 2009.

<sup>6</sup> <https://www.canada.ca/en/environment-climate-change/news/2016/10/canadian-approach-pricing-carbon-pollution.html>

It is unclear why these provincial standards should be considered inadequate or why provincial jurisdiction should not be respected. Again, OFA contends that where a provincial standard is not established and/or enforced, it may be appropriate to impose a federal default standard.

Regardless of approach, before adjusting ratios, it must be considered how much time workers spend in their accommodations compared to other people living in congregate housing. TFWs have limited time in Canada and often seek to maximize their working time and income during this period. Compared to nursing homes and other facilities where occupants spend large portions of the day indoors, TFWs will spend far less time in their accommodations. This should be factored into any considerations related to ratios.

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

It is important to recognize that there is a significant range in the usage patterns of accommodations for TFWs working on different farms. Seasonal farms do a year's worth of harvesting in a window of just several weeks, leading to "peak housing demand" for a relatively short amount of time. Growers have indicated that the majority of their total housing is only used for 6 weeks of the year during harvest; the remainder of that time, the accommodations are unoccupied.

Put another way, to provide housing for 300 weeks worth of farm work, such a seasonal farmer would need to have accommodations for 50 workers, while a year-round farmer would only need accommodations for 6 workers. The same would apply with any cost associated with new requirements.

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

OFA suggests the best, and possibly the only legally compliant approach is to defer and adhere to provincial legislation including trespass laws, which require the owner of the property (in this case, the farmer) to consent to a person coming onto their property.

Farmers and their employees who live on the farmer's property are best suited to make workable arrangements for workers to be able to safely come and go and to receive guests. We do not believe these arrangements should be federally prescribed, since they will not take into account a range of factors that are typically provincial in nature, including:

- General trespass legislation<sup>7</sup> which protects the safety of the landlord, their family and their property;
- Agriculture-specific trespass legislation<sup>8</sup> which safeguards the biosecurity of farms;
- Local and provincial public health restrictions on congregation of persons;
  - Farm employers are obligated through Occupational Health and Safety regulations<sup>9</sup> to ensure compliance with these restrictions for all parts of the workplace including accommodations;

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<sup>7</sup> <https://www.ontario.ca/laws/statute/90t21>

<sup>8</sup> <https://www.ontario.ca/laws/statute/20s09>

<sup>9</sup> <https://www.ontario.ca/laws/statute/90o01>

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- Food safety certification (e.g. Global GAP, Canada GAP) which requires a log of every visitor; all of Canada's major retailers require their farm producers and suppliers to comply with these protocols, and access to export markets is contingent on compliance.

Furthermore, all farm workplaces are different, requiring an individualized approach to ensuring workers and any visitors (guests) coming to the farm are aware of hazards and how to avoid injury. In some situations, it simply may not be practical for workers to meet or receive guests on the farm. As we stated earlier, this points to a need for farm employers and their workers who live on the farm to develop suitable arrangements.

OFA recognizes that the government is concerned with the isolation workers have experienced as a result of COVID-19 measures and we are sympathetic about impact this has had on workers who are already away from friends and family. However, in the context of COVID-19, we would also like to highlight that all Canadians are being asked to make sacrifices at this time and are limited as to who they can see in person.

### **Question 5 – Are there other aspects or alternative approaches that should be considered?**

OFA differs to a suggestion by FARMS and OFGVA that a voluntary housing code could be established, based on the proposed requirements, and accompanied by cost-share incentives with elevated government contribution rates and limits to encourage industry adoption of the voluntary code.

Employers compliant with the voluntary code could potentially receive recognition from the TFWP program as having met the code, perhaps through qualifying for a *Trusted Employer Program*. The concept of a *Trusted Employer Program* was submitted to ESDC by the Ontario agriculture sector during the Primary Agricultural Review in 2018. The agricultural industry would welcome the opportunity to have additional discussions with the federal government on what a voluntary code might entail and how it might support/interact with a *Trusted Employer Program*.

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### *Public Health Considerations*

### **Question 6 – Would the proposed requirements assist in mitigating public health risks associated with pandemics and/or communicable diseases? What adjustments should be considered?**

This consultation addresses an important issue that affects all Canadians – that our domestic food system needs to be better prepared for future pandemics. COVID-19 has especially brought this to the forefront. Canadians are counting on us to not let our food supply be at risk of disruption. Significant investments are warranted to strengthen emergency preparedness of all parts of the food supply chain, and we believe government has a significant role to play in terms this broader public policy objective. We urge the government to work jointly with the farm and food sector to develop a broader strategy for pandemic preparedness for our food system.

Specific to accommodations for TFWP/SAWP workers, it should be noted that the Ontario guidelines for accommodations were last updated in 2010, the year following the global H1N1



pandemic. These provincial guidelines<sup>10</sup> and the legislated ability<sup>11</sup> of local public health units to impose additional requirements on an *as needed* basis provide public health officials and farmers operating in their jurisdiction all the elements needed to make the necessary adjustments to mitigate the unique risks for future pandemics and/or communicable disease outbreaks.

**Question 7 – Are there additional requirements that should be considered to make living quarters more adaptable to pandemics and/or communicable diseases in the future?**

OFA submits that a key requirement to making living quarters more adaptable to pandemics is *flexibility* at the municipal level. Consideration should be given to developing guidance documents for local building departments on how to evaluate and proceed with applications for temporary new accommodations for TFWs in the context of future pandemics. The current process can lead to delays at the municipal level and increase the barriers for growers to quickly respond to such a scenario. There may be an opportunity to reduce these process barriers through a coordinated engagement of officials responsible for approvals and permits for new accommodations.

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*Impacts of New Requirements*

**Question 8 – What would be the impacts for employers in terms of investments to adapt to proposed new standards? How could these impacts be mitigated?**

Cost-share programs have proven to be effective at reducing the adverse financial impacts of new requirements. Most farmers across Canada have experience with cost-share programs and have responded positively when those opportunities arise. However, even with cost-share support, the ability of farms to make the investments will vary tremendously based on their individual financial circumstances. Consideration should be given to growers ability to invest significant amounts of new money, especially during uncertain times such as the current pandemic.

Farmers who are unable to afford the costs of newly imposed standards are likely to transition out of more labour-intensive commodities like fruit and vegetable production into less labour-intensive crops like grains and oilseeds. Unless other farmers take over the associated acres this could have a significant impact on local food security and the variety of product Canadians enjoy.

To mitigate the uncertainty around employers' ability to make the associated financial investment, OFA recommends some or all of the proposed requirements be adopted as a voluntary industry code.

Another way to enable growers to make the investments is to accompany cost-share funding support with interest-free loans to help growers finance the portion of costs that is not covered by cost-share support.

It is important to recognize that mandatory modifications and/or additions to employer-provided accommodations leads to spin-off financial pressures, such as associated increases in property taxation and utility costs. These added costs are permanent and are not covered through existing

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<sup>10</sup> [http://farmsontario.ca/pdf/MOH\\_Rec.pdf](http://farmsontario.ca/pdf/MOH_Rec.pdf)

<sup>11</sup> <https://www.ontario.ca/laws/statute/90h07#BK27>

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farm programs such as AgriStability. They should be considered in any policy package that accompanies the federal rule framework.

**Question 9 – 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?**

In a recent survey conducted by the Ontario Fruit and Vegetable Growers' Association (OFVGA), over 250 farm employers of TFWs in Ontario indicated the elimination of the use of bunkbeds would have the following impact:

- 60% of farms would be affected by the elimination of bunkbeds
- On average, a farm's housing capacity would drop by over 19 workers
- On average, cost associated with finding alternative accommodations would be over \$400,000 per farm

Clearly, the financial impact of a bunkbed ban would be significant – about \$20,000 per displaced worker to replace the lost bed capacity. Survey respondents indicated that a bunkbed ban would result in alternate accommodations for about 2,900 TFWs; this represents roughly one sixth of the number of workers that would be displaced and require alternative accommodations.

OFA believes a better alternative is to explore the wide range of physical arrangements that can be applied to sleeping arrangements that achieve public health objectives<sup>12</sup>. These alternatives should be fully utilized in accordance with local health unit guidance before any pursuing costly measures at the federal level to restrict or eliminate the use of bunkbeds.

**Question 10 – What other factors would affect the ability to implement new requirements?**

There are a number of local factors that can interfere with an employers' ability to secure various building permits required to implement and/or comply with some of the proposed new requirements:

- Landlocked – some farms are zoned in restrictive municipal zones and are unable to add buildings on their property. Adding accommodation space in these instances will be effectively impossible, especially in rural areas where there is no access to existing accommodations like houses, hotels, etc.
- Rental land – an increasing amount of farmland is being rented; new accommodations for workers cannot simply be built on the landlord's land.
- Size-dependent thresholds for additional permits – it is anticipated that changes in ratios would trigger a septic review by municipalities, even if the number of inhabitants remains the same. It is unclear if and how a municipality would proceed in this event.

A mechanism should be considered to support farmers in these circumstances. Without support or flexibility, farm employers in these scenarios would mostly likely be forced to reduce their workforce which would almost certainly lead to a reduction in our capacity to produce amount and variety of local food Ontarians enjoy.

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<sup>12</sup> <http://ph.lacounty.gov/media/Coronavirus/docs/settings/GuidanceBedPositions.pdf>



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**Question 11 – Are there implications from the perspective of PTs, including impacts on laws and regulations that would affect implementation?**

It would appear that some of the proposed new federal requirements conflict with local fire department standards. TFW accommodations modified to meet the proposed federal requirements would therefore not be approved by local fire and health departments.

Additionally, some municipalities have bylaws that prohibit on-farm housing from resembling apartment-style housing and require dormitory-style sleeping quarters. These conflicts would make it impossible for employers in those municipalities to comply with the proposed new reduced per-room occupant limit.

Any new federal standard for bunkhouses must be compatible with the provincial and local municipality codes, laws or regulations concerning building, fire, septic, zoning, and health before they are implemented. Any proposed standard where this compatibility cannot be guaranteed should not be implemented.

**Question 12 – What could be the anticipated timelines for implementing new requirements such as these?**

At this time, it is difficult to indicate what the timelines for implementing all of the proposed requirements should be. Responses to OFVGA's survey of TFW employers indicated that roughly 73% of employers would require several years (often in excess of five years, and no less than three years) to make alternative arrangements just for bunkbeds.

Growers have identified a number of steps involved in securing additional accommodation space, including securing financing, obtaining municipal and provincial (e.g. environmental) permits, securing building materials and arranging contractors. All of these steps are anticipated to take longer than normal under the current pandemic circumstances and will likely continue into the foreseeable future.

If the federal government determines intends to phase out bunkbeds, OFA recommends that the phase out period should be no shorter than 5 years. Other requirements may require more or less time, depending on the necessary steps involved in achieving them.

**Question 13 – 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.**

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

Regardless of approach taken, some TFWs will incur a great cost as the result of some of the proposed requirements. The evidence indicates that new requirements would significantly increase the cost of employing TFWs in general and the cost of seasonal TFW work in particular. Increasing the cost of labour will inevitably result in reductions in employees<sup>13</sup> by shifting acres from labour-intensive crops like fruit and vegetables, where labour can represent over 40% of total costs<sup>14</sup>, to more machine-operated crops like grains and oilseeds where labour is only a

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<sup>13</sup> <https://www.economics.utoronto.ca/jfloyd/modules/sadl.html>

<sup>14</sup> [http://www.omafra.gov.on.ca/english/busdev/download/tfuitecon\\_fmppo.htm](http://www.omafra.gov.on.ca/english/busdev/download/tfuitecon_fmppo.htm)

fraction (2% for grain corn) of total costs<sup>15</sup>. TFWs no longer employed as a result of these reductions lose 100% of the opportunity to find employment in Canada and the associated opportunities and benefits for their families<sup>16</sup>.

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### *Inspections*

#### **Question 14 – Would such measures serve to strengthen the consistency and quality of the accommodations inspections process for the TFW Program?**

No additional comments.

#### **Question 15 – More generally, what other aspects or alternative approaches should be considered to ensure compliance with new requirements both before and after workers arrive?**

OFA recommends the federal and provincial government build on existing cooperation between their inspection departments (for example, past collaboration between ESDC and Ontario's Ministry of Labour, Training and Skills Development (MLTSD)), to streamline inspections of farms employing temporary foreign workers. Currently, farms are inspected locally by regional Health Units, provincially by MLTSD Employment Standards and Occupational Health and Safety inspectors, and federally by ESDC/Service Canada. In addition, farms are subject to visits from the liaison officers of their workers' country.

OFA appreciates the opportunity to provide comments to this consultation. Temporary Foreign Workers are a vital and necessary component of Ontario's agricultural workforce – and we highly value their contribution to the continued success of Canada's agri-food sector.

Sincerely,



Peggy Brekveld  
President

cc: Mary Robinson, President, Canadian Federation of Agriculture  
The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs  
Ken Forth, Labour Issues Coordinating Committee  
Stefan Larrass, Labour Issues Coordinating Committee  
OFA Board of Directors

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<sup>15</sup> <http://www.omafra.gov.on.ca/english/busdev/facts/pub60.pdf>

<sup>16</sup> <https://cahrc-ccrha.ca/sites/default/files/Emerging-Issues-Research/4-Seasonal%20Agricultural%20Worker%20Release%20and%20Report.pdf>

## APPENDIX 1 – Recommended adjustments to the proposed federal standard (Annex A)

There are at least 37 elements in the proposed federal requirements document (“Annex A”), each populated with a proposed specification such as ratios for amenities, furniture specifications and floor space. The following recommendations would modify the currently proposed specifications in a way that maintains the intended outcomes behind the proposed standard such as quality of life and public health, while minimizing undue disruption to farm operations and unintended conflicts with fire, building, land zoning and environmental requirements are the local level.

The recommendations fall into three broad categories:

- Changing numerical/prescriptive requirements outlined in Annex A to outcomes/deliverables, in particular where existing public health experience shows that public health officials are capable of, and accustomed to, ensuring (enforcing) these outcomes using their professional discretion rather than through prescriptive specifications. An example of this is adequate refrigerator space, which is more likely to be correctly assessed by a provincial public health professional than through a rigid ratio of “X” workers per fridge with no information about space or cooling capacity.
- Where a numerical/prescriptive requirement cannot be avoided, broadening fixed (rigid) proposed values in Annex A to a recommended range, in particular where existing public health expertise has established that values other than the proposed value are acceptable. An example of this is the established public health ratio of 10 workers per toilet for TFW housing.
- Removing requirements in Annex A that are overly burdensome. An example of this is the proposed requirement for mandatory A/C cooling capacity which exceeds any standards that landlords of “regular” Canadian tenants are expected to meet.

The main technical scientific reference for these recommendations is the Ontario SAWP Housing Guidelines which are based on public health expertise including that of the province’s local health units. The guidelines were updated in 2010 in the immediate wake of the H1N1 pandemic.

Proposal Element	Proposed requirement	Recommendations
Building structure	Accommodations must be sound as per PT building codes, fire codes and health and safety legislation	Acceptable; No further recommendations
	The building must be accessible to the public	Need to be mindful of legal implications. Please refer to our response to Question 4.
	Housing must allow for a range of 20°C – 25.5°C to be maintained in all areas at all times	Supportive of minimum 20°C  Remove maximum. Establishing a maximum limit is inconsistent with current provincial or federal legal obligations for landlords of “regular” Canadians where no such limit exists.
	Housing must have heating and A/C to maintain this range	Supportive of heating requirement. Replace A/C requirement by a required outcome of <i>adequate ventilation</i> (natural and/or fans).

		Requiring an A/C is inconsistent with current provincial or federal legal obligations for landlords of “regular” Canadians where no such requirement exists. Further, not all workers like using A/C and prefer natural or mechanical ventilation like fans. Flexibility is needed to accommodate these preferences.
	Sufficient furniture should be provided dependent on the number of workers housed in the accommodations	Acceptable; No further recommendations
	Furniture should be of sound construction and in good condition.	Acceptable; No further recommendations
	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	<p>Recommend 80 sq. ft total common space per person (including sleeping, living, and eating areas, but excluding washrooms).</p> <p>Rather than targeted ratios for each portion of the housing e.g. living rooms, have a required outcome of <i>adequate common area outside of the sleeping quarters</i> where people can spend leisure time.</p>
Sleeping quarters	Maximum of 4 persons per room	<p>Do not restrict this to a specific number. Allow size to be determined by the local health unit, in line with the cohort size being observed by the farm. [A cohort is a team that that works and lives together and is constantly physically distanced from other individuals and teams.]</p> <p>Appropriate cohort sizes may vary, reflective of the size and risk profile of a particular farm operation, housing facilities, etc., but should be designed in consultation with health units to reduce risk of a large outbreak and number of close contacts that would need to be isolated.</p>
	Minimum 2m between beds	Replace single value with a target range which reflects complementary public health measures that can be taken to achieve the goals behind this proposed value. Include Ontario’s 18” minimum or another acceptable public health-based alternative in the range.

	Desk required per room	Remove – this is overly prescriptive and not always practical. Also, it is already covered by general furniture requirement.
	Waste basket per room	Not practical and could represent health risks.  Replace by required outcome of <i>sufficient garbage containers to store garbage between garbage collections</i>
	Padded chair per room	Remove - Overly prescriptive and not always practical. Also already covered by general furniture requirement.
	Minimum one coat hook per person in bedroom	Overly prescriptive. If kept, it should be changed to one coat hook per person within the building
	Door and a mortise-type lock per room	Remove and defer to local fire department requirements
	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 25cm	Standard bed length is 74.25". The requirement should be consistent with common bed sizes – therefore 75" should be changed.
	Linens package which includes a minimum of 2 pillowcases, 2 sheet sets and at least 1 blanket per bed	Acceptable; No further recommendations
	Adequate, enclosed, storage space/compartment 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)	Modify slightly to create more flexibility; require that storage be provided per person in the bedroom or another common space
	Review approach to bunkbeds, including alternative designs/ approaches that would meet public health objectives and improved living conditions	Do not include this activity within the TFWP compliance scheme but rather pursue it through provincial and local public health departments where the technical expertise (e.g. one-on-one consultations) on housing exists
	Males and females cannot share a bedroom (unless they are spouses)	Acceptable; No further recommendations
Washroom facilities	Workers should be provided their own individual bed and are not required to share a bed with anyone other than a spouse.	Acceptable; No further recommendations
	Spouses should be provided with a double/queen size mattress.	Acceptable; if the spouses insist on sharing a mattress
	All washrooms must be within worker accommodations.	This requirement is overly prescriptive. Defer prescription to provincial and local levels

	Washrooms to be separated from sleeping rooms by full partitions and lockable doors and to have separate ventilation with exhaust fan.	Acceptable; No further recommendations
	One (1) toilet for every five (5) workers.	<p>Replace single value with a target range.</p> <p>Include Ontario's accepted ratio of one for every 10 workers in the range.</p> <p>In addition, urinals should be recognized as equivalent substitute for every second toilet in washrooms for male occupants.</p>
	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.	<p>Replace single value with a target range.</p> <p>Include Ontario's accepted ratio of one for every 10 workers in the range.</p> <p>Remove dressing cubicle requirement</p>
	1 sink furnished with a mirror above for every 4 workers with hot and cold running water.	<p>Replace single value with a target range.</p> <p>Include Ontario's accepted ratio of one for every 7 workers in the range.</p>
	Urinals shall be furnished at the ratio of 1 per 15 persons.	<p>Urinals should be optional to add over and above the minimum toilet ratio. [Note: urinals are not applicable to female occupants]</p>
Eating facilities	1 dining set with table and chairs in good condition for every 10 workers	Remove and replace with required outcome of <i>adequate number of dining tables and chairs</i>
	1 microwave for every 10 workers	Remove and replace with required outcome of <i>adequate number of microwaves</i>
	1 oven and stove; minimum of 4 functional burners for every 6 workers	Remove and replace with required outcome of <i>adequate number of stoves</i> . [Note: Any firm ratios would have to consider the vastly different capacity of commercial/industrial vs residential stoves]
	1 refrigerator with sufficient space for food storage for every 6 workers	Remove and replace with required outcome of <i>adequate number of refrigerators</i> . [Note: Any firm ratios would have to take into account the vast range of capacities and sizes of fridges]
	Adequate cabinets and shelves for cooking equipment and food storage	Acceptable; No further recommendations



Laundry facilities	Worker accommodations must contain free laundry facilities for the workers	Add clarification that ensuring weekly access to laundromat is an acceptable alternative, consistent with SAWP contract language
	1 full-sized washer and dryer for every 10 workers.	<p>Replace single value with a target range. And add clarification that ensuring weekly access to laundromat is an acceptable alternative, consistent with SAWP contract language</p> <p>Include Ontario's accepted ratio of one washer per 15 workers in the range.</p> <p>Allow clothes lines as alternative to dryer. [Note: Lint screens in dryers can present a fire hazard and may not be desired by workers.]</p>
	Additional drying facilities (e.g. clotheslines) must be in laundry area and not in the bedrooms.	Supportive that these should not be in the kitchen/dining area, but should be allowed in bedrooms where space permits
	Facilities used to clean personal protective equipment (e.g. spray masks, rain gear, gloves) must be separate from laundry machines and living areas.	Remove and replace by required outcome that <i>facilities permit workers to adhere to best practices for cleaning PPE</i> (such as those outlined in the Ontario Pesticide Education Program for the Grower Pesticide Safety Course)
	Access to phone service and free internet will be provided where available.	<p>Phone: Most workers have their own phone and service/data. It is unclear what precise problem this proposal is designed to fix:</p> <ul style="list-style-type: none"> <li>• If the intent is to provide an emergency access to a phone for the event when a worker is unable to use their own, the proposal should be worded that way.</li> <li>• If employers are to play a role in ensuring access to phone service, then the SAWP contract should be modified to allow for the employer to recover associated costs.</li> </ul> <p>Internet: Should be an aspirational goal. Some employers provide it now, but it is not always an option. In some rural areas, internet service can be very expensive.</p> <p>Recommend developing a mechanism in the SAWP contract that would allow</p>

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		internet to be provided by the employer on a cost recovery basis.
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