



## **Stakeholder Consultations on Mandatory Requirements for Employer-Provide Accommodations in the TFW Program**

The Canadian Honey Council is pleased to provide feedback on the “Consultations on Mandatory Requirements for Employer-Provided Accommodations in the TFW Program”. In our estimation, beekeepers employ more Temporary Foreign Workers than any other single commodity across the prairie provinces. Moreover, nationally beekeepers represent a large proportion of the employers who use the temporary foreign worker program.

The Canadian Honey Council certainly believes in the underlying premise behind the consultation: that temporary foreign workers should have access to safe accommodations and living conditions that do not jeopardize their health and well being. Employees need to feel comfortable, enjoy distance from their co-workers and have the ability to have their own space to decompress. The proposals outlined in the consultation will impose requirements that certainly would improve living conditions in certain settings but just as important, impose unrealistic and unachievable requirements in other settings.

Nationally, the Canadian Honey Council estimates that about 2000 temporary foreign workers from the Seasonal Agricultural Worker Program and through the Ag Stream are employed by about 400 commercial beekeepers. While there is a wide variety of accommodations provided, a good number of these employees are housed in single family dwellings. Over the course of many years, there have been very few instances where accommodations have been a concern. Many reasons help explain the lack of complaints:

- Apiaries are located in rural areas and the housing provided is typically single-family dwellings, approved camp trailers or apartment type housing.

- Commercial apiaries employ between 2 and 25 TFW's and therefore the need for "bunkhouse" style accommodation is not required
- Most TFW's are returning employees, experienced in working with bees. Employers appreciate and recognize the absolute need for experienced staff and do not want to jeopardize returning labour. In addition, returning TFW's at an apiary often include members of the same family.

If the onset of Covid-19 has proven anything, it has shown that beekeepers already provide accommodations that are far superior to the issues that have arisen in group settings in Ontario, Quebec and BC. In fact, there have been no employee cases of Covid-19 reported by beekeepers outside of one case that was diagnosed during the initial quarantine period. This alone highlights the quality of accommodation provided to employees.

Components of housing inspections may be completed by fire inspectors, building inspectors, health inspectors or a combination of all. These inspections will vary from province to province, but in all cases compliance by commercial beekeepers has been commendable. Furthermore, each commercial operation is comprised of a tight knit group of employees and owners recognize that healthy and satisfied TFW's enhance the success of their business.

A common terminology that needs clear definition is that of a bunkhouse. There are many apiaries where housing is referred to as a bunkhouse. For example, one employer has an accommodation with 17 bedrooms (81sq ft each), lots of open living area, 4 bathrooms, 3 kitchens and two sets of washers and dryers. None of the workers share a bedroom. Bathrooms are set up as a standard bathroom in a house where it can only be used by one individual at a time. Is this a bunkhouse according to Service Canada? Or is it a 17-bedroom, 5000 square foot family dwelling?

A unique feature of beekeeping is the pollination services provided by beekeeping operations. To fulfill pollination contracts requires the movement of both bees and personnel. The consultation document provides specifications that cannot be met when travelling as employees are often housed at motels, hotels and inns. Will exemptions be granted in those circumstances or will the accommodations have to adhere to the new guidelines?

Beekeepers are not blind to the fact that improvements can always be made, but the prescriptive nature of the guidelines outlined in the consultation document cannot be implemented in many of the accommodations already being provided to employees. It seems quite apparent that the rules are being drafted to rectify living conditions in so-called “bunkhouse” settings and have little or no consideration for those accommodations that already exist in smaller commercial operations. There is a fear that if the prescriptive guidelines are not followed to the letter of the law, inspectors will be bound to reprimand at the very least, or demand substantive alterations if each and every guideline is not followed. Common sense needs to prevail. It is very apparent that in drafting the recommendations, little or no thought was given to the current accommodations provided to the thousands of TFW’s in the apiary industry.

## **Response and feedback to**

### **Annex A – Proposed Minimum Accommodation Requirement for Primary Agriculture – Temporary Foreign Worker Program**

#### **1. Building Structure**

**Infrastructure** - Employers should provide accommodation/housing based on the existing applicable provincial/territorial/municipal standards and laws in place, and there are processes in place to address non compliancy.

If there are changes made to any existing standards, it is assumed that there would be a grandfathering provision or reasonable timeframe established to address changes.

**Accessibility** – The proposed change presents major concerns related to bio-security issues.

For “On-Farm” housing, the proposal violates CFIA Bio-security & Food Safety Practices and gives workers privileges that even the owners & their families do not enjoy.

Various provinces (Alberta and Ontario) already have existing provincial legislation that restricts farm access, (addressing issues of food safety, rights of the farmer, employee and family safety). There are also liability issues associated with the proposal, with both on & off the farm housing.

Workers should be free to come and go based on established protocols. However, they should not be allowed to bring visitors into a shared residence. Restrictions are not uncommon in shared housing in general society. Most work camps are not open to the public. There needs to be courtesy and respect for privacy shown to all occupants.

## **2. Common Living Spaces**

**HVAC** - Housing units should have HVAC equipment to ensure that appropriate municipal, provincial or federal guidelines are followed with respect to heating, cooling, and ventilation standards. This can include the use of free-standing fans, space heater, humidifiers, de-humidifiers, air conditioning units, etc.

However, it is not reasonable to mandate that all housing units be equipped with air conditioning units, as the proposal implies.

There is a large sector of the Canadian private and public facilities that do not have air conditioning units.

Rather, a focus should be on ensuring that the housing units for TFWs meet the appropriate structural requirements (addressed in earlier question), including proper functioning windows, screens and doors to facilitate and support heating and cooling considerations.

**Usable space** - Although we respect that overcrowding is unacceptable, there are concerns with the proposed parameters in this section.

Clarification of the definition of ‘usable’ vs ‘unobstructed’ floor area is required. There is also concern for the proposed per person maximum occupancy rate (80 sq. ft.).

As an example, a 12’ X 56’ (672 sq ft) oil field & construction site double end trailers, designed to house up to 4 persons, would require the removal of some furniture and possibly downsizing of beds in order to meet this for even 3 workers to remain ‘unobstructed’.

### 3. Sleeping Quarters

**Layout/common space** - There is a reasonable expectation of personal space and privacy in shared bedroom situations, however the proposal seems excessive in its stated standard. Perhaps the parameter should be expressed as a reasonable requirement for 'x' square feet of common floor space within a shared bedroom to accommodate separation and routes of egress.

The proposed space of 72 inches 'between each bed' is not feasible in most existing home floor plans in Canada. Within shared bedrooms most beds are set up along the walls, or placed end to end along walls with common space at the side of the beds (but not at the head or foot of the bed). Clarification is required respecting 72 inches '**between**' the beds.

It should be noted that the proposal does not address bunk beds (space between stacking beds is not 72 inches).

Another example to consider: a 12' x 72' (864 sq ft) 3-bedroom mobile home could only accommodate 3 workers. Even in the master bedroom, the width of the trailer is not wide enough for two beds as guidelines require 12.5 feet wall to wall using the minimum proposed bed spacing.

As an additional observation, this specific proposal does not address the management or mitigation of 'future infectious illness outbreaks', although it is mentioned as an objective. It is important not to mix the concern about overcrowding in shared bedrooms with disease control.

**Furniture/locks** - The proposal respecting furniture and accessories required in the sleeping quarters is too prescriptive and somewhat archaic in nature. These items should be provided as suggestions only. In addition, it is possible that the listed furniture and other similar items are provided by the employer, but not located in the immediate sleeping quarters.

Given the previous proposal about room size and bed layout/space requirements, there may be limited room for additional furniture items.

However, it is suggested that the focus should be on exploring solutions to address the core needs of workers, that of ensuring adequate personal storage and options for securing valuables. Employees must be provided with a place to store clothes, (closets, hooks, dressers, etc.) and a place to secure individual valuables (lockers, storage cabinets that can be locked, etc.) Having a lock on a shared bedroom does not necessarily address this.

Additionally, it is important to differentiate between large housing units with multiple bedrooms vs smaller housing units. Example. 1 – 4 people live in the entire house/facility with a shared key to the front door. Requiring a lock on the bedroom door(s) as well seems unnecessary.

Finally, there are questions about the reasoning for a Mortise-type lock set that is suggested. They are expensive, hard to replace or rekey and may not meet fire code.

**Bedframe** - The employer should provide nothing smaller than a twin bed base/frames, mattress (or mattress/box spring combo) and a clean pillow.

When making such prescriptive requirements there is no definition of what constitutes a **proper** bed base/frame. In addition, a mattress minimum height of 25" (63.5 cm) does not appear to be a standard size (perhaps a typo?)

For information purposes, in the experience of some employers, it is found that some workers remove the bed frames if possible and place their mattress on the floor. It is suggested that employers should still provide bedframes, but not be penalized if the worker chooses not to use it.

Of note, the proposal does not address specifications for bunk beds

**Linens** - There are questions about why 2 sets of linens (per person) are required if laundry facilities are accessible and adequate. If two sets are required, could employees be charged a deposit for the 2nd set in order to ensure they are returned, or perhaps employers could provide one spare linen package per unit (instead of the proposed 2 sets per person)?

**Storage/Dresser** - the stated requirement for adequate storage space should be moved to the previous section that details other furniture and security requirements (locks). Concerns expressed in that section also address storage needs. Present description is confusing and open to wide interpretation by inspectors.

**Bunkbeds** - Bunkbeds should be allowed in conjunction with other guidelines (in this document) respecting limits on the number of people in a shared accommodation. Bunkbeds also provide for more **open floor space** in a shared space, which has been flagged as a concern.

**Respecting health issues**, as addressed earlier developing a proposal to address overcrowding issues and expecting that it will be the solution for mitigating 'future infectious illness outbreaks' is not reasonable. Employees should follow good hygiene

practices regardless of whether they sleep in a bunk bed or twin bed in a shared environment, and health protocols have already been established to manage outbreaks should they present themselves.

**Male and female sleeping quarters** - It is unclear what issue(s) is being addressed in this section.

As it pertains to sleeping quarters, is the expectation that spouse/partners are to be provided with their own 'bedroom' within a shared housing unit (or a bigger bed within a room shared with others)?

There is reference to BC's guideline, but no proposal respecting segregated living between males and females in shared accommodations.

Also, there is reference to provisions for a '**spouse**' throughout the document. One assumes that these proposals will also apply to couples who meet the legal definition of **common-law partners**.

#### **4. Washroom Facilities**

There is concern for some of the recommendations in this section as they do not differentiate between smaller/home accommodation vs larger camp set ups. As a result, the feedback provided below is more specific in nature to assist in providing clarification.

- Washrooms within the workers' accommodation. What about camps where bedroom and bathroom modules are separate?
- Are locks necessary when the washroom is an ensuite only utilized by one individual?

**Showers** - If we think about this in terms of a family, perhaps 1 shower for every 5 is reasonable. and corresponds with the recommendation for toilets (1 for every 5).

However, a change from the current provincial guidelines of 1 per 10 to 1 per 5 would be significant for many employers. In many cases renovating existing structures to accommodate changes to the new proposed regulations may be impossible. There may need to be consideration for grandfather provisions.

- What about circumstances where the shower is part of the bathroom as in a normal house and only accessible to 1- 4 individuals?
- 'Adjacent dressing cubicle with curtains....' - this is not a practical arrangement for the vast majority of units.
- 'Hinged seat/bench seat' – requirement is too specific and unachievable in some cases.

**Urinals** - The proposal reads that a urinal **must** be provided. This might be nice in a men's washroom within a business setting. It is not realistic or necessary in a home setting, with a small number of workers. The number suggested is excessive and assumes that all workers are male.

We are unsure of the justification for this proposal and believe that it needs further review with respect to smaller/home accommodations vs larger camp set ups. What about when rental accommodations which may be used?

## **5. Eating Facilities**

'One (1) dining set with table and chairs in good condition for every ten (10) workers' - For smaller accommodations there are often counters, desks & chairs/stools. However, there may not be room for a freestanding dining room set. Some reasonability needs to be applied.

'One (1) oven and stove (with a minimum of four (4) functional burners) available for every six (6) workers' - Many units, semi-permanent & permanent, now use 3 propane burners that offer larger cooking surface areas than the small conventional (apartment) stoves of the past. Countertop convection burners are also now popular. Therefore, we would suggest using the word "adequate" stove/oven instead of specifying the number and type of burners.

As well, it should be differentiated between a work camp housing arrangement vs houses that accommodate smaller groups of employees and acknowledge commercial kitchen vs residential kitchen capacity and requirements.

## **6. Laundry facilities**

Recommendations should be proportionate to the type and size of the housing unit. As an example, apartment size units should be adequate for 1- 4 workers living in a house setting.

Requirement for clotheslines - With an adequate dryer(s), are clotheslines necessary? If so, we do not believe it is necessary to be so specific ("must be in laundry area"). There are numerous other areas besides the bedroom and the laundry room that clothes could be hung to dry. (Average home laundry areas cannot accommodate this requirement without structural changes, that would take away from common area space.)



Also, what about outside clothes lines (weather permitting). Will this option still be acceptable? (FYI - Some inspectors prefer no dryers because of the lint trap/fire issue.)

## **7. Amenities – phone and internet**

Based on experience, most employees have their own mobile devices that support both cellular and data services. When available, access to land lines may be available (with restrictions respecting long distance call). There is general concern about the requirement to provide free services to workers. The comments below are based on actual experiences:

- Unlimited internet can be abused. Provide monthly allotment with individual sign-in (if available) as an option, or free service to certain maximums per month – employee pays if they go over the monthly limit.
- I do not agree with employer provided internet. After speaking with my service provider, they tell me that the employer would be liable for all content viewed by an employee which can be tracked to the IP address.
- Free phone results in 1-900 number charges. Give controlled access with privacy.
- Due to remote location, options for cell and internet service are limited and expensive.

Prepared by the Canadian Honey Council

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