

Guidance for Employers of Temporary Foreign Workers Regarding COVID-19

Context

- Further to recent announcements by the Government of Canada to facilitate the entry of foreign workers while taking steps to minimize the spread of the coronavirus (COVID-19), this document outlines the expectations for employers of temporary foreign workers.
- Like all Canadians, most temporary foreign workers entering Canada are required to follow certain obligations, including self-isolation (visit the Resources section of www.canada.ca/coronavirus to learn more). Employers must not prevent workers from meeting those requirements in any way.
- In addition, employers have an important role to play in helping to prevent the introduction and spread of COVID-19. This document is intended to assist employers in understanding how to fulfill that role, with a view to helping to protect the health and safety of Canadians and workers.
- As the situation regarding COVID-19 continues to evolve, it is recommended that the following website be consulted regularly for the latest public health information: www.canada.ca/coronavirus.

Criteria for all Employers:

1. The worker's period of employment is intended to begin upon their arrival to Canada, and include the self-isolation period. This means that the employer must comply with all laws and policies regarding the employer-employee relationship during that period.
2. The employer must pay the worker regular pay and benefits for the self-isolation period. Specifically, for workers in the Seasonal Agricultural Worker Program, the provisions of the applicable contract must be followed. For other workers, the employer must pay the worker for a minimum of 30 hours per week, and at the rate of pay specified on the Labour Market Impact Assessment. The employer can withhold standard contract deductions (e.g. Employment Insurance, housing, transportation, etc.) as per applicable Program stream requirements. The employer is not allowed to deduct any additional amounts due to the self-isolation period. Proof of wages paid should be kept.
3. The employer cannot authorize the worker to work during the self-isolation period, even if requested by the worker, with the exception of those deemed as providing an essential service by the Chief Public Health Officer. In addition, the employer cannot ask the worker to perform other duties during that period, such as building repairs or administrative tasks.

4. The employer is responsible for regularly monitoring the health of workers who are self-isolating, as well as any employee who becomes sick after the self-isolation period. In practice, it is suggested that the employer communicate with the worker on a daily basis (e.g. call, text, email, or in-person two metres away if no other option is available) during the self-isolation period and ask if he/she is experiencing any symptoms (see www.canada.ca/coronavirus for a list), and maintain a record of responses received.
5. If a worker becomes symptomatic at any time, the employer must immediately arrange for the worker to be fully isolated from others, and contact local public health officials. It is also suggested that the employer contact the appropriate consulate.
6. The employer must ensure that all workers have the tools needed to practice good hygiene. This includes access to facilities that enable them to wash their hands often with soap and warm water, providing soap, and providing an alcohol-based sanitizer if soap and water are not available and hands are not visibly soiled.
7. The employer is asked to provide information to the worker on COVID-19 (see www.canada.ca/coronavirus for resources) either on or before their first day of self-isolation. With a view to promoting understanding by all workers, it is suggested that information be provided in a language the worker understands, and that consideration be given to providing this information in writing and/or orally (e.g. by phone, etc.), as appropriate. Several resources are available online. In addition, the Public Health Agency of Canada has some materials available in several languages for use, which can be accessed by calling 1-833-784-4397 or emailing phac.covid19.aspc@canada.ca.
8. Like all Canadians, the employer is asked to report a violation to the *Quarantine Act* on the part of a self-isolating worker to local law enforcement. This includes workers that do not respect the mandatory self-isolation period.
9. Throughout the course of this pandemic, all people in Canada, including employers, are expected to follow the latest public health requirements and/or guidance from the Government of Canada and the province/territory in which they operate. In addition, as per existing Program requirements, employers are required to follow all applicable federal and provincial/territorial employment and health and safety laws. This includes new provisions in several jurisdictions for job-protected sick leave as a result of the COVID-19 pandemic.

Additional Criteria for Employers who Provide Accommodations:

10. The employer must house self-isolating workers in accommodations that are separate from those not subject to self-isolation. This may require finding alternate accommodations (e.g. hotel) if this requirement cannot be met.
11. The employer can house workers who are subject to self-isolation together, but the housing must enable them to be two metres apart from each other at all times. For example, beds must be at least two metres apart. Shared facilities (e.g. bathroom, kitchen, living space) are allowed, provided that there is sufficient space in the accommodations for workers to respect the self-isolation requirements. If this requirement cannot be met, alternate accommodations (e.g. hotel) may be required. In the best interest of all parties, it is recommended that date-stamped photos be taken of the facilities, including the bedroom, to demonstrate compliance.
 - **Note:** If new workers are housed for self-isolation in the same accommodations as others who are self-isolating, the clock resets to the day the most recent worker arrived. This is to account for the potential exposure of the new person from outside of the country to those already here.
12. The employer should ensure that surfaces in the accommodations are cleaned and disinfected regularly. It is suggested that surfaces in bathrooms, kitchens and common areas be cleaned and disinfected daily, or more often as required, and that a log be maintained. Workers can do this, as it constitutes essential care. The employer can also use the services of a professional cleaner, if desired. Regardless, the employer is expected to provide the cleaning materials (e.g. paper towels, household cleaning and disinfection products, dish soap and laundry soap).
13. The employer is asked to post information about preventing the spread of COVID-19 in the accommodations, including information that outlines best practices for workers in maintaining bathroom and other washing facilities. It is suggested that such information be posted in bathrooms, kitchens and common areas, and that it be posted in the language of the worker. Several resources are available online (visit the Resources section of www.canada.ca/coronavirus). In addition, the Public Health Agency of Canada has some materials available in several languages for use, which can be accessed by calling 1-833-784-4397 or emailing phac.covid19.aspc@canada.ca.
14. For the duration of the self-isolation period, the employer must ensure that the accommodations do not prevent the worker from avoiding contact with older adults (65+) and those with medical conditions who are at risk of developing serious illness. For example, a caregiver to an elderly person must be housed in separate accommodations for the duration of the self-isolation period.