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Employment and Social Development Canada (ESDC)

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Subject: Consultation on proposed new requirements for housing requirements to secure an LMIA

The National Cattle Feeders' Association (NCFA) appreciates the opportunity to participate in the consultation offered by Employment and Social Development Canada (ESDC) on proposed new requirements for housing requirements to secure an LMIA.

It is important to note that foreign workers hired in the fed cattle sector are not seasonal. They are often employed with the goal of eventually obtaining permanent residency or returning to the same farm annually. Therefore, workers are accommodated in various types of housing such as detached or attached single-family homes, single-family mobile or modular homes, and duplex or fourplex-style accommodations. These homes are usually situated on the farm where they work, on a neighbouring farm or rural property, or within an adjoining town or village.

Within these various housing options, homes are either occupied by a single worker and their immediate family, or a small group of single workers where each can have their own bedroom. This is standard practice across the beef feedlot sector, and is not dissimilar to housing circumstances of the vast majority of Canadians.

For the reasons outlined above, Canada's fed cattle industry currently either meets or exceeds the 12 principles laid out in the consultation document. In response to the discussion questions posed in your consultation paper, please see NCFA's responses below.

Proposed 12 Health and Safety Housing Requirements to secure an LMIA	
1. Accommodation is adequately supplied with potable hot and cold running water.	7. Accommodation is free of pest and rodent infestations.
2. Accommodation is supplied with sufficient natural and/or mechanical ventilation that is in working condition, to maintain proper air quality and temperature.	8. Adequate lighting is available in all rooms, by either natural and/or artificial means.
3. Accommodation adheres to applicable fire safety requirements and be approved for occupancy.	9. Accommodation is adequately equipped with basic furnishings that are in good condition and compatible with the maximum occupancy.
4. Accommodation is structurally sound and must be maintained in waterproof, windproof, and weatherproof condition.	10. Accommodation has reasonable proximity between bedrooms, bathrooms and kitchens.
5. Hazardous materials (e.g., fertilizers, pesticides, boilers, industrial fans, harmful chemicals, heaters) are stored at a sufficient distance away from living and sleeping quarters.	11. Maximum occupancy of the accommodation is not exceeded.
6. Accommodation has an adequate plumbing system and sanitary drainage system or private sewage disposal system that is in proper operating condition.	12. If inspection is done by a private inspector, the private inspector has proof that they have the delegation or authorization of the respective P/T to conduct the HIR inspection.

NCFA Responses to the Discussion Questions:

1) Are the 12 proposed requirements clear for your jurisdiction? If not, what could be done to provide greater clarity around Temporary Foreign Worker Program accommodation requirements, and their associated provincial/territorial housing standards?

- A) The 12 proposed requirements are clear. Additional clarity could be provided around #2. "... to maintain proper air quality and temperature."
Maintaining air quality is important. Maintenance of temperature could be problematic if there is a requirement for air-conditioning, which in some areas of the country would only be needed for one or two weeks in the year. It is common for even employer's homes to be without air-conditioning.

2) Do the 12 proposed requirements meet the objective of ensuring that employer-provided accommodations under the TFW Program will be safe and secure?

- A) Yes, the proposed requirements meet the objective that employer-provided accommodations be safe and secure. As previously mentioned, Canada's fed cattle sector is already meeting or exceeding these objectives.

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

- A) Ensuring proper air quality (#2) should limit the spread of communicable diseases and are equivalent to many current living conditions for Canadians.

4) What can be done across the Program and implicated stakeholders to better disseminate the information about the Program accommodation requirements and their associated PT standards (e.g., webpage developed)?

- A) It will be important that producers understand their provincial and territorial requirements. Therefore, a webpage that includes links to resources for each individual province would be helpful.
As well, provincial agricultural associations have excellent connections with their members / stakeholders. Creating an outreach strategy that encompasses provincial associations asking them to communicate outwards is another method to increase awareness.

5) What would be the impacts for employers in terms of investments to adopt the proposed new accommodation Program requirements (and their associated PT standards)? Which particular recommendations pose an additional burden from what you are doing currently and how could these impacts be mitigated?

- A) As these requirements are already standard to the fed cattle sector, there should not be any additional burden to employers. The typical approach for feedlots is residential-style housing as compared to many seasonal operations where the approach is bunkhouse-style accommodations with many workers under one roof. Requirements, conditions, and standards that speak to one type of housing do not necessarily translate to the other type and this needs to be considered as further housing requirements are considered.
One consistent issue raised with housing is the expense the current system imposes upon employers who use the TFWP. Prior to a LMIA application being submitted and approved, feedlot employers must secure a rental property and have it inspected. This requires the employer to rent properties for 3-4 months prior to the TFWs arriving. This entails increased costs while the property sits empty.
Another concern is with regards to changed regulations when foreign workers choose to live outside of the accommodations provided. Employers are required to provide payment to assist with rent outside of provided accommodations, but now in addition to this, employers need to keep the original housing vacant in case the worker decides they want to move back.

The requirement to maintain empty housing units is not only economically burdensome, but devoid of practicality, and further exacerbating the housing crisis. Industry has provided the recommendation that hotels be used to provide temporary housing in emergency situations, but this has not been deemed acceptable by ESDC. There needs to be a more economical and effective solution to this issue.

6) It is proposed that all employers hiring temporary foreign workers under the new stream will be obligated to meet the 12 proposed requirements by January 1, 2027. Is this timeline feasible? If not, please explain what barriers would impact your ability to meeting this deadline. For P/Ts that delegate to private inspections, in your response please identify any barriers or considerations that may impact the ability of private inspectors to inspect the 12 proposed requirements by 2027.

- A) Assuming that appropriate communication and advance notice is provided, there does not seem to be an issue with meeting this deadline.

Conclusion

Thank you for the opportunity to participate in the consultation and share our perspective on the Temporary Foreign Workers Program and its various housing requirements. Please feel free to contact me should you require any additional input.



**Janice Tranberg,
President & CEO**