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# Companies who violate temporary foreign worker COVID-19 quarantine face fines up to \$1M, public naming

*'They're extremely high fines, but they're meant to be a deterrent ... We're going to do the best we can, we just need a consistent application of the rules'*

**Brian Platt**

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A group of temporary foreign workers in Edmonton in 2010. PHOTO BY WALTER TYCHNOWICZ/POSTMEDIA/FILE

## TRENDING

OTTAWA — The federal government has informed employers using the temporary foreign worker program that they could be fined up to \$1 million, be publicly named and be banned from using the program if they violate the COVID-19 conditions — particularly that incoming workers be isolated for 14 days.

An email was sent Thursday night to employers setting out the penalties and announcing an inspection regime from Service Canada. It comes as the agriculture industry ramps up for the summer, when it makes heavy use of migrant workers.



Bill George, chair of the Ontario Fruit and Vegetable Growers' Association, said he believes employers can comply with the rules as long as they're enforced consistently. But he said there are now three

“I don’t think any operation could withstand a million-dollar fine, or hundreds of thousands of dollars in fines, no matter what size you are,” he said. George himself is a wine-grape grower in the Niagara region who uses a small number of Mexican migrant workers.

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The fines range from \$1,000 to \$100,000 per violation, up to a maximum of \$1 million over one year.

“They’re extremely high fines, but they’re meant to be a deterrent for people breaking the rules,” George said. “We’re going to do the best we can, we just need a consistent application of the rules to know what the rules are ahead of time.”

The federal government had announced earlier in April that seasonal farm workers would be allowed to come into Canada on the condition they be isolated for 14 days to prevent new COVID-19 outbreaks. During that time, companies must ensure the employees have accommodations (the company’s own housing or in a local hotel) and are paid for at least 30-hour work weeks. The government is providing \$1,500 for each worker to help offset the cost.

Advocates for migrant workers had been calling on the federal government to set up an enforcement regime rather than relying on companies to self-regulate or on local enforcement.

STORY CONTINUES BELOW

## *They're extremely high fines, but they're meant to be a deterrent*

The Service Canada email said inspections will be done “virtually/remotely.” Employers will have to

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The inspection regime left Syed Hussan, executive director of the Migrant Workers Alliance for Change, underwhelmed.

“How do you ensure on video that workers are sleeping two metres apart?” he asked. “Or that the kitchen is big enough for two metres?”

He also said interviewing workers will be a lot more difficult than it sounds, given many won’t yet have working cell phones in Canada. “There’s no way for the government to directly contact the workers, so the way they have to do it is they have to tell the employer to tell the employee to talk to them, usually with the employer hovering in the background behind them,” he said.

His organization is calling for further measures, with two short-term ones in particular: That arriving workers be immediately given information on their rights in their own language, and that federal anti-reprisal measures be enacted to protect workers who lodge complaints.



Temporary foreign workers in Ontario, 2018. PHOTO BY HI-BERRY FARM/FILE

The office of Employment Minister Carla Qualtrough said that in addition to proactive inspections, they've set up an online reporting tool and a confidential tips line in six languages beyond English and French.

"We have been communicating with employers of temporary foreign workers from the beginning on what was expected of them," said a spokesperson for Qualtrough. Migrant workers are also screened before boarding planes in their home countries and again upon arrival in Canada, and are not allowed in the country if they show signs of COVID-19.

STORY CONTINUES BELOW

Sergio Karas, an immigration lawyer, said the new penalty regime is overly onerous given the need for migrant workers who are essential to the economy.

It workers, said the new regime is a rest of public health and the economy.

“But there’s a third competing interest, which is the cost to the employers of all this and that they might well say, ‘Listen, if I have to do all this, and I’m risking these gigantic penalties, I might as well not bring in anybody,’” he said. “And then the harvest is going to be a third of its size.”

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