



November 5, 2024

Employment and Social Development Canada
Occupational Scope of the New Agriculture and Fish Processing Stream Discussion Paper
Letter sent by email: edsc.dgce.tet-tfw.seb.esdc@hrsdc-rhdcc.gc.ca

Dear Sir or Madam,

Re: Ontario Pork submission on ESDC Temporary Foreign Worker program Occupational Scope of the New Agriculture and Fish Processing Stream

Ontario Pork appreciates the opportunity to provide input on the ESDC Temporary Foreign Worker (TFW) program discussion paper on the occupational scope specific to the new Agriculture and Fish Processing stream.

Ontario Pork represents the province's 1,919 pork farms and is a leader in the agriculture industry. Led by producers, Ontario Pork is committed to sustainable growth in the pork sector, delivering government representation, research investment, and industry improvements in areas including animal care and environmental sustainability, while growing the brand and reputation of producers and their product. Ontario's pork sector represents a significant part of the Canadian economy, combining - from "farm to fork" - \$1.34 billion in GDP, over 18,347 full-time jobs and \$3.51 billion in economic output.

Foreign workers in the pork sector fill an ongoing struggle for the sector to find Canadian workers willing to work on farms in rural Ontario, doing labour-intensive jobs. The TFW program is crucial to the continued viability and sustainability of the pork sector and across all of agriculture as the pork sector could not exist without these workers.

The dedication, hard work, and contributions of TFWs to our industry cannot be overstated. They have not only filled labour gaps but have also integrated seamlessly into our communities, becoming valued members of our workforce. Their presence has enabled pork farms to operate efficiently, meet production demands, and uphold the high standards of animal welfare and food safety that define the pork industry in Ontario.

Ontario's pork sector is proud of the respect and exemplary treatment afforded to TFWs in our sector, from fair wages to quality housing, to assistance with community integration. We also understand the continued need for regulations and safeguards to ensure the fair treatment of foreign workers and the integrity of the program, and we are committed to working collaboratively to uphold these standards.

DISCUSSION PAPER COMMENTS

In terms of the discussion paper and the focus on occupational scope of the new stream, **Ontario Pork's comments are specific to TFWs that are employed year-round**, which is the practice in the pork sector as compared to those in other agriculture sectors that employ seasonal workers.

Open work permit:

The potential move to an open work permit for the new agriculture and fish processing stream raises questions and concerns for the pork sector, and we recommend that the government further engage with stakeholders to address issues that we believe will arise from allowing open permits for this new stream. We believe that an open work permit, if implemented, must include accountability for the employer as well as the employee. As well, the liability, costs incurred and the impact on employment contracts must be determined.

Resources, costs incurred by employers and administrative issues:

- Pork sector employers wishing to employ TFWs incur thousands of dollars through the LMIA application process (especially if a consultant is required to complete the application), travel costs, housing, incidentals and anything else that a worker may need, plus the time involved to complete the process from start to finish.
- If a TFW is able, through an open work permit, to move from the farm that undertook the original LMIA process, to another farm, will the new employer be obligated to reimburse the original employer for costs incurred? How would this be determined and what would the process entail?
- What happens when the TFW worker is ready to return to their home country – who covers that cost – given that the original employer was the purchaser of the return flight ticket for the TFW?

Contractual issues:

- What happens to the work contract between the original employee and the TFW if the TFW chooses to move workplaces based on the open work permit? How will the original employer know that the contract is in effect terminated? Will there be a requirement for an employee to formally terminate the work contract? Will the employer have the ability to terminate the work contract once the TFW is no longer working at their workplace?
- Under what terms can a contract be ended? Can it be for any reason?
- We are also concerned that contractual issues may cause an employer to incur additional fees if legal counsel needs to be retained to address any contractual issues.
- What will be the legal obligation for an employer?
- What will be the legal obligation for a TFW worker wishing to move workplaces?

Impact on farm workplace and animal husbandry:

- When an employer enters into the TFW application process, it is to ensure that the needs of their farm and animals are addressed throughout the duration of the TFW's employment.
- Through an open work permit, an employer could potentially end up in a situation where they become overly short-staffed, compromising animal care, overall farm staffing and the farm itself.
- Added pressures of being short-staffed can also impact employer and employee mental health.
- Given that it takes six-to-eight months for an LMIA to be approved, the employer does not have the option to re-apply in the hopes that another TFW will be able to fill the vacated role.

- How will the housing requirements be handled – will the space need to remain from the LMIA TFW that has left to a new location – therefore not opening up the housing space for a new LMIA process?

Question 1:

- Issues and challenges:
 - What will the horticultural stream specifications be and what will the livestock stream specifications include?
 - The low skill stream does not currently have language requirements, and we continue to support this. However, information, including training, is provided in various languages as required.
 - The TFW program workers in the pork sector are employed year-round.
- Will there be a “level of experience” requirement? We continue to support the current low-skill stream requirements. As well, producers are able to provide on-site training, as required in some instances.

Question 2:

- We must again reiterate that pork sector TFW positions are year-round and not of a seasonal nature. We continue to be concerned that there appears to be a lack of understanding and/or acknowledgment of this, and we believe that the new stream must address this fact.
- The pork sector relies on the year round – 24 month – contract for ongoing animal care and team support.

Question 3:

- The new stream should include low-skill positions, such as those in the 85-100s categories. For the low-skilled positions, pork employers, in the LMIA, specifically state that potential employees will be required to perform all duties associated with swine farms.

Question 5:

- We do not support high-skill jobs being part of this new stream.
- Also, for open permit purposes, the ability to hire a worker in the high-skill job stream is even more resource intensive in terms of time and financial requirements .

On behalf of Ontario’s pork producers, thank you again for the opportunity to participate in this consultation. We strongly believe that the TFW program is vital to the pork sector and to all of agriculture and that any changes must bear this in mind. We would also welcome an opportunity for further dialogue on the program’s new Agriculture and Fish Processing stream.

Sincerely,



Tara Terpstra
Board Chair