



March 18, 2025

Employment and Social Development Canada

Stream – Specific Work Permit and Transportation Requirements of the New Agriculture and Fish Processing Stream Discussion Papers

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: Stream Specific Work Permit and Transportation Requirements Discussion Papers

Ontario Pork appreciates the opportunity to provide input on the ESDC Temporary Foreign Worker (TFW) program discussion papers on a stream-specific work permit and transportation requirements.

From “farm to fork” Ontario’s 1,898 family farms employ over 16,550 full-time job equivalents and contribute \$1.4 billion in GDP and \$3.7 billion in economic output to Canada’s economy. Led by producers, Ontario Pork is a leader in the agriculture industry and 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.

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 papers, **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.

1. Stream-specific Work Permit Discussion Paper

Housing and transportation - The year-round TFW's in the pork sector are already provided with housing and/or transportation to and from the worker's home country. As Ontario Pork identified in the TFW consultation #2, we continue to be concerned with TFW mobility and the impact on employers and employees, specifically regarding accountability for both parties.

It is not realistic to think and/or expect employers to keep rooms open for TFWs that leave and move onto other farms. We also question how Service Canada would keep abreast of knowing who is in the house if workers are on open work permits that allow them to come and go.

Transportation options - While we see that transportation options are presented in the Transportation Costs Discussion Paper, which we address below, there remain important considerations specific to contractual issues and farm workplace and animal husbandry.

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?
- How will Service Canada keep track of TFWs who leave a farm without any notice, due to a difficult situation, or not wishing for an employer to know their whereabouts?

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.
- 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?

2. Transportation Requirements Discussion Paper

Questions 1 – 4: Positions on transportation options

Of the three options presented, options #2-A and #2-B, where employers are responsible for round-trip transportation with shared responsibility between employers, and numbers of days worked as the determiner, appear to provide a possible process for transportation costs for a TFW that switches work locations. A Service Canada template, as proposed in the discussion paper, would be helpful and important for record keeping and documentation.

It is our understanding that under the SWAP program, employers pay for their workers' flights to Canada and are reimbursed in some way. We recommend that this approach should also apply for the new stream. We also continue to have concerns regarding health care as it is our understanding that not all TFWs are receiving their health cards in a timely manner, thus necessitating employers to cover health expenses. We recommended that this additional expense be eliminated and that health coverage commence upon the TFW arrival to their place of employment.

Option 1, with a third party involved to centrally manage pool, appears to require a great deal of coordination and administration. Would this result in added costs to employers? Option 3, with the documentation requirements, also appears to be arduous.

Question 5: Employer coverage of unemployed workers wishing to remain in Canada

We do not support employer coverage of a worker wishing to remain in Canada if there is time on their work permit and they become unemployed. With an employer meeting any contractual obligations, the expectation would then be that the worker book the earliest flight possible back to their home country.

- a. We do not support the employer being required to provide housing up until the worker's return flight home and/or decisions are made if they wish to remain in Canada. The housing that the worker was using may be needed for another worker and cannot be held indefinitely.

Question 6: Transportation requirements for workers to have better control of return flights home and for employers are not having to pay for more expensive flights

When return flights home are being booked, it is standard practice to determine flight availability and to determine a flight that best suits workers (to get home in a reasonable timeframe) and employers (to not incur last minute flight costs).

Question 7: Flight booking and transportation

Given that farms are in rural areas, employers, depending on the number of workers, either provide transportation from the airport to the farm themselves, or they hire a shuttle service or bus to transport

workers. In terms of workers returning to their home country, employers cover the cost of employees getting to the Canadian airport and the ticket home. If a worker requires additional travel to their home, once they arrive in the home country, that is their responsibility and not that of the employer.

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