

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# COMMENTS TO THE *PROJET DE REGLEMENT SUR LES CONDITIONS D'HEBERGEMENT DES TRAVAILLEURS*

Amnesty International broadly welcomes the draft regulation *Règlement sur les conditions d'hébergement des travailleurs*, proposed by the Government of Quebec, concerning the housing conditions of workers. The new norms lay down employers' obligations when providing accommodation to workers and have the potential to improve the housing conditions of thousands of migrant workers that work and live in Quebec. If fully implemented, the new rules can represent a significant step towards ending the poor housing conditions migrant workers under the Temporary Foreign Worker Program (TFWP) have endured in the province over the years and upholding their right to adequate housing.

This submission highlights some of the positive aspects of the regulation, in light of Canada's international human rights obligations and standards which also apply to the Quebec authorities. As recognized in article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which Canada has ratified, everybody, including migrant workers, has the right to adequate housing without discrimination.<sup>1</sup> Whilst the regulation represents a significant advance towards the fulfilment of the right to adequate housing for workers, Amnesty International warns that the new rules afford employers an unreasonably lengthy transition period -which ranges from 3 to 8 years- to comply with some provisions of the regulation which are necessary for the realisation of the right to adequate housing. While international human rights law allows for the progressive realisation of the right to adequate housing, guaranteeing the right to housing in an equal and non-discriminatory manner is an immediate obligation. In light of this, it is essential that core components of this right such as habitability and availability of essential services, materials, facilities and infrastructure, are implemented without delay.<sup>2</sup>

Moreover, Amnesty International would like to remind authorities that the right to adequate housing is fundamentally linked with and impacts other rights, such as the right to health, the right to enjoy just and favourable conditions of work, including the necessary periods of rest, the right not to be discriminated against or the right to seek and obtain justice. The right to adequate housing includes ensuring that the authorities provide adequate accommodation for those workers living in employer-provided accommodation who are at risk of homelessness when they leave abusive employers or are unfairly dismissed.

Authorities should also fully consider the evidence and recommendations from migrant workers, academics and civil society organizations, who have provided critical and detailed contributions on how housing conditions should be better regulated.<sup>3</sup> Finally, there are other urgent reforms that are needed to ensure workers' rights are fully respected and protected. To this end Quebec (and other provincial authorities) should amend legislation that actually increases migrant workers' vulnerability to abuses -for example the current restrictions on unionization for agricultural workers-. Provincial authorities should also urgently push for other vital reforms at the federal level, primarily, the abolition of the closed work permit regime, which is intrinsically exploitative.

## THE NEW REGULATION: AN IMPORTANT STEP TOWARDS ENSURING THE RIGHT TO ADEQUATE HOUSING FOR MIGRANT WORKERS

Amnesty International has documented how migrant workers under the TFWP are exposed to a higher risk of labour exploitation and other abuses, including wage theft, long working hours, lack of safety and discrimination at work, inadequate housing, lack of health care, surveillance, psychological abuse and harassment and gender-based violence.

<sup>1</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No.4 "The right to adequate housing", UN Doc 13 December 2014.

<sup>2</sup> The UN Committee on Economic, Social and Cultural Rights has clarified that the concept of adequacy includes several aspects, among others: legal security of tenure, availability of services, materials, facilities and infrastructure; affordability; and habitability, accessibility, location and cultural adequacy. UN Committee on Economic, Social and Cultural Rights, General Comment No.4 "The right to adequate housing".

<sup>3</sup> Rattmaq, *Commentaires au Projet de règlement Loi sur la santé et la sécurité du travail (chapitre S-2.1). Règlement sur les conditions d'hébergement des travailleurs*, 24 February 2026. *Normes de logement nationales pour les travailleurs agricoles migrants. Guide Fondé Sur Le Consensus*, 2025, [https://farmworkerhousing.ca/wp-content/uploads/2025/10/Franc\\_May2025\\_Normes-de-logement-nationales\\_digital-1.pdf](https://farmworkerhousing.ca/wp-content/uploads/2025/10/Franc_May2025_Normes-de-logement-nationales_digital-1.pdf)

The abuses migrant workers under the TFWP experience stem from the closed work permit, which ties them to a single employer, who controls their labour and living conditions and their status in Canada.<sup>4</sup>

During an investigation conducted by the organization in 2023 and 2024, dozens of workers reported poor housing conditions. Some of the dwellings were uninhabitable, lacked toilets and drinking water, were affected by pest infestation, and had mould and water leaks. Overcrowding, due to excessive occupancy for long periods of time, was a common issue. Many migrant workers interviewed by the organization, particularly those working in agriculture but not exclusively, were housed in dormitory style accommodations, slept in bunkbeds with little to no privacy and insufficient storage, bathrooms and showers, as well as inadequate cooking facilities. Some individuals were housed in containers not suitable for living, with inadequate heating and cooling, and had to go outside or to the vicinity to use a toilet. A worker shared that he slept in a corridor with people passing by. Several workers reported surveillance in their accommodation by their employers. Workers also shared that mattresses were ripped and in poor condition, and that the bedding provided appeared to be unsanitary.<sup>5</sup>

Amnesty International's findings are consistent with reports by other organizations, academics, unions and governmental bodies, which, over the years, have denounced unsanitary and substandard housing conditions.<sup>6</sup>

In light of authorities' obligation to ensure that housing for migrant workers meets criteria of adequacy as articulated in international human rights law and standards, and that migrant workers are not subject to discrimination, Amnesty International welcomes the draft Regulation on housing conditions, in so far as it includes provisions that impose obligations on employers to ensure adequate housing. In particular, the organization welcomes: the obligation to use the housing premises only for the purpose of workers' accommodation (article 3) -which Amnesty International considers excludes the use of premises for other purpose and/or the use of containers to house workers-; the ban on the use of video-surveillance (article 13); the ban of bunkbeds (article 21); employers' positive obligations to maintain the habitability of the accommodation (articles 2-10), ensure adequate climatization and ventilation (articles 6-8), and availability of drinking water (article 10); the prohibition of layouts that require workers' pass through other workers' rooms to access their own or common areas (article 15); the introduction of an appropriate ratio of sufficient sanitary facilities per group of workers (article 22); the inclusion of obligations to have common spaces (article 26-36), including a kitchen with sufficient amenities for workers present at any one time as well as a washing-machine and driers or alternatively, a free laundry service (article 35); regulations to ensure safety and security, including first aid (article 37-43); and the obligation to make the internet available for workers (article 38).

However, in order to fully address the accommodation and personal needs of migrant workers, Amnesty International recommends the authorities to make the following additions to the proposed regulations:

- 1) Housing should also be accessible for injured workers and workers with disabilities.
- 2) Access to phones, in addition to the internet, should be provided, as they allow workers to maintain contact with their families, and are instrumental to access services, such as health care or the police, or follow up administrative processes affecting them.

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<sup>4</sup> Amnesty International, "Canada has destroyed me" (previously cited).

<sup>5</sup> Amnesty International, "Canada has destroyed me" (previously cited).

<sup>6</sup> Auditor General of Canada to the Parliament of Canada, 2021, Report 13, *Health and Safety of Agricultural Temporary Foreign Workers in Canada during the Covid-19 Pandemic*, 2021 [https://www.oag-bvg.gc.ca/internet/docs/parl\\_oag\\_202112\\_02\\_e.pdf](https://www.oag-bvg.gc.ca/internet/docs/parl_oag_202112_02_e.pdf)  
Immigrant Workers Centre and the Association of Migrant Workers of Quebec *Decent housing for migrants agricultural workers: Report submitted for the Stakeholder Consultations on Mandatory Requirements for Employer-Provided Accommodations in the TFW Program*, 2020, [https://iwc-cti.ca/wp-content/uploads/2021/07/Reportconsultation-housing\\_CTI-2020.pdf](https://iwc-cti.ca/wp-content/uploads/2021/07/Reportconsultation-housing_CTI-2020.pdf); Migrant Workers Alliance, *Decent & Dignified Housing for Migrant Farmworkers Food & Farmworkers: Working Group Submissions to Consultations on Mandatory Requirements for Employer-Provided Accommodations in the TFW Program*, 2020, [https://migrantworkersalliance.org/wpcontent/uploads/2020/12/MRN-Submission\\_-Decent-Dignified-Housing-for-Migrant-Farmworkers.pdf](https://migrantworkersalliance.org/wpcontent/uploads/2020/12/MRN-Submission_-Decent-Dignified-Housing-for-Migrant-Farmworkers.pdf); Cooper Institute, *Falling Short: Troubles with the Seasonal Agricultural Worker Program in Nova Scotia*, March 2024, [https://www.cooperinstitute.ca/sitefiles/Documents/MigrantWorkers/Falling\\_Short\\_TFWMARITIMES\\_NS\\_March\\_27\\_2024.pdf](https://www.cooperinstitute.ca/sitefiles/Documents/MigrantWorkers/Falling_Short_TFWMARITIMES_NS_March_27_2024.pdf); Cooper Institute, *Unfree labour: Migrant workers in the Seafood Industry in New Brunswick*, March 2023, [https://www.cooperinstitute.ca/sitefiles/Documents/Migrant-Workers/Unfree\\_Labour\\_TFWMARITIMES\\_NB\\_2023.pdf](https://www.cooperinstitute.ca/sitefiles/Documents/Migrant-Workers/Unfree_Labour_TFWMARITIMES_NB_2023.pdf); Cajax et al., "Migrant agricultural workers' death in Ontario from January 2020 to June 2021: a qualitative descriptive study", *International Journal for Equity in Health* 21:98, 2022; Leah F. Vosko, Tanya Basok, Cynthia Spring, Guillermo Candiz, Glynis George, *COVID-19 Among Migrant Farmworkers in Canada: Employment Strain in a Transnational Context*, ILO Working Paper 79, September 2022; Migrant Workers Alliance, *Unheeded warnings: Covid-19 and migrant workers in Canada*, June 2020, <https://migrantworkersalliance.org/wpcontent/uploads/2020/06/Unheeded-Warnings-COVID19-and-Migrant-Workers.pdf>; Cooper Institute, *Safe at work, unsafe at home: Covid-19 and Temporary Foreign Workers in Prince Edward Islands*, June 2021 [https://www.cooperinstitute.ca/sitefiles/Documents/Migrant-Workers/Report-Safe\\_at\\_Work\\_Unsafe\\_at\\_Home-TFWMARITIMES-PEI2021.pdf](https://www.cooperinstitute.ca/sitefiles/Documents/Migrant-Workers/Report-Safe_at_Work_Unsafe_at_Home-TFWMARITIMES-PEI2021.pdf)

- 3) Accommodation should be gender and culturally sensitive. This involves ensuring that the gender identity of individuals is respected and that employers put in place measures to ensure that the accommodation is free from any form of gender-based violence, including harassment and assault.
- 4) In addition to the prohibition on video-surveillance, -and in line with the observation by the UN Committee on Economic, Social and Cultural Rights, which has considered that a crucial element of the definition of the right to adequate housing is the protection against any undue interference with individuals' privacy-,<sup>7</sup> authorities should add an additional obligation indicating that employers will not arbitrarily or unlawfully interfere with migrant workers' accommodation and therefore undermine their privacy. For instance, employers must refrain from entering workers' accommodation without due notice.

Finally, authorities should, through these regulations or others, protect migrant workers living in employer-provided accommodation, who lose their accommodation as a result of unfair dismissals without cause or notice or upon early termination of their contract. In such instances, the authorities should make emergency accommodation available to prevent homelessness, which is one of the most serious violations of the right to adequate housing.<sup>8</sup> Alternative accommodation should be provided for as long as workers are unable to access employment and throughout the process they are seeking a remedy and justice for any abuses.<sup>9</sup>

## **THE RIGHT TO ADEQUATE HOUSING CANNOT WAIT: WHOLLY UNREASONABLE TRANSITION COMPLIANCE PERIODS FOR EMPLOYERS MUST BE CHANGED**

Amnesty International is extremely concerned about the very lengthy transition period the regulations afford to employers to comply with provisions that establish the use of single and double rooms. While the organization understands that employers need to adapt their premises to the new rules, the transition period to do so, which ranges from between 5 and 8 years, will result in significant delays in meeting obligations that are intended to eradicate overcrowding and realise the right to housing for all without discrimination. In the same vein, the transition period for the prohibition of bunk beds is 3 and 4 years from when the regulations enter into force. The same transition period is also allowed for the installation of sanitary facilities. Clearly such long transition periods will defeat the purpose of the regulation which is to ensure adequate housing which is habitable and fit for purpose, and which should be provided without delay.

Realisation of the right of migrant workers to adequate housing without discrimination cannot wait. The organization considers that this transition period cannot be justified and is wholly unreasonable, given the urgent need to end overcrowding. Overcrowding affects workers in many different ways. It does not only interfere with their privacy, but it undermines their whole quality of life – the ability to rest, to cook and eat with sufficient amenities. Evidence shows that overcrowding is a significant risk to people's mental and physical health and even in some serious cases their life.<sup>10</sup>

Habitability is a key component of the right to adequate housing. To meet their obligations to ensure adequate habitable housing for everybody without discrimination, authorities need to implement legislation and policies that do not permit unreasonable delays by accommodation providers, including migrant labour employers. Instead of permitting such delays, the government of Quebec could provide financial and technical support for employers where needed to enable them to adapt to the requirements of the regulations and meet their human rights responsibilities.

## **THE URGENT NEED TO ABOLISH CLOSED WORK PERMITS AND TO ALIGN LABOUR STANDARDS WITH INTERNATIONAL LAW**

The regulation of migrant workers' housing conditions cannot be isolated from the regulation of their labour conditions and immigration policies. Consequently, while the regulation of housing conditions represents a considerable step

<sup>7</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No.4 "The right to adequate housing", para. 9

<sup>8</sup> UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (UN Special Rapporteur on adequate housing), Report, 30 December 2015, A/HRC/31/54, documents-ddsny.un.org/doc/UNDOC/GEN/G15/294/52/PDF/G1529452.pdf?OpenElement, para. 4

<sup>9</sup> Federal authorities should ensure that these workers can seek and obtain justice and can access a valid permit to stay in Canada.

<sup>10</sup> Cajax et al., "Migrant agricultural workers' death in Ontario from January 2020 to June 2021 ..." (previously cited); Leah F. Vosko, Tanya Basok, Cynthia Spring, Guillermo Candiz, Glynis George, *COVID-19 Among Migrant Farmworkers in Canada...* (previously cited); Migrant Workers Alliance, *Unheeded warnings...* (previously cited).

forward, there are other urgent structural reforms Quebec authorities should adopt, together with pushing for other recommendations at the federal level.

The persistent inadequate housing conditions that racialized migrant workers from the Global South endure when they travel to Canada under the TFWP are a manifestation of the profound dehumanization they experience.<sup>11</sup> These migrant workers are treated as merely a labour force commodity that can be disposed of at a whim by their employers who, through closed work permits, hold significant power and control over their lives.

Through the regime of closed work permits, migrant workers are only allowed to work for the employer and on the occupation specified in their work permit, and can rarely leave their job or change employers. This puts workers at risk of serious exploitation, trapping them in substandard and exploitative labour conditions. Furthermore, these closed work permits also hamper migrant workers' access to effective remedies for the abuses they suffer. Most migrant workers fear making complaints to authorities or asserting their rights due to the nature of their work permits. When abuses happen, many workers do not report them: they risk threats, more abuses and other reprisals, including unfair dismissal, non-renewal of their contract, and repatriation to their country of origin.<sup>12</sup>

Moreover, the vulnerability of migrant workers is heightened through provincial regulations that further restrict some of their rights, particularly in agriculture, where migrant workers represented 34.6% of the total labour force in agriculture in Quebec in 2023.<sup>13</sup>

In Quebec employers are exempted from paying overtime to agricultural workers.<sup>14</sup> On top of this, there are legislated limitations on collective bargaining rights for agricultural workers in Quebec, which blatantly breach Canada's international obligations to respect trade union rights for all workers. Only agricultural workers in farms with at least three permanent employees can form and join unions.<sup>15</sup> This provision has a discriminatory effect on agricultural workers employed by small farms and farms that largely rely on non-permanent, seasonal labour. It also has a clear discriminatory effect on migrant agricultural workers, whose labour under TFWP is considered temporary.

It is therefore urgent for Quebec authorities to:

- Push federal authorities to abolish closed work permits and grant open work permits to migrant workers participating in the TFWP, ensuring that they can change employers and jobs freely.
- Revisit provincial employment standards on agriculture to ensure they comply with Canada's international obligations and relevant standards with respect to rights at work.
- Repeal provisions and legislation limiting the rights of agricultural workers to collective bargaining and barriers for migrant workers to join and form unions.

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<sup>11</sup> Temporary labour visas under the TFWP are mostly granted to Black, Latin American, Indigenous and other racialized people - including those coming from rural areas. In 2025, the top countries of origin of TFWP workers were Mexico, India, Guatemala, Philippines, and Jamaica, together representing almost 73% of the work permits granted. Out of the total of temporary migrant workers in agriculture, 41.6% were from Mexico, 26.2% from Guatemala and 12.4% from Jamaica. Statistics Canada, Temporary Residents: Temporary Foreign Worker Program (TFWP) and International Mobility Program (IMP) Work Permit Holders – Monthly IRCC Updates - Canada – Temporary Foreign Worker Program Work Permit Holders by Country of Citizenship and Year in which Permit(s) became effective, January 2015 - November 2025, [https://www.ircc.canada.ca/opendata-donneesouvertes/data/EN\\_ODP-TR-Work-TFWP%20CITZ.xlsx](https://www.ircc.canada.ca/opendata-donneesouvertes/data/EN_ODP-TR-Work-TFWP%20CITZ.xlsx); Statistics Canada, Table 32-10-0221-01 Countries of citizenship for temporary foreign workers in the agricultural sector, <https://doi.org/10.25318/3210022101-eng> (accessed on 6 February 2026).

<sup>12</sup> Amnesty International, *"Canada has destroyed me"* (previously cited).

<sup>13</sup> Statistics Canada, Table 32-10-0218-01 Temporary foreign workers in the agriculture and agri-food sectors, by industry, <https://doi.org/10.25318/3210021801-eng>

<sup>14</sup> In Quebec, migrant workers are protected by the same rights and obligations as all other workers under the Act respecting Labour Standards (Loi sur les normes du travail) and the Act respecting Occupational Health and Safety (Loi sur la santé et la sécurité au travail). Agricultural workers are excluded from some labour standards provisions, including maximum hours and overtime. Farm workers are exempt from overtime pay requirements and are paid only at their base hourly rate for all work over 40 hours per week. Rest periods are mandatory for all farm workers, with a minimum of a 32-hour rest period per week, which can be postponed one time only due to needs such as harvest, but the employer is then required to provide two 32-hour rest periods the following week.

<sup>15</sup> The Quebec Labour Code refers to employees who are ordinarily and continuously employed in a farming business. Chapter V.3, Article 111.27-11.32 of the Labour Code lays down special provisions for farming business. Agricultural workers covered by these provisions can form and join associations, but these associations do not have the right to collective bargaining and, therefore, to strike.