

LITERATURE REVIEW:

# **MIGRANT WORKER ACCOMMODATION: EXAMINING PUBLIC AND PRIVATE SECTOR APPROACHES AND THE IMPACTS OF COVID-19**

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# EXECUTIVE SUMMARY

This report is based on a review of literature on the regulation of migrant accommodations as a condition of employment in a country of destination. It reviews standards for migrant housing at the international level, governmental policies and regulatory practices, private sector regulations, and special measures implemented in the context of the COVID-19 pandemic. Surveying material from several regions, the report focuses on Japan, the Republic of Korea, Hong Kong Special Administrative Region (SAR), China, Australia, New Zealand, Canada, and the United States. With particular attention paid to temporary migrant labour programmes of each country, it draws from policies relating mainly to agriculture, construction, domestic work, and manufacturing sectors. In addition, the report includes material on private sector regulations in the aforementioned countries as well as in South-East Asia, namely in agriculture, electronics, manufacturing, and seafood sectors of Malaysia and Thailand.<sup>1</sup>

## INTERNATIONAL STANDARDS

The review finds that several international frameworks exist to affirm rights to adequate housing in general as well as to establish standards for migrant housing in particular. These frameworks, found mainly in international conventions and recommendations from the United Nations and the International Labour Organization (ILO), form normative guidelines for

national governments to implement through their respective laws. They emphasize a set of regulatory elements that include baseline physical conditions and features of adequate housing, non-discrimination and equality of access to housing for migrants, protections against rent exploitation, and provisions of migrant family housing.

## GOVERNMENTAL POLICIES AND REGULATORY PRACTICES

Binding legislation on migrant accommodations exists primarily at the national and subnational government levels. Governmental regulatory frameworks vary considerably in legal structure, comprehensiveness of standards, oversight responsibilities, inspection protocols, and consequences for noncompliance. At minimum, most include standards on who arranges worker housing, location and structural specifications, essential facility requirements and basic features, and

a basic outline of inspection protocols. Depending on the country, regulatory gaps stem from inadequate stipulations on migrant housing at the policy level, poor oversight practices, and implementation inconsistencies between subnational jurisdictions. Table 1 provides an overview of the regulatory frameworks governing accommodations for workers in temporary migrant labour programmes for each country.

Table 1.  
GOVERNMENTAL REGULATORY FRAMEWORKS FOR MIGRANT WORKER ACCOMMODATIONS

COUNTRY	SECTORS	REGULATORY FRAMEWORK
<b>JAPAN</b>	Agriculture, construction, manufacturing	Standards in national labour law articles on worker dormitories (not migrant specific); oversight delegated to non-governmental "supervising organizations"; enforced by prefecture labour inspectors
<b>REPUBLIC OF KOREA</b>	Agriculture, construction, manufacturing, fisheries, service	Standards in national labour law articles on worker dormitories; enforced by provincial labour inspectors
<b>HONG KONG SAR, CHINA</b>	Domestic work	Minimal standards for live-in accommodations with employers in Standard Employment Contract; Employment Agencies manage stay in boarding houses during transit period; no regular inspection protocols
<b>AUSTRALIA</b>	Accommodation, agriculture/horticulture, tourism	Standards in temporary migrant labour programme policy; pre-approval of accommodation plan required for employer participation; enforced by inspection officers from the Department of Education, Skills, and Employment
<b>NEW ZEALAND</b>	Agriculture/horticulture	Standards in national health and safety and worker accommodation laws; required adherence to territorial and local laws; enforced by Labour Inspectorate and Labour Standards Office
<b>CANADA</b>	Agriculture	Standards set by territorial and provincial governments; employer demonstration of accommodation compliance with local standards required prior to worker arrival; enforced by territorial, provincial, or municipal authorities
<b>UNITED STATES</b>	Agriculture	Precedence of local and state standards, coexisting with minimum federal standards; state-level certification of accommodations prior to worker arrival; enforced by State authorities

Note: See Annex 2 for details.

## PRIVATE SECTOR REGULATIONS

Private sector regulations pertaining to migrant accommodations also exist in the focus countries as well as in Malaysia and Thailand, complementing government regulations and, in some cases, surpassing government standards. Many of these forms of regulation exist within broader governance mechanisms of global supply chains, providing

potentially effective means of regulating worker accommodations provided/arranged by suppliers. Standards and requirements vary widely, however, and inspection and enforcement actions are not always clear. Table 2 outlines private sector regulations found in the review.

1. With the original intent to focus on Asia, we adjusted the geographic scope of the report to avoid overlap with a concurrent International Labour Organization (ILO) report covering the regulation of migrant accommodations in South-East Asia. As the ILO report does not cover private sector regulations, we include material on such regulations in South-East Asia.

Table 2.  
PRIVATE SECTOR REGULATIONS ON MIGRANT ACCOMMODATIONS

ENTITY	REGULATORY MECHANISM	REGULATORY ELEMENTS	EXAMPLES
<b>INTERNATIONAL ORGANIZATIONS</b>	Global guidelines (non-regulatory)	General normative standards	Standards for migrant accommodations in the International Recruitment Integrity System (IRIS) Standard and Dhaka Principles
<b>BUSINESS/INDUSTRY ASSOCIATIONS</b>	Member statements and declarations	Varying member commitments (e.g. general rights adherence, specific housing quality stipulations)	Responsible Business Alliance (Malaysia, electronics); Thai Frozen Foods Association and Thai Tuna Industry Association (Thailand, seafood)
<b>GLOBAL BRANDS/ BUYERS</b>	Codes of conduct for suppliers	Varying standards and requirements of supplier-provided accommodation	IKEA (Asia/Thailand), Hewlett-Packard (Asia), Huawei (Asia/Thailand), Nestle (Thailand)
<b>CERTIFICATION ORGANIZATIONS</b>	Social compliance certifications	Health and safety requirements, including living conditions	SA8000, Business Social Compliance Initiative (BSCI), Bonsucro (sugarcane)- a global Non-Profit Organization

## COVID-19-SPECIFIC MEASURES

After the onset of the COVID-19 pandemic, international organizations, civil society groups, and governments issued recommendations for businesses to mitigate risks of virus transmission among migrant workers in their workplaces and accommodations. Governments issued varying risk mitigation measures related to accommodations, prioritizing quarantining of new arrivals, mass testing of workers, hygiene and sanitation, and social/physical distancing. Less common have been social protection measures to prevent evictions and other forms of insecurity stemming from business slowdowns and work stoppages. Importantly, as governments have tried to mitigate

the risks of COVID-19 transmission among migrant workers, discriminatory policies and practices have also emerged in the form of restrictions of movement, mandatory vaccinations, and in some instances, naming and blaming of migrants for outbreaks. While emergency regulations are temporary, there is potential to develop permanent changes to accommodation policies to improve the health, safety, and dignity of migrant workers in the long term and in the event of future pandemics. Table 3 summarizes measures implemented in the focus countries during the pandemic.

Table 3.  
COVID-19 SPECIFIC REGULATORY MEASURES

COUNTRY	MEASURES
<b>JAPAN</b>	Quarantine for new arrivals
<b>REPUBLIC OF KOREA</b>	Mandatory testing of workers, quarantine for new arrivals, government provision of PPE at municipal level (e.g. Seoul)
<b>HONG KONG SAR, CHINA</b>	Quarantine for new arrivals, mandatory testing of workers, public notice encouraging workers to stay in on days off, mandatory vaccination of workers (suspended)
<b>AUSTRALIA</b>	Quarantine for new arrivals, requirements of employers to implement social distancing rules in accommodations and provide PPE, migrants eligible for protection from eviction in several territories
<b>NEW ZEALAND</b>	Quarantine for new arrivals, heightened attention to cleaning and social distancing, requirements of employers to provide PPE, migrant workers entitled to government funding if sick and isolated or if workplace closed by the lockdown and eligible for Essential Workers Leave Support
<b>CANADA</b>	Quarantine for new arrivals, improvements to living quarters to ensure social distancing, provision of PPE and sanitary stations, disinfection of living spaces, temporary housing for isolation of those affected, streamlined inspection procedures, daily screening of symptoms
<b>UNITED STATES</b>	Quarantine for new arrivals, cohorted workers and family members housed together, quarantine spaces and protocols for affected workers, enhanced sanitation practices, disinfection of living quarters, modification of bed configurations for social distancing, daily health checks, testing, state-level PPE provision requirements for employers

Based on the findings, the following recommendations aim to guide governments, private sector actors, and international organizations in taking actions to improve the regulation and oversight of migrant worker accommodations.

## RECOMMENDATIONS FOR GOVERNMENTS:

- Review minimum standards for migrant accommodations as codified in labour and health and safety laws. If necessary, update laws to include stronger standards that, at minimum, satisfy international standards of adequate housing.
- Review temporary migrant labour program policies to ensure standards for migrant accommodation oversight, including inspection protocols. Strive to ensure consistent implementation of programs across the country through the establishment of uniform, program-wide procedures and the improvement of vertical integration of regulation.
- If necessary, update program policies to include a clear set of accommodation requirements of employers, preferably built into the certification/ approval process.
- Consider proactive approaches to accommodation inspections, such as implementing pre-arrival, intermittent, and unannounced inspections.

- Establish easily accessible grievance mechanisms that provide direct channels between workers and inspection/oversight authorities. Channels may be online and/or physical but should ideally ensure anonymity of those filing grievances.
- In cases where the government delegates oversight to private actors, conduct assessments of their monitoring procedures to assure compliance with government regulations.
- Develop emergency protocols for migrant accommodations in cases of future pandemics and public health emergencies. Ensure that regulatory actions balance public health and safety with the wellbeing and dignity of migrant workers, avoiding discriminatory and stigmatizing practices.
- Conduct assessments to determine what measures implemented during the COVID-19 pandemic should be made permanent (e.g. reduced density, renovations to maximize the ability for physical distancing, protocols for eviction prevention, etc.).

### RECOMMENDATIONS FOR PRIVATE SECTOR ACTORS:

- Industry/business associations and other private sector bodies:**
  - Include minimum standards for worker accommodations and living conditions in membership commitments.
  - Also include standards for governance procedures ensuring privacy, freedom of movement, defined work-residence boundaries, and other privileges and protections for worker residents.
  - Establish monitoring and inspection plans to complement member standards and commitments.
- Global certification bodies:**
  - Include minimum standards for worker accommodations, living conditions, and housing governance procedures in certification requirements to complement workplace health and safety requirements.
- Global buyers:**
  - Include minimum standards for worker accommodations, living conditions, and housing governance procedures in supplier codes of conduct. Ensure that these standards cover all tiers of suppliers, including subcontracted companies.
- Employers:**
  - Establish clear protocols for monitoring and addressing violations of migrant accommodation standards (among others) in codes of conduct.
  - Provide anonymous channels for workers to file grievances and report unsuitable living conditions directly to buyers in the supply chain.
  - Ensure transparency about provided housing at the recruitment stage, including habitability as well as governance procedures regarding worker privacy, movement to and from accommodation facilities, work-residence boundaries, and other privileges and protections for worker residents .
  - Establish emergency pandemic and public health emergency protocols, in compliance with governmental regulations, and ensure that accommodation facilities and management are equipped to implement them.

### RECOMMENDATIONS FOR IOM AND OTHER INTERNATIONAL AGENCIES:

- Devote specific attention to migrant accommodation issues, as a key subset of broader migrant health and safety issues, in agenda-setting and advocacy work.
- Engage countries of origin and destination on pre-departure regulatory practices to ensure transparency of housing conditions in employment contracts.
- In training and outreach to the private sector, emphasize migrant housing and living conditions as essential to health and safety beyond the workplace. Include these conditions as crucial components in the promotion of ethical recruitment of migrant workers.
- Seek ways to strengthen mechanisms of supply chain governance that potentially impact migrant accommodations, including the identification of oversight gaps and areas of concern in supply chain mapping projects.
- Build on early COVID-19 recommendations to governments to advocate for longer-term policy reforms related to migrant housing to ensure robust standards for addressing public health issues/emergencies in the future.

# ABBREVIATIONS

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<b>ADB</b>	Asia Development Bank
<b>ALC</b>	Agricultural Land Commission
<b>ASEAN</b>	Association of South-East Asian Nations
<b>BC</b>	British Columbia
<b>BCMAL</b>	BC Ministry of Agriculture and Lands
<b>BSCI</b>	Business Social Compliance Initiative
<b>CDC</b>	Center for Disease Control
<b>CREST</b>	Corporate Responsibility in Eliminating Slavery and Trafficking
<b>DESE</b>	Department of Education, Skills, and Employment
<b>DFAT</b>	Department of Foreign Affairs and Trade
<b>EPS</b>	Employment Permit System
<b>GLP</b>	Good Labour Practices
<b>ICESCR</b>	International Covenant on Economic, Social, and Cultural Rights
<b>ILO</b>	International Labour Organization
<b>IRIS</b>	International Recruitment Integrity System
<b>IOM</b>	International Organization for Migration
<b>LMIA</b>	Labour Market Impact Assessment
<b>MOEL</b>	Ministry of Employment and Labor
<b>OSHA</b>	Occupational Safety and Health Administration
<b>OTIT</b>	Organization for Technical Intern Training
<b>PLS</b>	Pacific Labour Scheme
<b>PPE</b>	Personal Protective Equipment
<b>RBA</b>	Responsible Business Alliance
<b>RSE</b>	Recognized Seasonal Employer
<b>RSPO</b>	Roundtable on Sustainable Palm Oil
<b>SAR</b>	Special Administrative Region
<b>SSW</b>	Specified Skilled Worker
<b>SWP</b>	Seasonal Worker Program
<b>TFFA</b>	Thai Frozen Foods Association
<b>TFWP</b>	Temporary Foreign Worker Program
<b>TITP</b>	Technical Intern Training Program
<b>TTIA</b>	Thai Tuna Industry Association
<b>UN</b>	United Nations

# INTRODUCTION

As temporary migrant labour, or guestworker, programmes have proliferated throughout the world, the regulation of migrant accommodations as a condition of labour migration has been inconsistent from country to country. Gaps in migrant accommodation oversight have become especially clear in the context of the COVID-19 pandemic. Coronavirus outbreaks among migrant populations in such countries as Canada, Malaysia, Singapore and several Gulf States have highlighted migrant living conditions – often densely populated and lacking proper sanitation – as posing risks for community transmission. These incidents highlight the crucial need for regulatory improvements globally to ensure migrant worker health, safety, and dignity as states seek to contain further virus outbreaks.

The importance of such regulation extends beyond the pandemic, as gaps in the regulation of migrant housing as well as variation in housing type and quality (see Annex 2) pose both urgent and long-term challenges. A lack of affordable housing for migrants in cities, for example, can lead to newcomers building makeshift housing or squatting on unsanitary and unsafe lands (Price and Chacko, 2012: 25). Poor quality housing can contribute to poor physical and mental health as well as injuries and possible death to migrant residents. Substandard accommodation issues are also identified as indicators of forced labour, with migrants often housed under conditions much worse than initially promised by recruiters and obligations to rent from employers creating large debts migrants must work to pay off (FLA, 2018:14; ILO, 2007:34).

There is thus a need for clear and effective frameworks for regulating migrant accommodations to ensure worker safety and security globally and in the long run. While several States have emphasized the importance of migrant labour to their economies by introducing measures to make sure guestworkers can enter their territories and work for extended periods despite border closures and travel restrictions during a pandemic, protection of migrants in the workplace and in their living quarters must also be a priority for countries of destination. In addition, the private sector has potential regulatory roles to play in ensuring minimum accommodation standards through means such as business association commitments, social compliance certifications, and global supplier codes of conduct, all of which may complement and bolster State regulation.

This desk review provides an overview of existing regulatory frameworks governing migrant worker accommodations as a condition of migrant work, identifying standards, laws and regulations, oversight gaps, and recommendations for regulatory improvement. The review covers multiple geographic regions, focusing primarily on Japan, the Republic of Korea, Hong Kong SAR, China, Australia, New Zealand, Canada, and the United States. As temporary migrant labour programmes in these countries vary in terms of sectoral focus and eligibility, the review is limited to specific industries in some country sections. For example, major programmes in Canada, the United States, and New Zealand are mostly geared toward agriculture and horticulture. In Hong Kong SAR, China, “Foreign Domestic Helpers” are the primary workers covered in its guestworker policy framework. Programmes in Australia, Japan, and the Republic of Korea have broader sectoral scope, including agriculture, construction, manufacturing, and tourism/hospitality. The review also considers private sector regulations in these countries as well as those in South-East Asia, namely Malaysia and Thailand, where migrants work throughout agriculture, electronics, manufacturing, and seafood global supply chains.

# METHODOLOGY

Considering the picture presented above, this desk review seeks to answer the following research questions:

01

What international instruments and guidelines cover migrant worker housing/accommodations and living conditions? What is the general scope and influence of these documents?

02

What kinds of government regulatory frameworks exist in regard to migrant worker housing? What types of oversight and regulation do these frameworks stipulate?

03

What role does the private sector play in the regulation of migrant worker housing? What regulatory policies and guidelines do industry groups, firms, and other private actors provide?

04

What measures on migrant housing have emerged in the context of the COVID-19 pandemic? What new regulations or recommendations from governments, intergovernmental organizations, and other stakeholders exist in the focus countries?

To answer these questions, the researcher reviewed literature on regulatory frameworks and guidelines on migrant worker accommodations in the aforementioned countries. The researcher conducted an extensive search of the literature through the following means:

- a. **Online keyword search:** the researcher used Google search engine to find reports, news articles, and website content related to migrant worker housing regulations, applying a list of relevant search terms, such as migrant worker housing policy, migrant worker accommodations, migrant housing regulations, guestworker housing, etc. The researcher maintained a log of search terms, which were specified for each country (e.g. migrant worker housing policy Japan) and specific guestworker programme.
- b. **Academic database search:** the author also searched online academic databases, particularly Google Scholar and Web of Science, to find scholarly articles and grey literature on relevant topics, using similar search terms as above. Priority was on finding empirical papers, though more theoretical works were also considered where relevant.
- c. **International agency and nongovernmental organization publication search:** to find

reports on migrant workers that include sections on housing, the researcher searched online publication archives of international agencies and NGOs, including ILO, IOM, Asia Development Bank (ADB), World Bank, and national and international NGOs. Some IOM country offices were also asked for source recommendations specific to their locations.

- d. **Law database and government policy search:** to find policies on migrant worker housing, the researcher searched websites of government ministries. Particular attention was paid to policy stipulations of guestworker programs as well as labour laws in each country. In cases where English is not the official language of government policy, the researcher relied on English-language translations and descriptions and analysis of major legislation.
- e. **Private sector regulation search:** the researcher looked for policies and recommendations related to migrant worker housing from industry groups, global brands,

suppliers, and social compliance certification organizations.

- f. **Mini roundtable with IOM CREST officers:** finally, the researcher led a mini roundtable discussion with officers from IOM's Corporate Responsibility in Eliminating Slavery and Trafficking (CREST) program on migrant worker accommodation issues. CREST has a longstanding history of working with major buyers/brands on protecting migrants employed in global supply chains. The researcher asked participants from country offices in Hong Kong SAR, China, Malaysia, and Thailand about notable industry interventions in migrant accommodations, housing issues that have arisen in their mapping of supply chains, significant gaps in migrant accommodation oversight that may be addressed by the private sector, and prominent accommodation issues in their focus countries during the COVID-19 pandemic. Participants also shared overall country situations regarding migrant worker accommodations and suggested further resources for the review.

To keep track of these searches and to document relevant information for use in the Desk Review, the author maintained a Desk Review Log on a Microsoft Excel spreadsheet.

The review proceeds according to the above research questions. It first discusses international regulatory standards and frameworks for migrant accommodations and then covers governmental regulations before turning to private sector regulations. It then considers specific measures at various levels of authority and by different actors to regulate migrant housing in the face of the COVID-19 pandemic. It concludes with recommendations for governments, the private sector, and international organizations to strengthen migrant accommodation standards and regulatory frameworks.

# INTERNATIONAL STANDARDS

International instruments outline broad guidelines for the right to adequate housing in general and for migrant housing in particular. The right to an adequate standard of living, including housing, is central to international human rights law (OHCHR, 2009). Article 25(1) of the 1948 Universal Declaration of Human Rights recognizes the right to adequate housing for all as part of the right to an adequate standard of living. The United Nations International Covenant on Economic, Social, and Cultural Rights (ICESCR) also recognizes the right to an adequate standard of living, including housing “and the continuous improvement of living conditions” (UN, 1966). Elaborating further, the United Nations Committee on Economic Social and Cultural Rights general comment No. 4 (1991) outlines key conditions of the right to adequate housing, including the following minimum criteria (OHCHR, 2009:3-4; IHRB, 2019):

- **Security of tenure:** legal protection against forced evictions;
- **Availability of services, materials, facilities and infrastructure:** safe drinking water, adequate sanitation, power for cooking, heating, lighting, food storage or refuse disposal;
- **Affordability:** costs must not compromise other human rights;
- **Habitability:** physical safety, adequate space, protection against cold, damp, heat, rain, wind, other threats to health and structural hazards;
- **Accessibility:** accounts for needs of disadvantaged and marginalized groups;
- **Location:** not cut off from employment opportunities, health-care services, schools, and other social facilities or located in polluted or dangerous areas;
- **Cultural adequacy:** respects expression of cultural identity.

In addition, several international instruments and recommendations affirm accommodation rights specifically for migrant workers, focusing primarily on non-discrimination and fair access. Article 43 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families states that “migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to...Access to housing, including social housing schemes, and protection against exploitation in respect of rents” (UN 1990). In its General Recommendation No. 30 (2004), the Committee on the Elimination of Racial Discrimination also calls for state parties to guarantee equal access to adequate housing for citizens and noncitizens (OHCHR, 2009:26).

The ILO also has several conventions and recommendations that complement the United Nations documents. Article 6 of the ILO Migration for Employment Convention (C097, Revised) protects against discrimination of accommodations. Article 20 of the ILO Migration for Employment

Recommendation (R086, Revised) on Housing Conditions further calls for access to adequate housing for migrants, stating that “[t]he competent authority of the territory of immigration shall ensure that migrants and the members of their families have hygienic and suitable housing, in so far as the necessary housing is available” (ILO, 1949). Included in the ILO Workers’ Housing Recommendation (R115) is the suggestion that competent authorities give “special attention to the particular problem of housing migrant workers and, where appropriate, their families, with a view to achieving as rapidly as possible equality of treatment between migrant workers and national workers in this respect” (ILO, 1961). The recommendation also outlines 18 housing standards for all workers, including migrants. These standards include items on bedroom dimensions and features, ventilation, heating, sanitation facilities, common areas, supplies of safe potable water, gender segregation, among others contributing to “structural safety and reasonable levels of decency, hygiene and comfort” (ibid.).

Articles on migrant accommodations are also included in the ILO Protection of Migrant Workers (Underdeveloped Countries) Recommendation (R100). Article 21 raises points related to accommodation arrangements and rents, stating that arrangements “should include measures to enable such workers to be provided, either at the expense of the employer or by the provision of appropriate financial aid or by other means, with accommodation meeting approved standards and at rents reasonable in relation to the wages earned by the various categories of workers” (ILO, 1955). Article 22 further specifies regulatory standards, calling for a competent authority to ensure satisfactory housing conditions and to “define the minimum standards of accommodation and exercise strict control over the enforcement of these standards” while defining “the rights of the worker who may be required to vacate his accommodation on leaving employment and [taking] all necessary steps to secure the enforcement of these rights” (ibid.). Article 16 of the ILO Migrant Workers Recommendation (R151) raises further considerations for migrant family housing, stating, “with a view to facilitating the reunification of families

as quickly as possible ... each Member should take full account of the needs of migrant workers and their families in particular in its policy regarding the construction of family housing, assistance in obtaining this housing and the development of appropriate reception services” (ILO, 1975).

The above international instruments and recommendations provide a set of important guidelines for country governments to implement national regulatory frameworks for migrant worker accommodations. As implementation is left to governments, however, these instruments have limited regulatory value. Only State parties to the United Nations and ILO conventions are obligated to implement them, leaving gaps in their global regulatory reach (see table 4). The International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, for example, offers extensive rights protection, but it is one of the most poorly ratified UN conventions (Ruhs, 2013). Other documents, such as ILO recommendations, contain the most detailed standards yet serve as normative guidelines without enforcement mechanisms.

Table 4.  
**SIGNATURES AND RATIFICATIONS OF INTERNATIONAL INSTRUMENTS ADDRESSING MI-GRANT ACCOMMODATIONS\***

Instruments	Australia	Canada	Japan	New Zealand	Republic of Korea	United States
International Covenant on Economic, Social, and Cultural Rights, 1966	■	■	■	■	■	■
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990	■	■	■	■	■	■
International Convention on the elimination of Racial discrimination, 1965	■	■	■	■	■	■
ILO Migration for Employment Convention, 1949	■	■	■	■	■	■

■ Ratified ■ Signed only ■ Neither signed nor ratified

\*Hong Kong SAR, China is not applicable to this table



As part of the Community Stabilization (CS) project funded by the People of Japan and implemented by IOM, semi-durable shelters were built for the most vulnerable people in the Kobiteye returnees site. Chad | © IOM 2018 / Amanda Nero

# GOVERNMENTAL POLICIES AND REGULATORY PRACTICES

## JAPAN

### POLICY FRAMEWORK

Due to an aging population and related labour shortages, Japan is increasingly accepting temporary migrant workers to fill vacancies in its labour market. For years, the main guestworker program has been the Technical Intern Training Program (TITP), which “operates through a hazy distinction between apprenticeship and work” (Surak, 2018:12). Since 1993, this programme has brought in workers from such countries as China, the Philippines, and Viet Nam to work in construction, food manufacturing, agriculture, and other sectors for five years at a time with the expressed purpose of transferring knowledge and technical skills to participants and their countries of origin.

In addition to the TITP, in 2018 the Government expanded its temporary migrant worker program to include the Specified Skilled Worker 1 (SSW1) and Specified Skilled Worker 2 (SSW2) visas. The Government plans to admit 345,150 migrants by 2025 under the former visa category in 14 sectors, including agriculture, elder care, and construction (Oishi, 2020). Interns working in the TITP are also eligible to change their visa to the SSW1 category.

Migrant worker housing standards are ostensibly covered by national labour laws. According to the Labour Standards Act, dormitories for workers/trainees are assigned and fixed (Yoshida, 2021). A chapter on dormitories focuses on worker accommodations attached to businesses, such as construction sites, and includes articles that ensure the personal freedom of residents and requirements that employers establish dormitory rules. Article 96 of the Act states, “with respect to a dormitory attached to the enterprise, an employer shall take necessary measures for ventilation, lighting, illumination, heating, damp-proofing, cleanliness, evacuation, maximum accommodation, and sleeping facilities, and such other measures as are necessary for preservation of the health, morals and life of the workers” (Japan Labour Standards Act, 1947).

The Enterprise Dormitory Ordinance further specifies stipulations on location (e.g. away from explosives and inflammable material), gender segregation of sleeping quarters and bathroom facilities, room dimensions per person, availability of bedding, and quality tap water, among other standards (JICOSH, 1972). The Ministry of Land, Infrastructure, Transportation and Tourism has also stipulated the physical requirements of migrant dwellings. Bedrooms for temporary low-skilled workers, for example, should be 4.5 square meters per person at a minimum. For semi-skilled workers, living quarters should be a minimum of 7.5 square meters per person, and for those who live in dorms provided by employers, bedrooms should be 2.5 square meters per person at a minimum (MLITT, 2019).

## IMPLEMENTATION AND OVERSIGHT

According to the Labour Standards Act, Labour Standards Inspectors are authorized to inspect employer-run dormitories, in addition to workplaces. These national bureaucrats, assigned to Labour Standards Inspection offices under prefectural labour bureaus, may respond to complaints reported to inspection offices and can conduct inspections without notice. Some offices have English-speaking advisors for foreign workers to discuss labour issues (MHLW, 2011). If inspectors find violations, they may order alterations or a suspension of the use of all or part of the dormitory. There have, however, been chronic shortages of inspectors to monitor workplaces and dormitories (Mitamura, 2017).

Specific to migrant labour, a revised TITP policy provides limited guidelines for worker accommodations oversight. The 2016 Act on Proper Technical Intern Training and Protection of Technical Intern Trainees established the Organization for Technical Intern Training (OTIT) and introduced a new licensing system for “supervising organizations” and accreditation for technical intern training plans, among other programme revisions (JITCO, 2019). While licensed by the government to operate as non-profit employment agencies, these organizations are usually represented by “small business associations” of five or more firms, often put together by a collection of brokers (Surak, 2018:14). According to the Act, they are responsible for checking the employer-provided accommodations and living environments of intern trainees (JITCO, 2019).

In addition, the Act states that businesses – referred to as “implementing organizations” – must submit a plan that includes, among several workplace and employment details, a description of accommodation facilities for trainees. The Act does not include, however, details about inspection procedures or their frequency, and it does not state a requirement for inspections prior to the arrival of trainees. It does state that competent ministers may order implementing organizations that are found in violation of the approved accredited plan or provisions of the Act or other laws and regulations related to immigration or labour to take measures to improve the situation by a set deadline. Ministers can also revoke accreditation.

The TITP thus suffers from a lack of clarity and details in the content of the Labour Standards Act. Relatedly, implementation and oversight gaps pose a threat to adequate migrant worker living conditions. The program has faced criticism for its overall lack of oversight and conditions that are conducive to forced labour (Japan Times, 2014; Verité, 2018). In addition to poor working conditions and abusive workplace practices, employers and supervising organizations often subject trainees “to a combination of high recruitment fees resulting in debt and a lack of transparency regarding working and living conditions” (Verité, 2018:3). Workers have also reported poor living conditions and poor oversight of such conditions (ibid., 18). A 2017 Government investigation into the programme found that “most employers in the program were breaking labour laws” (Clenfield and Takeo, 2019).

According to government legislation, the new SSW1 category requires employers to secure a registered “support organization” to attend to worker needs, including “assistance with housing, and other essentials for maintaining life in Japan” (Milly, 2020). As of February 2020, the use of the SSW1 visa had been slow, but there were fears among civil society and business organizations that the use of supervising organizations in its governance structure will result in similar types of worker abuse and lack of program oversight as the TITP (Milly, 2020).

PROACTIVE REGULATORY FRAMEWORKS	REACTIVE REGULATORY FRAMEWORKS
Regulate minimum accommodation requirements	Limited regulation on temporary boarding house set-up
Employer submission of detailed accommodation plan	Reliance on general labour laws rather than codification of migrant-specific regulations
Regular monitoring visits include discussions with workers, standards on inspection frequency and procedures established	Limited details on monitoring and inspections
Clear complaint mechanisms and response/remedy protocols in place	Ad-hoc responses limited to worst violations

# REPUBLIC OF KOREA

## POLICY FRAMEWORK

The Republic of Korea's main labour migration scheme for "low-skilled" work is the Employment Permit System (EPS), introduced by the Ministry of Employment and Labour (MOEL) in 2004. The EPS consists of bilateral agreements between the Republic of Korea and origin country governments of Bangladesh, Cambodia, China, Indonesia, Kyrgyzstan, Mongolia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, Timor-Leste, Viet Nam and Uzbekistan (Kim, 2015:5). Workers from these countries fill job vacancies in manufacturing, construction, service, agriculture and fisheries sectors.

Most often, employers arrange EPS worker accommodations. Among a set of workplace requirements to acquire an EPS permit to participate in the program, employers must show their ability to provide dormitories to workers (Cho et al., 2018:42). In the agriculture sector, employers provide EPS workers accommodation and often pay partial board. Workers and employers are supposed to negotiate the costs and arrangements for housing and meals, but there is no official obligation for employers to provide either for free. In practice, it is common for employers to provide housing and one meal per day (Kim, 2015:12).

While laying out requirements, institutional arrangements, and implementation mechanisms for the migration and employment process, the Act on Foreign Workers' Employment (2003) does not specify worker accommodation standards. EPS workers, however, are also governed by national labour laws and regulations, which are supposed to provide them with equal protections to native workers (Korea MEL, 2015). According to Article 99 of the Labour Standards Act, an employer who boards workers in a dormitory connected to the business must prepare rules pertaining to waking and sleeping hours, going out and overnight stay, events, meals, safety and health, maintenance of buildings and facilities, and other matters. Article 100 further states that "[a]n employer shall take measures necessary for the maintenance of the health, morals and lives of the members who are lodged in a dormitory annexed to the business" (Amnesty International, 2014:23).

As a 2014 report by Amnesty International points out, the framework provided by the Labour Standards Act "does not adequately set out employers' obligations in relation to the standards of accommodation and inappropriately indicates that employers should make rules, which interfere with the private lives of workers" (ibid.). The Enforcement Decree of the Labour Standards Act (2004) further specifies some areas, such as gender segregation in dormitories, dormitory location (avoiding high noise/vibration), limits to bedroom sharing, and bedroom size and occupancy.

## IMPLEMENTATION AND OVERSIGHT

Like in Japan, national labour laws in the Republic of Korea govern the oversight of worker dormitories, including those of migrant workers. According to the Labour Standards Act, labour inspectors have the authority to inspect worker dormitories along with workplaces. Inspectors also have the power to issue orders, impose financial penalties, revoke licenses or authorizations, and to prosecute violators. Yet, with limited standards for migrant workers housing stipulated in specific program policies and without clear protocols for inspecting migrant worker accommodations, oversight gaps persist.

Throughout the years, international researchers and Korean news outlets have reported poor working and living conditions associated with the EPS. While employers often promise dormitory accommodations for workers, past interview data with migrant workers on agriculture plantations have indicated poor accommodations in shipping containers that were not segregated by gender (Amnesty International, 2009:29). Among a variety of workplace rights violations, a 2010 survey revealed violations of accommodation arrangements (Kim, 2015:28). While such violations persist today, workers are often reluctant to report dangerous working conditions and "appalling accommodation" out of fear of losing their job and thus their visa status (Hyo-Jin, 2021b).

More recently, the death of a Cambodian worker living in a vinyl greenhouse with poor heating spurred provincial authorities to increase inspections. After his death, Gyeonggi province authorities implemented a two-week inspection of housing conditions of over 2,000 operations throughout the province's farming and fishing regions (Gyeonggi-do, 2021). The Ministry of Justice also announced a ban on using vinyl greenhouses as living quarters for seasonal migrant workers (Hyo-Jin, 2021a). For new arrivals, the Immigration Office promised to conduct on-site inspections of housing after workers arrive, and local governments would exclude those employers using greenhouses as worker shelter would be excluded from the seasonal migrant worker system for a year (ibid.). While these actions indicate a short-term remedy to poor accommodation conditions, they also reveal severe oversight gaps that require more than a temporary response.



Psychosocial support international workshop. Acknowledging the importance of addressing psychosocial consequences of disasters and providing psychosocial support to affected population, IOM Seoul hosted an international workshop on 19-20 January 2016 on psychosocial support and staff care in emergencies. South Korea | © IOM 2016

PROACTIVE REGULATORY FRAMEWORKS	REACTIVE REGULATORY FRAMEWORKS
Regulate minimum accommodation requirements	Limited regulation on temporary boarding house set-up
Employer submission of detailed accommodation plan	Reliance on general labour laws rather than codification of migrant-specific regulations
Regular monitoring visits include discussions with workers, standards on inspection frequency and procedures established	Limited details on monitoring and inspections
Clear complaint mechanisms and response/remedy protocols in place	Ad-hoc responses limited to worst violations

# HONG KONG SAR, CHINA

## POLICY FRAMEWORK

Hong Kong SAR, China hosts domestic workers (officially referred to as “Foreign Domestic Helpers”) from countries such as Indonesia and the Philippines to work in private homes doing cleaning, caretaking, and other domestic duties. For these migrant workers, their workplace overlaps with their living space, as they live in the residence of their employers.

Standards for domestic worker living conditions are outlined in the Standard Employment Contract and attached Schedule of Accommodation and Domestic Duties, provided by the Hong Kong SAR, China Immigration Department. Clause 3 of the contract establishes a “live-in rule” wherein migrant domestic workers are required to live at their employer’s address. Clause 5b states that the employer must ensure “suitable accommodation and reasonable privacy” in living arrangements (Hong Kong Labour Department, 2018). In its “Guidebook for the Employment of Domestic Helpers from Abroad, the Immigration Department reiterates that “[t]he Helper shall be provided with suitable accommodation and with reasonable privacy” (Hong Kong Immigration Department, 2018:1). While it does not specify what constitutes suitability, it gives a brief example of unsuitable accommodation: “the Helper having to sleep made-do beds in the corridor with little privacy or sharing a room with an adult or teenager of the opposite sex” (ibid.). The contract and guidebook, however, do not elaborate on such details as size and location of workers’ living/sleeping space, but the Schedule for Accommodation and Domestic Duties stipulates that approval of visa entry is contingent upon the employer providing such basic facilities and amenities as toilet, bed, blankets, and pillows.

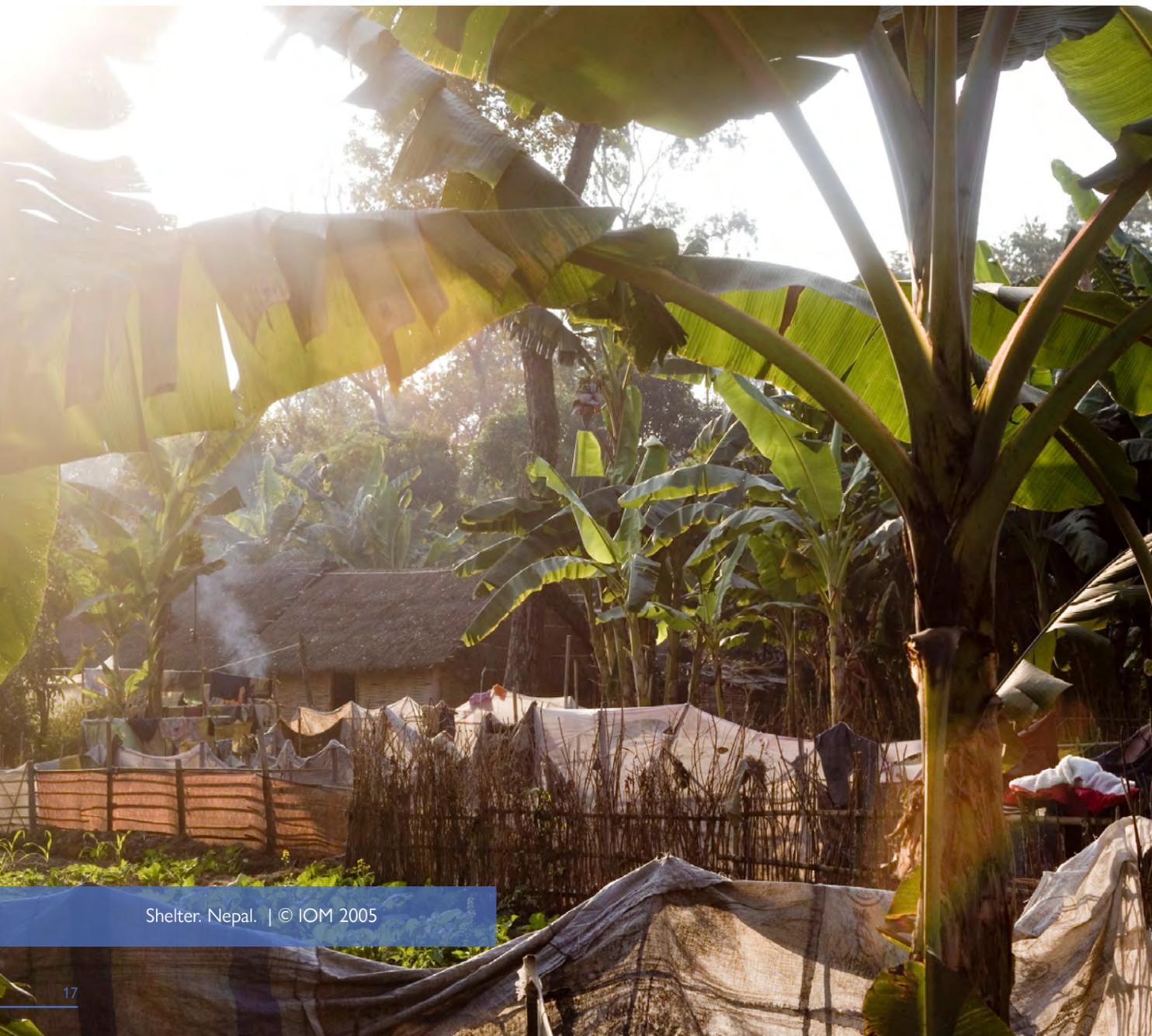
## IMPLEMENTATION AND OVERSIGHT

Just as the Standard Employment Contract and immigration guidelines for “foreign domestic helpers” lack a detailed explanation of what constitutes suitable accommodations, they also do not identify procedures for inspecting living conditions. Migrant domestic workers, whose visas are tied to their employment, must instead report exploitation, abuse, and other violations of their contract to authorities. A breach of contract would jeopardize the employer’s future application for employing a domestic helper (Hong Kong Immigration Department, 2017:5).

Aside from living in employer homes, migrant domestic workers might also live temporarily in boarding houses during “transit periods” when awaiting departure at the end or termination of a contract, awaiting a visa, or looking for a new employer. The conditions of these boarding houses, which are arranged by Employment Agencies without governmental regulation, has long been a concern for civil society organizations and unions. According to the Labour Department’s Code of Practice for Employment Agencies, those agencies that provide boarding

facilities must obtain relevant approvals or licenses from relevant government authorities to operate them and must satisfactorily meet standards related to building structure, fire safety, and health and hygiene, as specified in Hong Kong SAR, China ordinances (e.g. Buildings Ordinance, Fire Services Ordinance, Hotel and Guesthouse Accommodation Ordinance, and Bedspace Apartments Ordinance) (Hong Kong Labour Department, 2018:15).

Government regulation of transit boarding facilities, however, is limited. Government officials have recognized that there is no regulation in relation to the management of foreign domestic worker boarding facilities – including the number of such facilities and inspection mechanisms to ensure compliance with fire and building safety measures – nor are there plans to enact such legislation in the future (Government of Hong Kong, 2021; Hong Kong Ombudsman, 2021). The Government previously admitted a dearth of regulation after concerns of overcrowding and unsafe conditions were realized when a domestic worker was killed by a falling concrete slab while sleeping on the roof of a boarding facility (South China Morning Post, 2015).



Shelter, Nepal. | © IOM 2005

 <b>PROACTIVE REGULATORY FRAMEWORKS</b>	 <b>REACTIVE REGULATORY FRAMEWORKS</b>
Regulate minimum accommodation requirements 	Limited regulation on temporary boarding house set-up 
Employer submission of detailed accommodation plan 	Reliance on general labour laws rather than codification of migrant-specific regulations 
Regular monitoring visits include discussions with workers, standards on inspection frequency and procedures established 	Limited details on monitoring and inspections 
Clear complaint mechanisms and response/remedy protocols in place 	Ad-hoc responses limited to worst violations 

# AUSTRALIA

## POLICY FRAMEWORK

Australia uses two related schemes for migrant labour – the Seasonal Worker Program (SWP) and the Pacific Labour Scheme (PLS). Since 2012, the SWP allows workers from eight Pacific Island countries and Timor-Leste to work in Australia's horticulture sector for up to six months, with trials in accommodation, aquaculture, cotton and sugar cane sectors that also face labour shortages (Doyle and Howes, 2015:1). Beginning in July 2018, the PLS complements the SWP with emphasis on meeting labour demands in rural and regional Australia, allowing workers from participating origin countries – Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu, and Vanuatu – to work in “low and semi-skilled” jobs for up to three years (Australian DFAT, 2019). The PLS is not restricted to particular sectors, but there has been a focus on non-seasonal agriculture, accommodation, tourism and social assistance.

The Deed of Agreement for the Seasonal Worker Program, stipulates standards and regulations for worker accommodations. Employers are required to arrange such accommodations for the SWP, an issue that has been contested, as employers see its cost as a deterrent (ibid.). The Australian Government provides a checklist for minimum accommodation requirements, the main elements of which include fair and good value, cost transparency, fit for purpose and good conditions, accessibility, safety and security, and the ability to arrange alternative accommodations (AUS DESE, 2020:46–49). The checklist elaborates each element in detail, providing further recommendations for bed arrangements, bathrooms, and facilities. Employers wishing to participate in the SWP must submit an Accommodation Plan (Annex 2) for workers, to be approved by the Department of Education, Skills, and Employment. This plan must detail accommodations that are safe and fit for occupation, comply with health and safety legislation or any applicable state, territory, and local government laws and codes (ibid., 17–18).

The Pacific Labour Facility and the Department of Foreign Affairs and Trade manage the PLS. The latter's policy handbook for the PLS outlines worker accommodation stipulations as such: “Workers' accommodation will be organised by the Approved Employer or with assistance from the Worker Welfare Team prior to arrival in Australia. Each worker will be required to pay for their own accommodation. Rent can be paid as a wage deduction (through the Approved Employer) or paid directly to the real estate agent/landlord” (Australian DFAT, 2019:19). Details on accommodation standards and inspection protocols are lacking in the policy handbook.

## IMPLEMENTATION AND OVERSIGHT

The Department of Education, Skills, and Employment (DESE) stipulates procedures for making complaints and for monitoring visits to worker accommodations. Employers are required to appoint a Welfare and Wellbeing Support Person to assist workers and respond to issues (DESE, 2020:40). Workers may also email SWP offices (within the DESE) and access a 24/7 information line to report labour violations and other issues (Curtain and Howes, 2020). During monitoring visits, two department officers will inspect the accommodations to see that they match photographs submitted with employer's previously approved Accommodation Plan. Employers are required to permit them to take photographs. In addition, officers will have discussions with workers about their experiences. The visits may be announced or unannounced, the latter resulting from complaints or serious concerns over worker welfare.

After inspections, officers may raise concerns with the employer or their representative and follow up on issues in writing. If necessary, they will issue a Notice of a Breach of the Deed (Australia Government DESE, 2020:18, 63). Consequences for such a breach are decided on a case-by-case basis. If possible, the DESE may solicit a response and remedy from the employer. More serious cases could result in suspension of recruitment or termination of the deed, as was the case with a suspension of Agri Labour, a large recruitment company, in response to complaints about pay violations and poor working conditions on a Shepparton area farm (Curtain and Howes, 2020).



A household of 5 in their family's hut in Nepal. | © IOM 2008 / Kari Collins

Seasonal Worker Program (SWP):



Australian Government provides a checklist for minimum accommodation requirements

Employer submits an Accommodation Plan

Department of Education, Skills, and Employment approves the Accommodation Plan

PROACTIVE REGULATORY FRAMEWORKS

REACTIVE REGULATORY FRAMEWORKS

Regulate minimum accommodation requirements at national level



Limited regulation on temporary boarding house set-up



Employer submission of detailed accommodation plan



Reliance on general labour laws rather than codification of migrant-specific regulations



Regular monitoring visits include discussions with workers, standards on inspection frequency and procedures established



Limited details on monitoring and inspections



Clear complaint mechanisms and response/remedy protocols in place



Ad-hoc responses limited to worst violations



Pacific Labour Scheme (PLS):



The Department of Foreign Affairs and Trade issues policy handbook outlining worker accommodation stipulations

By Approved Employer or with assistance from the Worker Welfare Team to organize workers' accommodation prior to arrival in Australia

Workers pay for own accommodation in Australia

PROACTIVE REGULATORY FRAMEWORKS

REACTIVE REGULATORY FRAMEWORKS

Regulate minimum accommodation requirements at national level



Limited regulation on temporary boarding house set-up



Employer submission of detailed accommodation plan



Reliance on general labour laws rather than codification of migrant-specific regulations



Regular monitoring visits include discussions with workers, standards on inspection frequency and procedures established



Limited details on monitoring and inspections



Clear complaint mechanisms and response/remedy protocols in place



Ad-hoc responses limited to worst violations



# NEW ZEALAND

## POLICY FRAMEWORK

New Zealand's Recognized Seasonal Employer Scheme (RSE) employs workers from Pacific Island countries on a short-term basis. Since 2007, it has brought temporary migrant workers "from rural, cash-poor households to pick, pack, and process harvests" in the horticulture and viticulture industries (Nunns et al., 2019:16). According to program stipulations, RSE employers must arrange "suitable accommodation" that migrants must pay for (New Zealand MBIE, 2015).

The New Zealand regulatory approach integrates existing laws into the governance of migrant accommodations. The RSE program requirements draw specifically from national laws to establish minimum standards for migrant accommodations while also requiring adherence to territorial and local government laws. Specifically, such standards come from Health and Safety in Employment Regulations (1995), the Health and Safety at Work Act (2015) and the "Worker Accommodation Fact Sheet" (2016). In addition, worker accommodations are expected to comply with the Residential Tenancies Act of 1986 and any local Territorial Authority requirements. New Zealand Immigration also makes clear that the RSE standards for migrant worker accommodations are common "minimum requirements across New Zealand" but do not reflect Territorial Authority requirements that "may go above and beyond the RSE standards" (New Zealand Immigration, 2017).

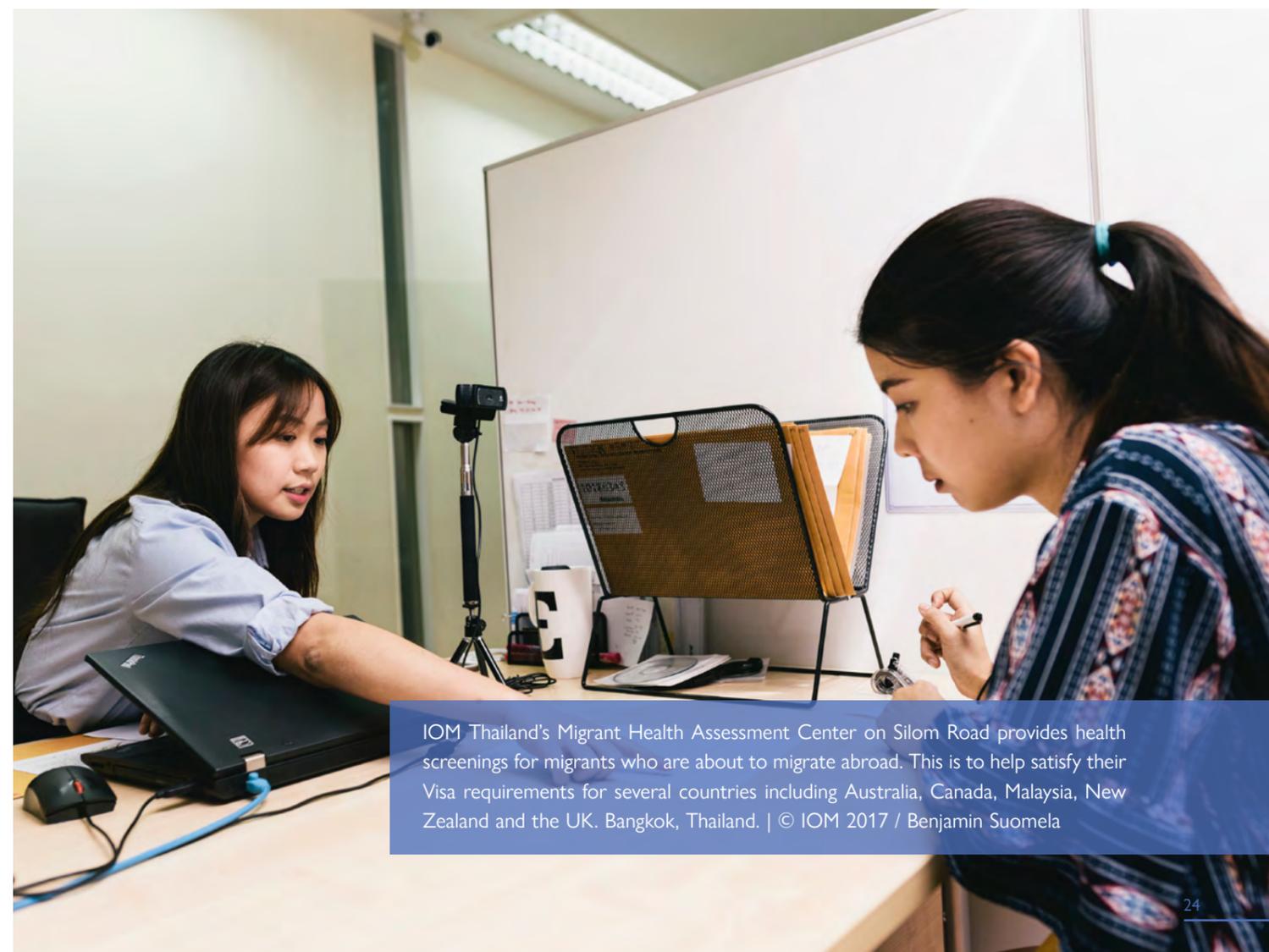
Regulatory variations by Territory have been mostly related to requirements of "purpose-built" accommodations. As the New Zealand Government is seeking to address housing shortages, it has imposed restrictions on employers using residential housing to accommodate migrant workers. In seven designated locations, they must instead provide approved purpose-built housing, which includes purpose-built seasonal work accommodation, a converted or re-purposed property converted into seasonal worker accommodation, a house on a commercial orchard or vineyard, guest accommodation such as a boarding house or home-stay (New Zealand Immigration, 2019).

More generally, the New Zealand Government provides a clear and detailed list of regulations for all "persons conducting a business or undertaking" (PCBUs) in all industries who provide worker accommodations as part of the job. The extensive list serves as minimum standards for RSE worker housing. It includes various structural and environmental requirements (e.g. thermal insulation, ventilation, no machinery or chemicals nearby, lined and finished interior walls) as well as details on facilities, including bedroom dimensions and furnishings, dimensions and features of cooking and dining facilities, washing and laundry facilities, recreational facilities, sanitary amenities, sick areas/rooms, drinking and washing water, lighting and ventilation, heating, refrigeration, garbage disposal, and smoke alarms (New Zealand Immigration, 2017; WorkSafe New Zealand, 2016).

## IMPLEMENTATION AND OVERSIGHT

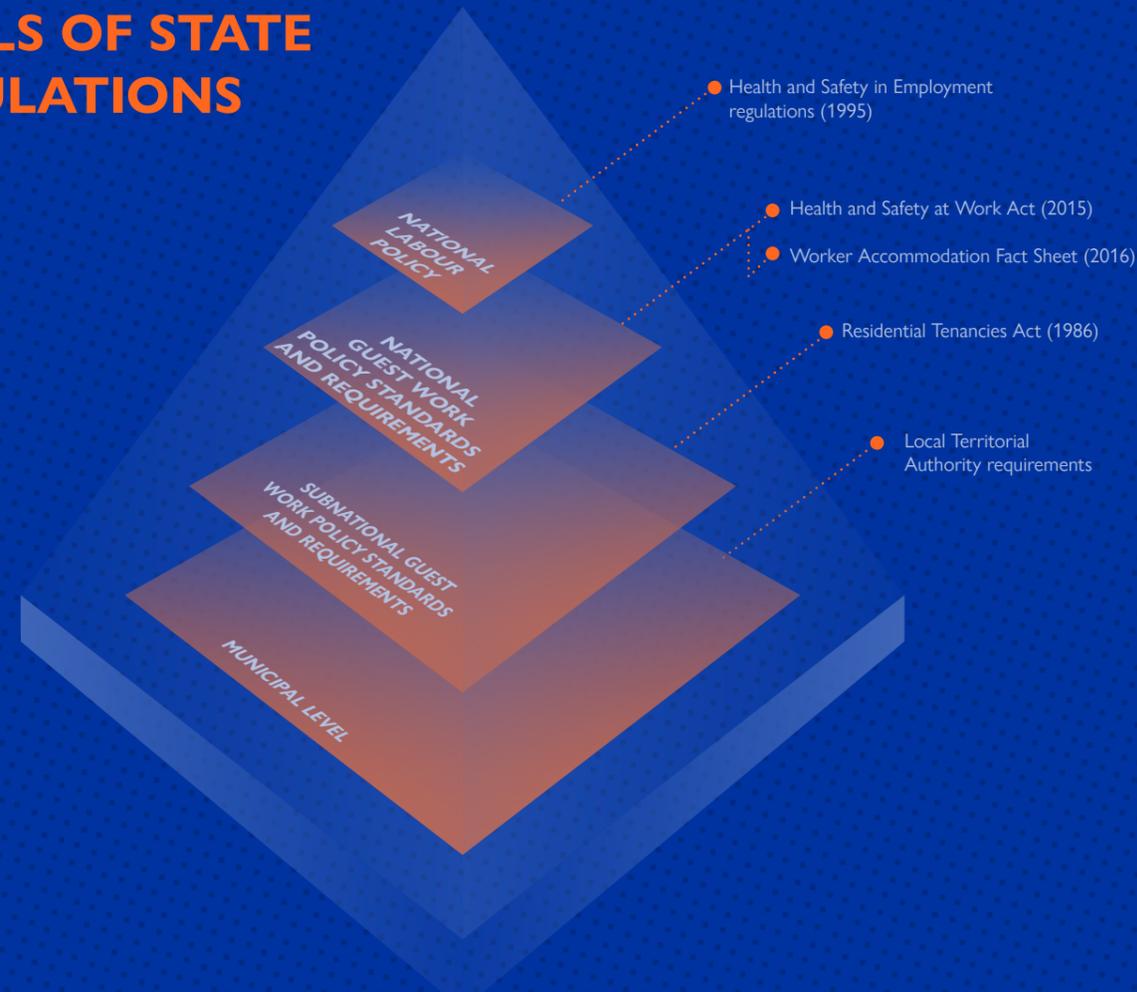
Two main authorities address the implementation of migrant worker accommodation standards. The Labour Inspectorate, under the Ministry of Business, Innovation, and Employment, investigates abuse and labour rights violations, including those related to housing. While the Inspectorate mainly monitors and enforces minimum employment standards in regard to workplaces, it also assesses and approves suitable accommodation according to programme guidelines (Nunns et al., 2019:34). In recent years, the Labour Inspectorate has been more proactive, increasing auditing of RSE accommodation, checking space requirements and making facilities reduce the number of residents housed per room (ibid.). In addition, Labour Standards Officers assess complaints about breaches of employment standards, audit employers, and manage the resolution of issues (Employment New Zealand, 2020).

Municipal authorities may also inspect accommodations upon complaints of violations of city ordinances. In 2018, the Auckland Council investigated what it found was an overcrowded property after receiving complaints from neighbours (Hatton, 2018). At one point, over 24 construction workers from the Philippines were housed in the 4-bedroom, 2-bathroom house, which did not meet the requirement of a boarding house.



IOM Thailand's Migrant Health Assessment Center on Silom Road provides health screenings for migrants who are about to migrate abroad. This is to help satisfy their Visa requirements for several countries including Australia, Canada, Malaysia, New Zealand and the UK. Bangkok, Thailand. | © IOM 2017 / Benjamin Suomela

# LEVELS OF STATE REGULATIONS



## PROACTIVE REGULATORY FRAMEWORKS

## REACTIVE REGULATORY FRAMEWORKS

- Regulate minimum accommodation requirements at national level

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- Employer submission of detailed accommodation plan

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- Regular monitoring visits include discussions with workers, standards on inspection frequency and procedures established

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- Clear complaint mechanisms and response/remedy protocols in place

- Limited regulation on temporary boarding house set-up

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- Reliance on general labour laws rather than codification of migrant-specific regulations

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- Limited details on monitoring and inspections

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- Ad-hoc responses limited to worst violations

# CANADA

## POLICY FRAMEWORK

Canada's Temporary Foreign Worker Program (TFWP) brings in foreign workers to fill labour shortages in its economy. It covers several sectors and is grouped by streams, including low- and high-skilled, live-in caregivers, and agriculture. The Seasonal Agriculture Worker Program is its own stream, matching workers from Mexico and Caribbean countries with farmers in Canada needing temporary labour during certain seasons. Regulation of Canada's TFWP exists mainly at the territorial and provincial levels, with limited migrant accommodation standards established at the national level to apply uniformly across the country.

As part of program requirements, employers must provide housing for workers, and they must ensure that the occupancy rate for residence units do not exceed the maximum allowed and that sufficient accommodation is available for all workers (Government of Canada, 2021). Further standards for accommodation are defined and enforced at the subnational level. All housing for workers must meet municipal building requirements and provincial health standards, for example, and housing inspection protocols are also defined at provincial, territorial, and municipal levels (ibid.). The Agricultural Land Commission (ALC) and BC Ministry of Agriculture and Lands (BCMAL), for example, has policies related to migrant worker housing, and municipalities address such standards as minimum farm size to accommodate worker housing, minimum lot size for housing, minimum and maximum floor areas per worker, maximum occupancy, and other conditions (BCMAL, 2009:9).

While detailed housing standards and inspection protocols may exist at subnational levels, the lack of national minimum standards and vertical integration of governance from national to subnational levels may result in inconsistencies and wide variation in migrant living conditions, depending on how extensive regulations are in a given location. To strengthen oversight of employer-provided housing for migrant workers, in 2020 the Canadian Government began consultations with provinces and territories, employers, workers on a proposal to establish minimum standards to apply nationally (Employment and Social Development Canada, 2020a). The goal of this reform is to create consistency across provinces and territories with minimum standards that will complement existing provincial and territorial regulations. Included in the proposal will be actions to strengthen oversight for pre- and post-arrival inspections (ibid.).

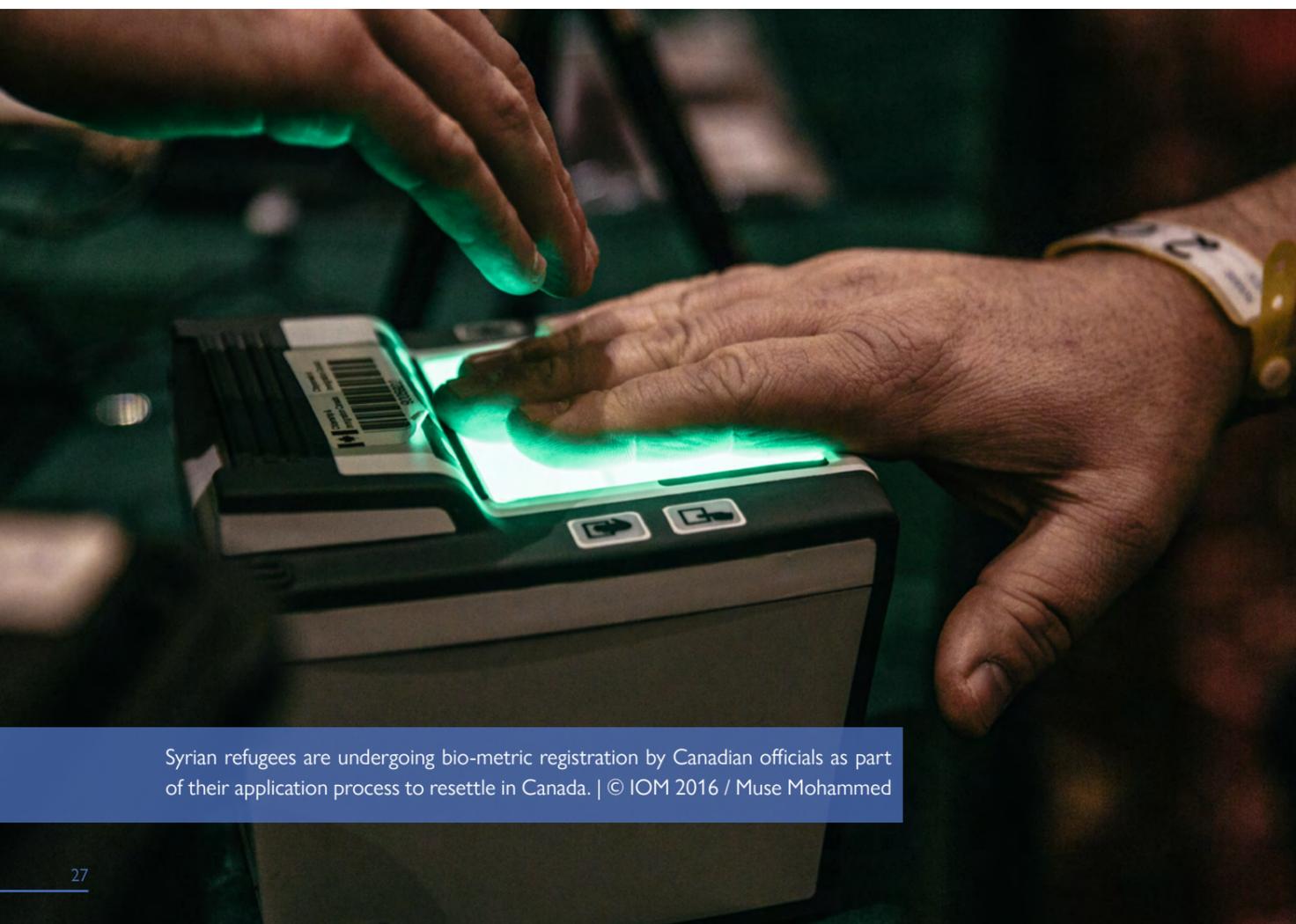
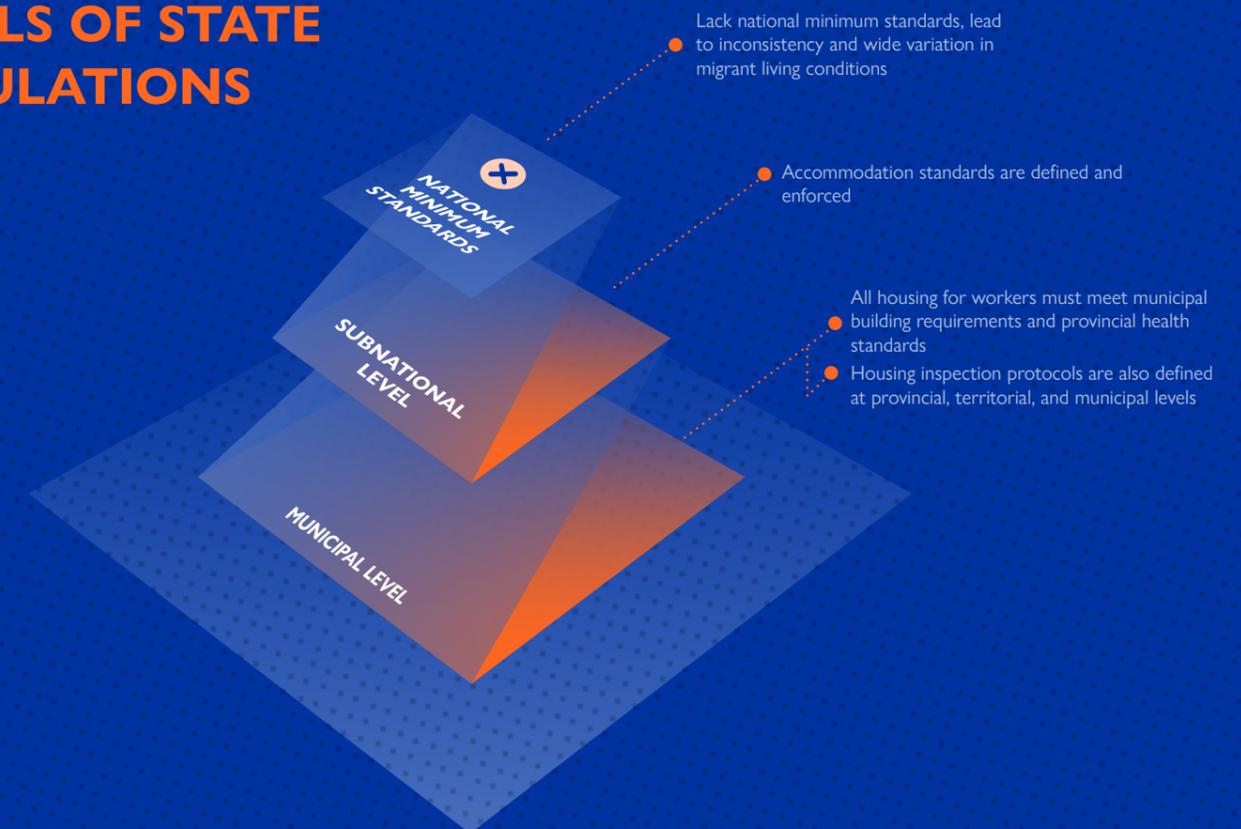
## IMPLEMENTATION AND OVERSIGHT

Employers in the agriculture stream must demonstrate in their Labour Market Impact Assessment (LMIA) application that “dwellings for foreign workers have been inspected and comply with their local applicable standards. These housing standards and related inspections prior to the arrival of workers are under the responsibility of provinces and territories. In some cases, this responsibility is delegated to municipalities or private inspectors” (Government of Canada, 2020a).

In British Columbia (BC), for example, registered inspectors check for issues in need of minor remedies or major repairs before the arrival of workers. In addition, provincial authorities enforce building code requirements for safety, including standards for the general property and exterior, building interior, sleeping quarters and bunk conditions and location, washing facilities, kitchen, water supply, and fire safety (British Columbia Government, 2016:7–16).

Pre-approval inspections are also carried out by regional municipal authorities. In Niagara, for example, public health inspectors must check to see that there are zero infractions before an employer is approved to bring in workers under the SAWP (Snobelin, 2021). If they find infractions, they will schedule re-inspections to ensure corrections. Public health inspectors also check housing in Durham, which requires that accommodations comply with local building, fire, and zoning requirements before inspection for worker approval (Durham Region, 2021).

## LEVELS OF STATE REGULATIONS



Syrian refugees are undergoing bio-metric registration by Canadian officials as part of their application process to resettle in Canada. | © IOM 2016 / Muse Mohammed

PROACTIVE REGULATORY FRAMEWORKS	REACTIVE REGULATORY FRAMEWORKS
Regulate minimum accommodation requirements at national level	Limited regulation on temporary boarding house set-up
Employer submission of detailed accommodation plan	Reliance on general labour laws rather than codification of migrant-specific regulations
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Clear complaint mechanisms and response/remedy protocols in place	Ad-hoc responses limited to worst violations

# UNITED STATES

## POLICY FRAMEWORK

The main guestworker channel for “low-skilled” migrant labour to the US is the H-2A visa program for temporary agriculture workers.<sup>2</sup> Since 1986, this program has allowed US employers to hire temporary migrant workers, mostly from Mexico, for agricultural work where there is insufficient availability of American workers. While employer housing obligations for migrant workers has historically been a contested issue (Costa and Martin, 2018:38-39), the current H-2A program requires employers to provide housing.

Migrant worker accommodations in the H-2A program are governed by a multilayer regulatory structure. According to federal regulations, all employers of H-2A workers must provide housing at no additional cost (US Department of Labor, 2010). As part of the state-level certification process, employers must obtain housing certification that indicates their proposed housing – either provided on-site or rental accommodations – meets local, state, and federal standards. According to Federal regulations on contents of job offers, housing should adhere to local standards. If no applicable standards exist at the local level, state standards should be used, and if no such standards exist, employers should adhere to federal Department of Labor Occupational Safety and Health Administration (OSHA) standards for temporary labour camps, as outlined in 29 CFR 1910.142.

Federal standards for temporary labour camps are extensive, setting detailed requirements for labour camp sites, shelters, and facilities. These requirements include site size, suitable location (e.g. away from livestock), sanitary conditions, standards of shelter dimensions and spacing, required amenities, floor materials, window and screen requirements, and standards for cooking, water, heating, toilets, sewage disposal, laundry, handwashing and bathing and other facilities as outlined in 29 CFR 1910.142. Among the extensive list of items, the regulations also include requirements of pest control, first aid, and reporting of communicable diseases to local health authorities. Respective state regulations often correspond closely to the federal standards. A checklist for migrant housing requirements from the Mississippi Department of Employment Security, for example, includes identical items as those listed in the OSHA standards.

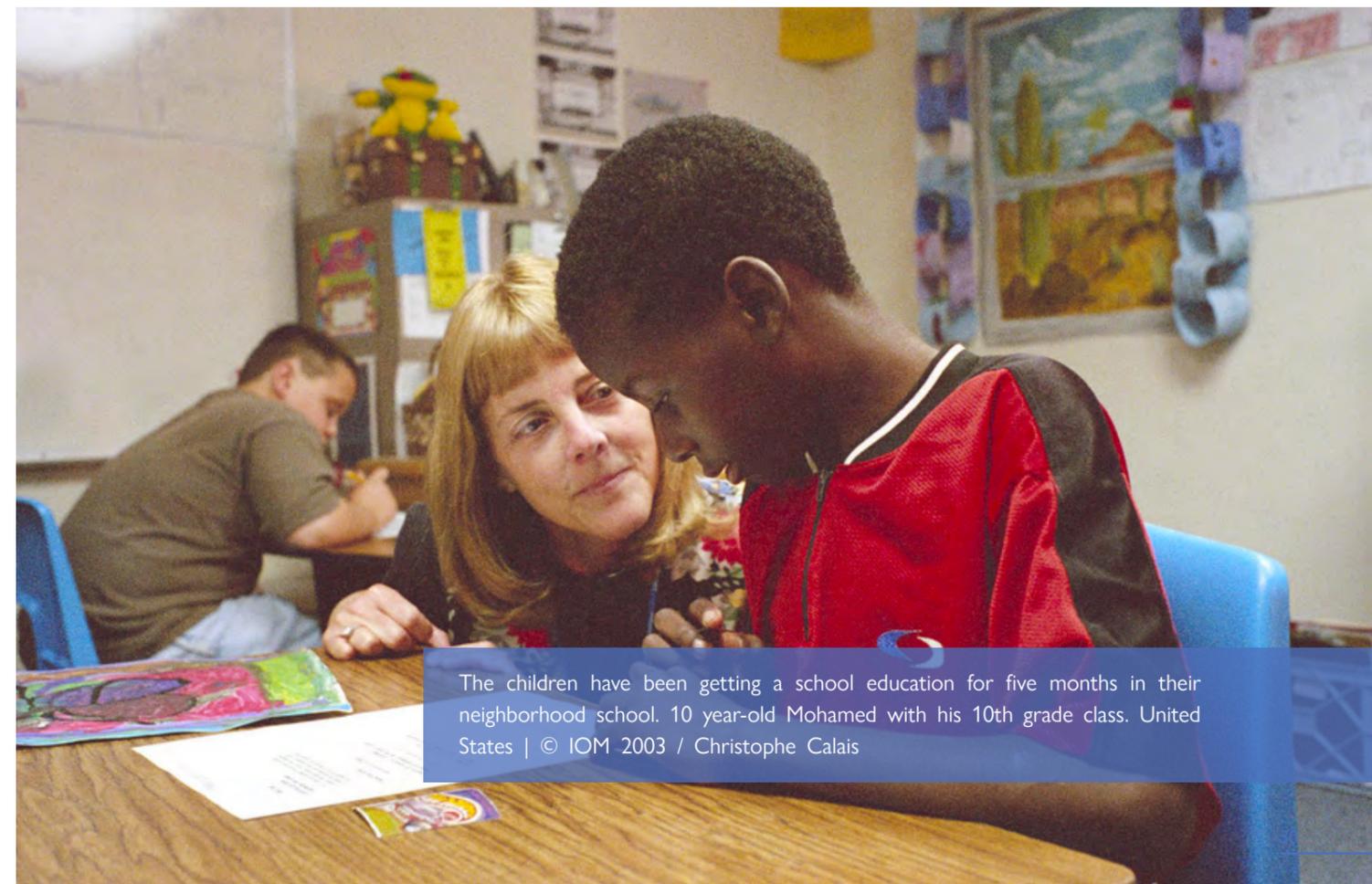
2. The related H-2B visa program applies to several non-agriculture labor sectors but does not include a requirement of employers to house workers.

## IMPLEMENTATION AND OVERSIGHT

Inspections of migrant worker accommodations occur primarily at the state level, with some implementation at county and city and levels. Pre-occupancy and annual inspections are common, and some states implement more frequent inspections. Guidelines from the Florida Department of Health stipulate that inspections are mandated at least twice quarterly during periods of occupancy, and major deficiencies must be addressed within 48 hours of reporting (Florida DOH, 2021). The Washington State Department of Health checks for overcrowding and unlicensed housing, sometimes conducting unannounced investigations upon receipt of complaints, responding by either closing the case, continuing the investigation, issuing a compliance plan, or taking legal action and revoking the license or closing the facility (Washington State DOH, 2020).

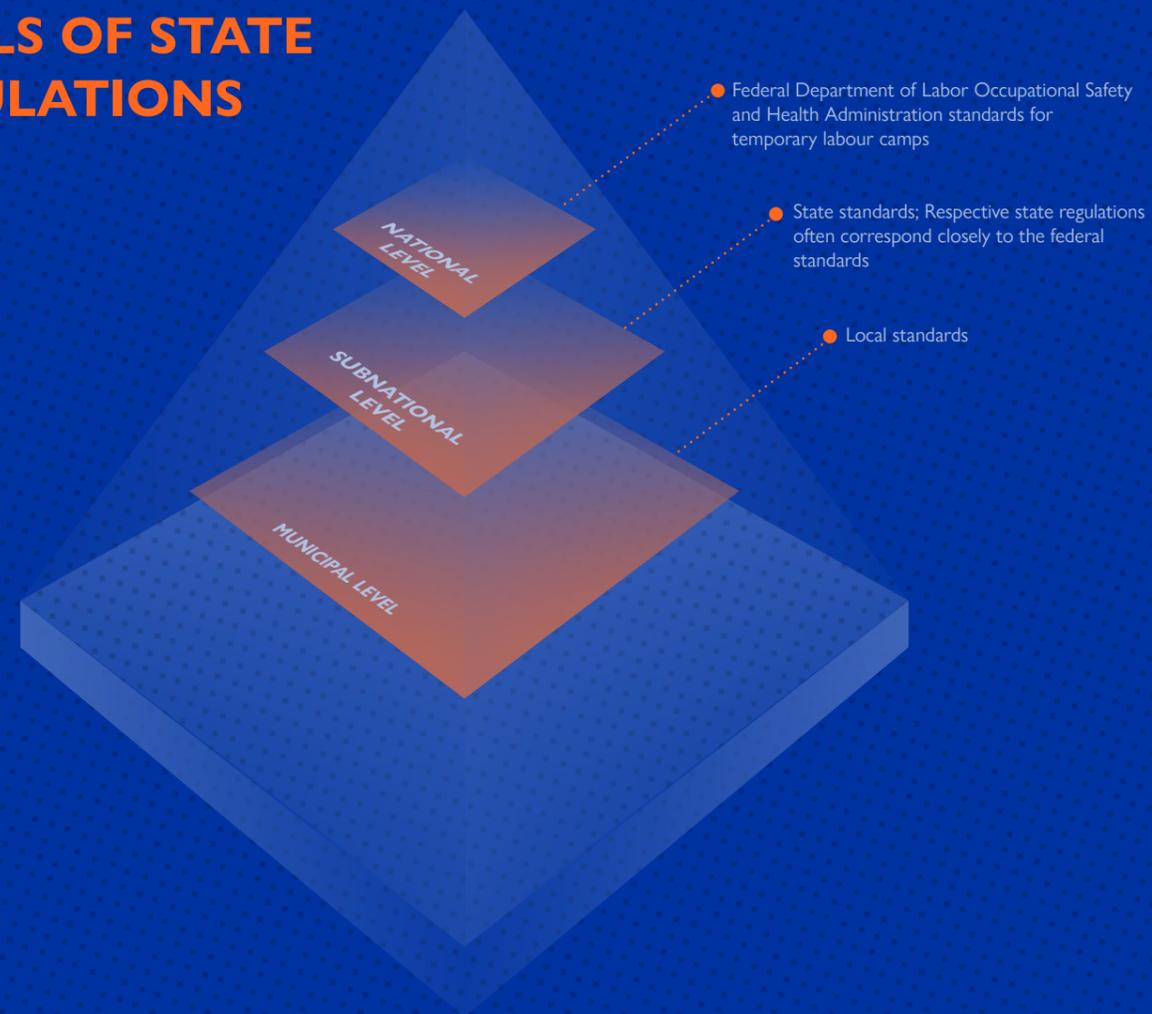
City officials may issue ordinances related to migrant worker housing structures and zoning. In Santa Maria, California, for example, the city council adopted an ordinance that requires discretionary permits to house more than 6 H-2A workers in a single-family home but allows workers to stay in medium- and high-density housing zones without local permits (Syed, 2019).

Officially, the US has strong regulations with minimum federal standards for migrant accommodations and regulatory frameworks also existing at state and local levels. There may be variation, however, in how strictly they are implemented in each state and locality and how effective oversight protocols are. In addition, many farm labourers are undocumented rather than with H-2A visas, so they must find their own housing through unregulated channels.



The children have been getting a school education for five months in their neighborhood school. 10 year-old Mohamed with his 10th grade class. United States | © IOM 2003 / Christophe Calais

# LEVELS OF STATE REGULATIONS



## PROACTIVE REGULATORY FRAMEWORKS

## REACTIVE REGULATORY FRAMEWORKS

Regulate minimum accommodation requirements at national level



Limited regulation on temporary boarding house set-up



Employer submission of detailed accommodation plan



Reliance on general labour laws rather than codification of migrant-specific regulations



Regular monitoring visits include discussions with workers, standards on inspection frequency and procedures established



Limited details on monitoring and inspections



Clear complaint mechanisms and response/remedy protocols in place



Ad-hoc responses limited to worst violations



Table 5.  
GOVERNMENTAL REGULATIONS IN COMPARISON

COUNTRY	POLICY FRAMEWORK	STANDARDS	PROCEDURES
<b>JAPAN</b>	Labour Standards Act, 1947 Enterprise Dormitory Ordinance, 1947 Act on Proper Technical Intern Training and Protection of Technical Intern Trainees, 2016	Standards on location, size and occupancy, amenities, cleanliness, gender segregation, personal freedom of residents	Implementation by supervising organizations, overseen by OTIT Complaints investigated by Labour Standards Inspectors based in prefecture offices
<b>REPUBLIC OF KOREA</b>	Labour Standards Act, 1997 Enforcement Decree of the Labour Standards Act, 1997	Standards on location, size and occupancy, amenities, cleanliness, gender segregation, rules setting	Complaints investigated by Labour Inspectors, overseen by provincial authorities
<b>HONG KONG SAR, CHINA</b>	Immigration Department Standard Employment Contract and Schedule of Accommodation and Domestic Duties Labour Department Code of Practice for Employment agencies, 2017	“Live-in” requirement to stay in employer home Standards of “suitable accommodation” and “reasonable privacy” Temporary boarding houses must comply with building, fire safety, and accommodation ordinances	No inspection protocols. Workers must report violations for authorities to investigate Employment agencies manage temporary boarding houses for transit periods (no government regulation)
<b>AUSTRALIA</b>	Pacific Labour Scheme Policy Handbook, 2019 Deed of Agreement for the Seasonal Worker Program	Accommodation requirements of fair and good value, cost transparency, fit for purpose and good conditions, accessibility, safety and security, alternative accommodation options Standards on bed arrangements, bathrooms, facilities and amenities	Department of Education, Skills, and Employment (DESE) must approve Accommodation Plan in compliance with local and territory health and safety laws/codes before worker arrival DESE officers inspect accommodations for compliance
<b>NEW ZEALAND</b>	Health and Safety at Work Act, 2015 Worker Accommodation Fact Sheet, 2016 Residential Tenancies Act, 1986 Local Territorial Authority requirements	Standards on structure and environment, size and occupancy, amenities, furnishings, cleanliness, cooking, laundry, and recreation facilities, safety Requirements of “purpose-built” accommodations	Labour Inspectorate monitors and investigates accommodation conditions Labour Standards Officers respond to complaints of breaches of standards and manages resolutions Municipal authorities respond to ordinance violations
<b>CANADA</b>	Regulation by Provincial and Territorial policies	Subnational standards on occupancy, farm and housing lot size, municipal building requirements, health and safety, building exterior and interior, sleeping quarters, bunk conditions and location, washing facilities, kitchen, amenities No national minimum standards	Inspection protocols defined at provincial, territorial, and municipal levels Provincial/territorial/municipal inspections for compliance with local standards required for employer participation in programme
<b>UNITED STATES</b>	Section H-2A of the Immigration and Nationality Act, 1986 amendments Occupational Safety and Health Standards – 29 CFR 1910.142 - Temporary labour camps (federal standards), 1978 State and local standards for farmworker housing take precedence	Standards for labour camp sites, shelters, and facilities: location, size, sanitary conditions, shelter dimensions and spacing, amenities, materials, various facilities (cooking, toilets, laundry, bathing), sewage disposal, pest control, first aid and reporting of communicable diseases.	State health and other officials conduct inspections County/city officials issue building and zoning ordinances State-level certification to employ migrant workers includes inspection of proposed housing to ensure compliance with local, state, and federal standards

The above governmental frameworks include a range of standards for accommodating migrant workers as a condition of their employment in the country. At minimum, most include standards on who arranges or assists workers in finding housing, location and structural specifications of accommodations, essential facility requirements and basic features, and an outline of inspection protocols. Across countries, however, frameworks vary in a few key regards (see Table 5 above). For one, they may differ in terms of the specificity and comprehensiveness of the migrant accommodations standards outlined in guestworker program policies. They also differ on assigning responsibility for oversight and the specificity of inspection procedures.

Most notably, government frameworks vary in terms of what levels of governmental authority are primarily responsible for setting and enforcing requirements on migrant accommodations, raising the important issue of vertical integration in migrant housing regulation. As suggested by the ad hoc provincial government responses to poor worker living conditions in the Republic of Korea as well as the subnational regulatory variations exhibited in Canada and the US (more below), a lack of vertical integration may cause serious regulatory and oversight gaps when it comes to ensuring the quality of migrant accommodations.

Furthermore, the arrangement of having workers live on-site, as is common in agriculture, construction, and domestic work sectors, heightens risks of worker exploitation. In the Republic of Korea, for example, migrants have no choice in accommodations, which are often cramped dwellings that foster close surveillance by employers and worker isolation (Seo and Skelton, 2016:164). In Hong Kong SAR, China, the live-in rule for migrant domestic workers can blur the boundaries between work and rest, as reflected in the significantly higher average working hours reported for migrant workers compared to the rest of the population (Cheung, 2017). Migrant worker accommodation issues thus extend beyond the structural and amenity standards of dwellings to include the relative freedoms and vulnerabilities workers have in relation to their living arrangements.



IOM Thailand's Migrant Health Assessment Center on Silom Road provides health screenings for migrants who are about to migrate abroad. This is to help satisfy their Visa requirements for several countries including Australia, Canada, Malaysia, New Zealand and the UK. Bangkok, Thailand. | © IOM 2017 / Benjamin Suomela

# PRIVATE SECTOR GUIDELINES AND REGULATIONS

Some private sector regulations related to migrant worker accommodations also exist parallel to governmental regulatory frameworks. The inclusion of ASEAN countries in this section reflects the fact that much of these regulations are aimed at producers in source locations of global supply chains, of which many are in South-East Asia.

## GLOBAL NORMATIVE GUIDELINES

At the global level, key documents focusing on businesses and human rights include sections with broad normative guidelines for migrant accommodations. The International Recruitment Integrity System (IRIS) Standard, for example, developed by IOM and partners from government, civil society, and the private sector to promote ethical recruitment of migrant workers (IRIS, 2019), raises the issue of migrant accommodations in criterion 3.1 (8), which states that migrant workers must have a written contract that contains, at minimum, the details of accommodation along with those describing the job and workplace.

More extensively, the Dhaka Principles for Migration with Dignity (IHRB, 2017), which outline key principles for employers and migrant recruiters to ensure migrant wellbeing throughout the migration process, includes principle number 8 (of 10), which

states, “migrant workers should enjoy safe and hygienic living conditions, and safe transport between the workplace and their accommodation. Migrant workers should not be denied freedom of movement, or confined to their living quarters” (IHRB, 2017:6). It goes on to discuss implementation steps for this principle, including the ability of migrants to choose between company-provided or alternative housing, assurances of safe, clean and hygienic accommodations with potable and running water and adequate sanitary facilities, adequate personal space, adherence to laws concerning multiple occupancy dwelling and local building regulations, provisions for safe travel between company housing and the workplace, prohibitions of confinement or restricted movement, accommodations for dietary needs, and the provision of facilities for social and leisure activities (ibid., 23–24).

## BUSINESS AND INDUSTRY ASSOCIATION STANDARDS AND COMMITMENTS

At the country level, private sector associations such as industry and broader business groupings often include commitments to worker rights and wellbeing in their declarations, membership guidelines, and policy statements. These bodies also advocate positions on policies related specifically to migrant labour. While several private sector associations in Japan, such as the Japan Business Federation and Chamber of Commerce and Industry, have pushed for a greater number of migrant labour visas, they have not yet included migrant accommodation issues in their agenda. Others broach the issue in general terms. For example, the Japan Platform for Migrant Workers Towards Responsible and Inclusive Society, a broad-based collaboration among businesses and civil society actors, includes an item about improving living conditions for workers in its code of conduct.

The Japan Association of Corporate Executives (Keizai Doyukai, 2018) has called for the termination of the TTIP while insisting on a strict enforcement

of rights and protections for SSW1 workers to avoid the monitoring failures of the TTIP (Milly, 2020). The trade union confederation, Rengo, asserted a similar position along with Japanese rights organizations, some of which called for an end to the supervising organization system in favour of stronger governance by public offices (ibid.). The Japan Association of Corporate Executives also issued a statement calling for more details to a 2018 bill allowing semi-skilled worker visas and government assurances of fair wages (Keizai Doyukai, 2018). While such statements and positions are low on details about migrant worker accommodations, they suggest potential venues for influential business leaders to advocate for stronger oversight of such accommodations as they push to integrate foreign workers into the economy.

The review found limited industry association attention to migrant accommodations in the other focus countries. In Hong Kong SAR, China, several recruitment agencies purported fair and ethical

practices to the benefit of migrant domestic workers but did not detail specific efforts to ensure adequate living conditions. Large industry associations with migrant employer membership (e.g. agriculture and manufacturing) exist in Australia, Canada, New Zealand, the Republic of Korea, and the US to advocate for industries in national economies. Their attention to migrant labour, however, is most often focused on urging respective governments to enact visa policies that will ensure adequate supplies of migrant labour and improve procedures to ease recruitment. Some may include cursory mention of migrant worker rights in their documents. The National Farmers Federation in Australia, made

up of 30 member organizations, includes a call for increased support services for migrant workers “to access advice and assistance on matters such as accommodation...and information on workplace entitlements and conditions” in its submission to the Senate Select Committee on Temporary Migration (Cullen, 2020).

In South-East Asia, notable examples of private regulations of migrant accommodations appear in Malaysia and Thailand. The Responsible Business Alliance (RBA), an electronics industry association in Malaysia, includes migrant housing in its code of conduct, stating that,

Workers are to be provided with ready access to clean toilet facilities, potable water and sanitary food preparation, storage, and eating facilities. Worker dormitories provided by the participant or a labour agent are to be maintained to be clean and safe, and provided with appropriate emergency egress, hot water for bathing and showering, adequate lighting heat and ventilation, individually secured accommodations for storing personal and valuable items, and reasonable personal space along with reasonable entry and exit privileges (RBA, 2018).

Businesses may also be part of broader coalitions with government and civil society that include migrant housing issues in their agendas. In Thailand, for example, the Thai Frozen Foods Association (TFFA) and the Thai Tuna Industry Association (TTIA) collaborated with the ILO to develop the Good Labour Practices (GLP) Guidelines for member employers in the Thai seafood industry to follow. The guidelines include the topic of “employer-

provided dormitory (or subsidized housing)” in its standards, outlining the need for “adequate social and sleeping space, sewage and disposal systems, toilets, washing facilities, protection against animals or insects, cooking and storage facilities, fire protection and emergency response systems” (ILO, 2019:91). It also calls for food and dormitory prices, if provided by the employer, to be “valued appropriately” and “not impose substantial debt on workers” (ibid., 32).

## GLOBAL BUYER CODES OF CONDUCT FOR SUPPLIERS

Another form of private sector regulation, reflecting the transnational nature of production in the global economy, is codes of conduct that global brands and retailers impose on their suppliers throughout the world. These codes vary considerably regarding migrant housing, from general guidelines to detailed and itemized requirements. Walmart, for example, has the following item in its supplier code of conduct: “Suppliers who provide residential and dining facilities

for their workers must provide safe, healthy and sanitary facilities” (Walmart, 2012). Huawei, a large electronics brand with suppliers throughout Asia, including Thailand, states in its supplier code of conduct that “workers should be provided with ready access to clean toilet facilities, potable water and sanitary food preparation, storage and eating facilities. Worker’s dormitories should be clean and safe and have adequate personal space” (Huawei, n.d).

Some codes of conduct go into further detail, echoing and even going beyond governmental policies. Nestle, which sources seafood from Thailand, has a “Responsible Sourcing Standard” with specific requirements for supplier-provided housing conditions, including stipulations on gender segregation, safely built and maintained accommodations, freedom to leave, fire detection and alarm systems, minimum cubic content of air, lighting and ventilation, proper sleeping facilities, access to potable water, electricity, clean shower, toilet facilities, personal storage (Nestle, 2018:11).

Thai Union, a major seafood processor in Thailand specifies monitoring activities in addition to accommodation requirements for its suppliers. Its code of conduct for seafood catch suppliers state, “the supplier will authorize Thai Union and subsidiaries and its designated agents to engage in monitoring activities to confirm compliance with this Code of Conduct including unannounced onsite inspections of manufacturing facilities and employer-provided housing” (Thai Union, 2015). Furthermore, regarding living conditions, it requires that, at a minimum, “potable drinking water, adequate and clean restrooms, adequate ventilation, fire exits and essential safety equipment, an emergency aid kit, access to emergency medical care, a hygienic dining area, and appropriately-lit workstations must be provided” (ibid.).

IKEA, which has suppliers in Thailand, includes extensive details about housing conditions in its IKEA IWAY Standard. Included in this standard are requirements of gender segregation in accommodations, prohibitions on restrictions of worker freedom of movement, size of living space (3.8 m2 per individual), and housing facility and sleeping quarter features and amenities (IKEA, 2016). It also includes a section on the cleanliness of shared and food service facilities, details on safety and emergency exits, fire safety, among other points. In addition, the company released an accommodations supplement to the IWAY standard in 2019, which outlines additional requirements for children’s safety, family accommodations, resident rights (not required to live there, freedom of movement), additional accommodation conditions, personal living space, and communal areas (IKEA, 2019).

Hewlett-Packard, which has an extensive global supply chain with several Asian suppliers, has issued standard guidance specifically for employers that hire migrant workers. Included in its Dormitory and Housing section (Annex 2) are standards for dormitory security, safety, hygiene, and privacy as well as suggestions to prominently place grievance mechanisms in worker languages and establish procedures for health inspections, preventive maintenance, and routine audits by the supplier (Hewlett Packard, 2016:30–31).

## SOCIAL COMPLIANCE CERTIFICATIONS

Another type of private sector regulation, related to codes of conduct, is global social compliance certifications of workplaces, especially those located in sourcing countries along global supply chains. Firms use these certifications to signal their adherence to certain standards of labour rights and social welfare compliance, and global buyers often require them of their suppliers. The two main certifications are the SA8000 certification standard and the Business Social Compliance Initiative (BSCI) supply chain certification. Facilities with SA8000 certification are expected to integrate the standard, based on human

rights principles, into their management practices and demonstrate compliance. Among the eight criteria of the certification is a category on health and safety, which includes the mention of “decent dormitories – clean, safe, meet basic needs” (Social Accountability International, 2020). The BSCI, focusing on working conditions in factories and farms, includes a code of conduct for participants that states, as part of its occupational health and safety principle, that “business partners observe this principle when they respect the right to healthy working and living conditions of workers and local communities...” (BSCI, 2014).

While these certifications, with their emphasis on workplace rights, currently lack detailed standards for migrant worker living conditions and accommodation, they can potentially be an effective mechanism to regulate worker housing throughout supply chains.

Global certifications also exist to promote human rights and sustainability standards in specific sectors. Bonsucro, for example, a global network of sugarcane producers, holds its members to a code of conduct that follows the United Nations Guiding Principles of Business and Human Rights and the OECD Guidelines on Multinational Enterprises. It also requires compliance with a production standard that recognizes migrant workers in sugar production and upholds commitments to human rights and labour standards. Included in guidelines for implementing the production standard are assessments of health and safety risks that should include, if applicable, accommodation (safety of room/dormitory including people per m2), sanitary facilities including shower and toilets, living area standards, safety of kitchen area and/or food storage area), and transportation of workers when provided by the farm or the mill (Bonsucro, 2016:37). Also included in the discussion of minimum wage provisions is the requirement that rent deducted from wages must not be above the market rate (Bonsucro, 2016:45). The Roundtable on Sustainable Palm Oil (RSPO) serves a similar purpose for the Global Palm Oil sector. This membership platform, however, does not include items on worker (migrant or otherwise) housing in its certification process or member code of conduct (RSPO, 2017).

In addition to imposing supplier codes of conduct and certifications, global brands/buyers might hire organizations to assess working and living conditions in their supply chain. Nestle, for example, collaborated with Verité to investigate conditions in its palm oil supply chain, finding unclear expectations for worker accommodations and basic services that created gaps in policy between supplier tiers (Verité, 2021:7). Nestle also contracted Verité to investigate seafood production sites in Thailand and assess risks of forced labour and human trafficking, resulting in some findings related to migrant accommodations. Specifically, they found a lack of accommodation provisions for fishermen when on land, and some workers in a manufacturing facility that sourced to Nestle reported

a lack of freedom to come and leave the housing facility as they pleased (Verité, 2015). These actions supplement certification and auditing procedures to enforce codes of conduct, with the potential to pressure improvements in worker living conditions.

The above private sector regulations regarding migrant accommodations are complementary to governmental regulatory frameworks. As many migrant workers are employed in locations that are part of global supply chains, the supplier codes of conduct and social compliance certifications described above provide an additional arena of regulation with the potential to influence migrant worker accommodations. Given their positions in the supply chain, global buyers may use established governance mechanisms to leverage economic power over suppliers they source materials from, influencing workplace practices and living standards.

The effectiveness of these governance mechanisms, however, may vary, as businesses do not uniformly enforce codes of conduct in the same ways. Global buyers who become aware of suppliers in violation of codes may ignore the violations, give a warning and adjust the supplier rating based on a scoring system, cut production ties, or find ways to seek remedies. There may also be gaps in regulation given the prevalence of subcontracting, as codes of conduct may cover a supplier but not specify conditions required of a subcontractor that the supplier sources from. Academic work has shown that governance mechanisms in global production processes have the ability to improve basic rights of workers but tend to neglect freedom of association, collective bargaining, and other “enabling rights” (Barrientos, 2013; Rodriguez-Garabito, 2005:205). It is not yet clear how effective the means of regulation described above are in setting standards and enforcing basic requirements of migrant worker accommodations.

## GOVERNMENT REGULATION OF MIGRANT ACCOMMODATIONS AND WORKPLACE CERTIFICATION PROCESSES FOR HIRING SUPPLIERS



# COVID-19-SPECIFIC GUIDELINES AND REGULATIONS

Table 6.  
COVID-19 RESPONSE CATEGORIES

 RISK MITIGATION	 SOCIAL PROTECTIONS	 LONG TERM CHANGES
 Quarantine of new arrivals	 Provision of healthcare and essential supplies for the sick	 Infrastructural changes
 Isolation of suspected and confirmed infected	 Protections against firings due to work stoppages	 Establishment of emergency protocols for future implementation
 Physical distancing	 Protections against evictions	
 Sanitation and hygiene	 Access to essential worker benefits and stimulus responses	
 Provision/requirements of PPE		

## GLOBAL GUIDELINES

Amid the COVID-19 pandemic, several international organizations issued recommendations for governments and employers to implement special protection measures for migrant workers. Given the crucial importance of social distancing and hygiene for combatting the virus, migrant accommodations and general living conditions are a key element of these recommendations. In May 2020, IOM issued recommendations for employers and businesses to protect workers during the health crisis, including calls to assess “existing health, safety, labour and social protection measures at the workplace and in worker accommodation (if relevant)” and ensure the availability of hand sanitizer and personal protective equipment in living quarters (IOM, 2020b:2). The document also includes items on adapting living conditions for migrant workers, including various measures to ensure good hygiene and social distancing, isolate those with symptoms, provide continued access to essential needs in quarantine situations, and engage with third party property owners to prevent eviction (ibid., 4–5).

IOM also issued recommendations for labour recruiters to protect migrant workers during the crisis, calling on them to “engage with employers to ensure that all necessary safety measures limiting workers’ exposure to infection are in place in workplaces, accommodation and means of transportation (when

provided by employers)”, to ensure uninterrupted access to dormitory internet service to contact family in origin countries and consular/labour attaché offices, and to verify that accommodations meet “elevated standards related to hygiene and social distancing necessary to mitigate risks of COVID-19 transmission” (IOM, 2020a:3). In addition, it recommends that recruiters coordinate with employers to properly implement local rules and regulations of quarantine for newly arrived migrants as well as to reorganize living arrangements to maximize social distancing (ibid., 4–6).

IOM and the International Chamber of Commerce echoed similar recommendations for businesses that prioritize social distancing, cleaning and hygiene measures, continued access to essential needs, isolation protocols and capacities, and temporary coverage of accommodation and food costs in the event of salary loss due to workplace closures (ICC, 2020:3). Similarly, in their recommendations for policymakers and constituents, the ILO called on governments and employers to “ensure that in dormitory or communal accommodations basic utilities are functional and available during factory shut-downs” while also providing access to “adequate quarantine areas with sufficient health, sanitation and logistics personnel” (ILO, 2020a:4).

## GOVERNMENTAL RISK MITIGATION MEASURES

Parallel to these international recommendations were special regulatory measures related to migrant labour. Governments of Hong Kong (SAR), China and the Republic Korea implemented mandatory testing of migrant workers (Choon, 2021; Lau, 2021). While many governments closed their international borders in attempts to curb the virus spread, several eventually resumed operation of their guestworker programs under strict quarantine requirements. Pressured by labour shortages, in September 2020, the Japanese Government rolled back its entrance restrictions for foreign workers (Nikkei, 2020).

Hong Kong SAR, China acted quickly upon news of the novel coronavirus and has continued to implement measures that have raised criticisms for their discrimination of migrant workers. In late January 2020, the Labour Department issued a public notice encouraging domestic workers to stay home during their days off to reduce the risk of community transmission of COVID-19 and reiterated the recommendation again in March (Chan, 2020). Since these recommendations, employers have prevented workers from leaving the workplace/residence on their day off, and some lawmakers have raised the

idea of making it a legal requirement (Wang, 2021). Migrants and migrant right advocates have opposed these actions, as keeping workers inside limits their ability to take time away from their workplace as well as to run personal errands, such as sending remittances home.

Migrant domestic workers in Hong Kong SAR, China also report facing discrimination in public as a result of the government singling them out as posing a high risk of community transmission, despite the fact that most outbreaks in the country have occurred among native and expatriate populations (ibid.). On 30 April 2021, the Government issued mandated testing and vaccination requirements for all 370,000 or so domestic workers, stating that vaccination proof is required for visa renewals. After much opposition to a policy exclusively targeting domestic workers, authorities suspended the vaccination mandate but kept the compulsory testing requirement, saying that domestic workers are “high risk” because they come from abroad and gather in groups on their day off (Lau, 2021).

The discovery of a cluster of COVID-19 cases among workers living in transit boarding houses prompted the government to provide free testing for such workers, administering over 9,000 tests between August and December 2020 (Government of Hong Kong SAR, China, 2021). In addition, the Labour Department communicated with Employment Agency associations on the importance of complying with hygiene and social distancing guidelines, issued by the Centre for Health Protection (ibid.), in boarding facilities.

Other governments have emphasized the need for safe accommodations as they resume guestworker programs in the context of the pandemic. The Australian Government made new visa arrangements during the pandemic to allow work in the agriculture sector to continue uninterrupted and went further in including the requirement of employers to “commit to providing safe accommodation for agricultural workers that complies with social distancing requirements” (Regional Development Australia, 2020). Both the Seasonal Worker Programme and the Pacific Labour Scheme have allowed 12-month extensions for approved employers, who are

expected to “provide care and accommodation taking into account COVID-19-related measures to mitigate risk of contagion” (ILO, 2020b:3).

In Canada, authorities issued special measures at the federal and provincial levels. The federal government vowed to invest 35 million CAD to “improve health and safety on farms and in employee living quarters to prevent and respond to the spread of COVID-19”, particularly “toward direct infrastructure improvements to living quarters, temporary or emergency housing (on- or off-farm), as well as PPE, sanitary stations, and any other health and safety measures” (Employment and Social Development Canada, 2020a). Some measures were implemented in specific locations experiencing outbreaks of COVID-19 among temporary migrant workers, such as in Windsor-Essex County, where the Government promised to collaborate with the Canadian Red Cross and the Province of Ontario to establish temporary housing for self-isolation of those affected (ibid.). To support mandatory isolation measures, the Government also announced the provision of up to 1,500 CAD per worker to help farmers and food processors pay for the mandatory 14-day quarantine period of newly arrived workers, in accordance with the Quarantine Act.

Provincial level governments also implemented their own measures in response to COVID-19. The Ontario Government, for example, provided funds for employers to adjust their accommodations for migrant workers (Baxter, 2021). The Ontario Government’s website emphasizes short-term risk mitigation practices, including clear communication with farmers on how to adjust accommodations to protect residents from COVID-19. Recommended actions include the disinfection of living and shared spaces, the establishment of a working group to document living conditions and issues posing COVID-19 risks, the development of a directory of companies for building or leasing modular units and mobile walls for temporary solutions, and guidance for farmers on the reconfiguration of residential layouts for better physical distancing. The provincial Government also stated its intention to streamline inspection procedures for agriculture worker accommodations (Ontario Ministry of Agriculture, Food, and Rural Affairs, 2020).

Officials also implemented measures at the regional municipal level. Health officials in Durham, Ontario issued a class order that, among other items related to workplace and housing management, included requirements of employers to arrange for 14-day quarantine of new worker arrivals, separate rooms or alternative accommodation for isolation, daily screening of workers for symptoms, provision of PPE and personal hygiene products, provision of materials for cleaning and disinfecting living spaces (Durham Region, 2020).

In the United States, the federal government issued recommendations, and State governments implemented response measures. The Center for Disease Control (CDC) and Prevention and the US Department of Labor issued COVID-19 guidance for employers and agriculture workers, which are not regulatory and do not specifically address issues of H-2A workers (Lauzardo et al, 2021:572). The 2021 CDC guidelines for agriculture workers includes a section on “special considerations for shared housing” (CDC, 2021). It states that families and grouped or cohorted workers should be housed together and also emphasizes that owners/operators of employer-provided housing should arrange separate space for sleeping, eating, and restrooms for those with confirmed or suspected COVID-19 diagnoses.

The CDC also released an “Agricultural Employer Checklist for Creating a COVID-19 Assessment and Control Plan” in December 2020. Along with recommended procedures for managing workers and workplaces, it outlines considerations for shared housing, such as guidance for residents on preventing COVID-19 transmission, keeping family members together, quarantine spaces and protocols for workers with confirmed or suspected COVID-19, promotion of enhanced sanitation practices, disinfection of living quarters, social distancing in shared housing, including modification of bed configurations, and daily health checks at housing sites (CDC, 2020).

While these guidelines served as non-regulatory recommendations, State governments issued their own regulatory measures for employers that house migrant workers. Michigan’s Governor issued Executive Order 2020-137, which required owners and operators of migrant housing facilities to take

preventive measures to mitigate the virus spread among workers (Michigan Department of Health and Human Services, 2020). Additional response measures included isolation of affected individuals, the provision of temperature checks and testing by owners and operators of migrant housing camps for any resident with symptoms of or exposure to COVID-19 and for all newly arriving residents, who must quarantine or, at minimum, wear a face mask for the first 14 days after arrival (ibid.). In North Carolina, the Government convened a Migrant Health and Housing Workgroup to address COVID-19 issues among migrant farmworkers, including alternative housing, testing, and PPE (Marcom et al., 2020). Oregon’s Occupational Health and Safety Administration implemented temporary regulations to reduce COVID-19 outbreaks in agricultural labour, yet critics recommended more strict social distancing regulations, increased testing and surveillance, and alternative housing for identified cases (Accorsi et al., 2020).

As regulation has been left to states, responses have varied. Oregon and Washington State agencies, for example, banned bunk beds for H-2A workers and ordered employers to organize workers into cohorts that live and work together, but California’s Department of Public Health was silent on worker housing (Botts and Cimini, 2020). States have also varied in issuing PPE requirements for farmworkers. Response gaps also occur at county levels. An investigative report on the spread of COVID-19 among migrant farmworkers in central California found that only one in ten counties investigated showed concrete plans to protect H-2A workers from further outbreaks (ibid.).

## GOVERNMENTAL SOCIAL PROTECTION MEASURES

Government measures to protect workers from adverse secondary effects of the pandemic, including loss of income and the inability to pay rent, are less common, though some exist. In Australia, migrants were not precluded from protection from eviction in several territories, and support for sustainable residencies in the rental sector did not include visa restrictions (Symington, 2020:511–512). Australia

and New Zealand also extended the expiring visas of seasonal workers, with the latter entitling them to government funding if they got sick and had to isolate themselves or if their workplace was closed by the lockdown (ILO, 2020b:3). Workers in New Zealand were also eligible for Essential Workers Leave Support (ibid.).

## LONG-TERM REGULATORY CHANGES

While the above measures were temporary responses to a public health crisis, the COVID-19 pandemic raised the need for long-term changes in how migrant workers' accommodation is regulated. In November 2020, the Canadian Government proposed permanent changes to migrant accommodation standards that include infrastructural upgrades to ensure proper heating and cooling, measures to prevent overcrowding and to make accommodations more adaptable to infectious illness outbreaks, sharing procedures for washroom, eating, and laundry facilities, and the provision of phone and internet service to allow communication with family and support organizations (Keung, 2020). In determining proposed changes, the federal government consulted provinces and territories, employers, workers, and other civil society actors to establish minimum requirements for employer-provided accommodations for Canada's TFW program as well as to strengthen oversight of these accommodations (Employment and Social Development Canada, 2020b).

Given accommodation issues raised by the pandemic, other governments can also move toward permanent policy changes, including the development of emergency protocols to respond to future public health emergencies, reduction of housing density, and renovations to maximize the ability of residents to social distance. In addition to strengthening national standards for migrant worker housing, improving vertical integration of regulations among national and subnational levels of jurisdiction can also improve the ability to ensure adequate living conditions during emergencies and in the long run. Considering the discriminatory responses that emerged in some countries, regulatory actions should balance the need for public health and safety with the dignity of migrant workers, avoiding unfair exploitation and scapegoating of migrant workers.



IOM Bangladesh's Migration Health Department teams are providing health services to the Rohingya refugees and the Host community as part of the greater COVID-19 response. Bangladesh | © IOM 2020 / Abdullah Al Mashrif

# CONCLUSION AND RECOMMENDATIONS

This desk review provided an overview of regulatory frameworks regarding migrant worker accommodations in select countries of destination in East Asia, the Pacific, and North America. As evidenced from a review of the literature, a core set of normative guidelines exist in international documents affirming the right to adequate housing for all and detailing standards specifically for migrant accommodations. Country governments adhere to these international standards to different degrees. As the discussion of governmental regulations in the focus countries indicates, policies vary in terms of what standards and implementation procedures they stipulate. Some countries rely mainly on general labour laws while others establish specific standards for migrant workers in guestworker program policies. There are also differences in what levels of state authority enforce what laws and codes. Some countries rely on sweeping national standards while others devolve governance to subnational authorities or private actors. Responses to the COVID-19 pandemic also differed, though all revealed issues and concerns with how migrant workers are housed and their health and safety implications. Finally, private sector regulations discussed in the review point to potentially effective mechanisms for improving migrant accommodation oversight throughout the governance of global supply chains.

While not comprehensive in geographic scope, the Desk Review covers a variety of migrant host countries in different regions to give an idea of the types of migrant accommodation standards, regulatory frameworks, and oversight issues that exist globally. More in-depth research on such regulation, especially the specifics of implementation and policy content to further identify gaps, in the focus countries as well as other locations is needed for a better understanding of the realities of migrant accommodations and the challenges that exist with ensuring migrant health, safety, and dignity in the places they live.

Based on the findings, the following recommendations aim to guide governments, private sector actors, and international organizations in taking actions to improve the regulation and oversight of migrant worker accommodations.

## RECOMMENDATIONS FOR GOVERNMENTS:

- Review minimum standards for migrant accommodations as codified in labour and health and safety laws. If necessary, update laws to include stronger standards that, at minimum, satisfy international standards of adequate housing.
- Review temporary migrant labour program policies to ensure standards for migrant accommodation oversight, including inspection protocols. Strive to ensure consistent implementation of programs across the country through the establishment of uniform, program-wide procedures and the improvement of vertical integration of regulation.
- If necessary, update program policies to include a clear set of accommodation requirements of employers, preferably built into the certification/approval process.
- Consider proactive approaches to accommodation inspections, such as implementing pre-arrival, intermittent, and unannounced inspections.
- Establish easily accessible grievance mechanisms that provide direct channels between workers and inspection/oversight authorities. Channels may be online and/or physical but should ideally ensure anonymity of those filing grievances.
- In cases where the government delegates oversight to private actors, conduct assessments of their monitoring procedures to assure compliance with government regulations.
- Develop emergency protocols for migrant accommodations in cases of future pandemics and public health emergencies. Ensure that regulatory actions balance public health and safety with the wellbeing and dignity of migrant workers, avoiding discriminatory and stigmatizing practices.
- Conduct assessments to determine what measures implemented during the COVID-19 pandemic should be made permanent (e.g. reduced density, renovations to maximize the ability for physical distancing, protocols for eviction prevention, among the others).

## RECOMMENDATIONS FOR PRIVATE SECTOR ACTORS:

- **Industry/business associations and other private sector bodies:**
  - Include minimum standards for worker accommodations and living conditions in membership commitments.
  - Also include standards for governance procedures ensuring privacy, freedom of movement, defined work-residence boundaries, and other privileges and protections for worker residents.
  - Establish monitoring and inspection plans to complement member standards and commitments.
- **Global certification bodies:**
  - Include minimum standards for worker accommodations, living conditions, and housing governance procedures in certification requirements to complement workplace health and safety requirements.
- **Global buyers:**
  - Include minimum standards for worker accommodations, living conditions, and housing governance procedures in supplier codes of conduct. Ensure that these standards cover all tiers of suppliers, including subcontracted companies.

- Establish clear protocols for monitoring and addressing violations of migrant accommodation standards (among others) in codes of conduct.
  - Provide anonymous channels for workers to file grievances and report unsuitable living conditions directly to buyers in the supply chain.
  - **Employers:**
    - Ensure transparency about provided housing at the recruitment stage,
- including habitability as well as governance procedures regarding worker privacy, movement to and from accommodation facilities, work-residence boundaries, and other privileges and protections for worker residents .
- Establish emergency pandemic and public health emergency protocols, in compliance with governmental regulations, and ensure that accommodation facilities and management are equipped to implement them.

#### RECOMMENDATIONS FOR IOM AND OTHER INTERNATIONAL AGENCIES:

- Devote specific attention to migrant accommodation issues, as a key subset of broader migrant health and safety issues, in agenda-setting and advocacy work.
- Engage countries of origin and destination on pre-departure regulatory practices to ensure transparency of housing conditions in employment contracts.
- In training and outreach to the private sector, emphasize migrant housing and living conditions as essential to health and safety beyond the workplace. Include these conditions as crucial components in the promotion of ethical recruitment of migrant workers.
- Seek ways to strengthen mechanisms of supply chain governance that potentially impact migrant accommodations, including the identification of oversight gaps and areas of concern in supply chain mapping projects.
- Build on early COVID-19 recommendations to governments to advocate for longer-term policy reforms related to migrant housing to ensure robust standards for addressing public health issues/emergencies in the future.



IOM Health staff pictured outside of a repurposed health facility in Cox's Bazar, that will serve as an Isolation and Treatment Center during the COVID-19 pandemic. | © IOM 2020 / Nate Webb

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# ANNEX 1:

## TYOLOGY OF MIGRANT WORKER ACCOMMODATIONS

With significant variation in regulatory and oversight responsibilities across different countries and levels of authority, migrant worker accommodation types and living conditions vary widely. Below is a proposed initial typology of migrant worker accommodations.

### 1

#### ACCOMMODATION TYPE

EMPLOYER-ARRANGED AND/OR SUBSIDIZED ACCOMMODATIONS – OFF-SITE, MANAGED BY THIRD PARTY LANDLORDS

EXAMPLES



APARTMENTS



DORMITORIES



BUNKHOUSES



MOTEL ROOMS

### 2

#### ACCOMMODATION TYPE

EMPLOYER-ARRANGED AND/OR SUBSIDIZED ACCOMMODATIONS – ON-SITE, ATTACHED TO WORKPLACES (COMMON IN AGRICULTURE, CONSTRUCTION, AND LIVE-IN DOMESTIC WORK)

EXAMPLES



DORMITORIES



BUNKHOUSES



REFURNISHED SHIPPING CONTAINERS



TEMPORARY LABOUR CAMPS



GREENHOUSES



MOBILE HOMES AND RECREATIONAL VEHICLES (RVs)



ROOMS IN EMPLOYER HOMES (FOR DOMESTIC HELPERS)

### 3

#### ACCOMMODATION TYPE

RENTED ACCOMMODATIONS, FOUND INDEPENDENTLY OR THROUGH SOCIAL NETWORKS

EXAMPLES



APARTMENTS



HOUSES



ROOMS



BEDSPACES



OTHER SHARED ACCOMMODATIONS

# 4

## ACCOMMODATION TYPE

TEMPORARY ACCOMMODATIONS FOR TRANSIT, MANAGED BY BROKERS AND LABOUR AGENCIES

EXAMPLES



BOARDING HOUSES



MOTEL ROOMS

# 5

## ACCOMMODATION TYPE

INFORMAL HOUSING AND MAKESHIFT ACCOMMODATIONS (NOT COMMON IN REPORT COUNTRIES)

EXAMPLES



SHACKS



SQUATTER ENCAMPMENTS



MIGRANT-BUILT STRUCTURES ON EMPLOYER LANDS

# 6

## ACCOMMODATION TYPE

STATE-PROVIDED ACCOMMODATIONS (NOT FOUND IN REPORT COUNTRIES)

EXAMPLES



STATE-RUN WORKER DORMITORIES



As part of the Community Stabilization (CS) project funded by the People of Japan and implemented by IOM, semi-durable shelters were built for the most vulnerable people in the Kobiteye returnees site. Chad | © IOM 2018 / Amanda Nero

# ANNEX 2:

## WORKER ACCOMMODATION ITEMS IN GOVERNMENT POLICIES AND REGULATIONS

# JAPAN

Labor Standards Act, 1947

## CHAPTER X: DORMITORIES

### AUTONOMY OF DORMITORY LIFE

Article 94. An employer shall not infringe upon the freedom of the personal lives of workers living in dormitories attached to the enterprise.

2. An employer shall not interfere in the selection of dormitory leaders, room leaders, and other leaders necessary for the autonomy of dormitory life.

### ORDER IN DORMITORY LIFE

Article 95. An employer who has workers live in dormitories attached to the enterprise shall draw up dormitory rules with respect to the following items and shall submit such rules to the administrative office. In the event the employer alters these rules, the same shall apply:

- a. Matters pertaining to rising, going to bed, going out, and staying out
  - b. Matters pertaining to regular events
  - c. Matters pertaining to meals
  - d. Matters pertaining to safety and health
  - e. Matters pertaining to the management of the buildings and facilities
2. With respect to the drafting and/or alteration of provisions concerning Items (1) through (4) of the preceding paragraph, the employer shall obtain the consent of a person representing a majority of the workers living in the dormitory.
  3. In submitting the rules pursuant to paragraph 1, the employer shall attach a document establishing the consent referred to the in preceding paragraph.
  4. The employer and the workers living in the dormitory shall obey the dormitory rules.

## DORMITORY FACILITIES AND SAFETY AND HEALTH

Article 96. With respect to a dormitory attached to the enterprise, an employer shall take necessary measures for ventilation, lighting, illumination, heating, dampproofing, cleanliness, emergency escape, maximum accommodation, and sleeping facilities, and such other measures as are necessary for preservation of the health, morals and, lives of the workers.

5. Standards for measures to be taken by employers pursuant to the preceding paragraph shall be established by ordinance.

## ADMINISTRATIVE MEASURES FOR SUPERVISION

Article 96-2. In the event that an employer seeks to establish, move, or alter a dormitory attached to an enterprise that continuously employs ten or more workers or a dormitory attached to an enterprise, as stipulated by ordinance, that is dangerous or injurious to health, the employer shall, submit to the administrative office plans that have been established in accordance with standards concerning the prevention of danger and injury and other matters, as set forth in ordinances issued pursuant to the provisions of the preceding article not later than 14 days prior to the start of construction.

2. The administrative office may, suspend the start of construction or order the alteration of the plans when it deems necessary for the safety and health of workers.

Article 96-3. In the event a dormitory attached to an enterprise employing workers is in violation of standards established with respect to safety and health, the administrative office may order the employer to suspend use of all or part of the dormitory or to alter all or part of the dormitory, and may make orders on other necessary matters to the employer.

2. In a case under the preceding paragraph, the administrative office may make orders to the workers on necessary matters in connection with the matters on which it has made orders to the employer.

# REPUBLIC OF KOREA

## Labor Standards Act, 1997

### CHAPTER X: DORMITORY

#### ARTICLE 98 (PROTECTION OF DORMITORY LIFE)

1. An employer shall not interfere with the private life of a worker lodging in a dormitory annexed to a business.
2. An employer shall not interfere with the election of staff required for the autonomous management of a dormitory.

#### ARTICLE 99 (PREPARATION OF AND AMENDMENT TO DORMITORY RULES)

1. An employer who wants to board his workers in a dormitory annexed to a business shall prepare the dormitory rules concerning the following matters:
  - I. Matters pertaining to morning rise and night retirement, going-out and overnight stay;
  - II. Matters pertaining to events;
  - III. Matters pertaining to meals;
  - IV. Matters pertaining to safety and health;
  - V. Matters pertaining to maintenance of buildings and facilities; and
  - VI. Other matters applicable to all boarding members.
2. An employer shall obtain the consent of the representative who represents a majority of the boarding members with regard to the preparation of and amendment to the dormitory rules stipulated in paragraph (1).
3. Both an employer and boarding member shall comply with the dormitory rules.

#### ARTICLE 100 (MEASURES FOR SAFETY AND HEALTH)

1. An employer shall take measures necessary for the maintenance of the health, morals and lives of the members who are lodged in a dormitory annexed to the business.
2. The standards for the measures to be taken in accordance with the provisions of paragraph (1) shall be provided for by the Presidential Decree.

# HONG KONG SAR, CHINA



## Standard Employment Contract for “Foreign Domestic Helpers” and attached Schedule of Accommodation and Domestic Duties

### LIVE-IN REQUIREMENT

**Clause 3:** The Helper should work and reside in the employer’s residence 1 as stated in the contract.

**Clause 5b:** The Employer shall provide the Helper with suitable and furnished accommodation as per the attached Schedule of Accommodation and Domestic Duties and food free of charge. If no food is provided, a food allowance of HK\$ ..... a month shall be paid to the Helper.

### SCHEDULE OF ACCOMMODATION AND DOMESTIC DUTIES

#### 3. ACCOMMODATION AND FACILITIES TO BE PROVIDED TO THE HELPER

##### A. Accommodation to the Helper

While the average flat size in Hong Kong SAR, China is relatively small and the availability of a separate servant room is not common, the Employer should provide the Helper suitable accommodation and with reasonable privacy. Examples of unsuitable accommodation are: The Helper having to sleep on made-to beds in the corridor with little privacy and sharing a room with an adult/teenager of the opposite sex.

- Yes. Estimated size of the servant room ..... square feet/square metres
- No. Sleeping arrangement for the Helper:
  - Share a room with ..... child/children aged .....
  - Separate portioned area of ..... square feet/square metres
  - Others. Please describe .....

##### B. Facilities to be provided to the Helper:

(Note: Application for entry visa will normally not be approved if the essential facilities from item (a) to (f) are not provided free.)

- (a) Light and water supply  Yes  No
- (b) Toilet and bathing facilities  Yes  No
- (c) Bed  Yes  No
- (d) Blankets or quilt  Yes  No
- (e) Pillows  Yes  No
- (f) Wardrobe  Yes  No
- (g) Refrigerator  Yes  No
- (h) Desk  Yes  No
- (i) Other facilities (please specify) .....

# AUSTRALIA

## Seasonal Worker Program, Approved Employer Guidelines, 2020

### CHAPTER 4. ACCOMMODATION

#### RELEVANT DEED CLAUSES

See in particular clause 11 and Item G of Schedule 1 of the Deed.

Seasonal Worker accommodation is to be provided by Approved Employers in accordance with clause 11 and Item G of Schedule 1 of the Deed and the following principles and requirements. You are responsible for ensuring that You are aware of and comply with all relevant laws.

#### 4.1 PRINCIPLES

##### 4.1.1 Fair and Good Value

- Renting arrangements and inclusions **must** be fair and provide good value for money for Seasonal Workers.
- Adequate and decent housing should not cost the Seasonal Worker more than a reasonable proportion of their income. Accommodation **must** be provided at cost.
- Rent **must not** be used to offset labour costs.
- Any bond charged to Seasonal Workers **must** be registered with the appropriate authority and Seasonal Workers given information on how the bond will be refunded at the end of their stay.
- A 'bond charge' **must not** be built in to the cost of rent. A 'bond charge' is where an extra cost is added on to the regular accommodation fee to pay for any damage at the end of the tenancy, but is not registered with the appropriate authority.
- When considering value for money, 'like for like' properties in the region will be considered by the department, if possible. In this context 'like for like' means the same number of bedrooms, facilities/amenities and condition of the property.
- Costs correspond to the number of Seasonal Workers renting the property.
- If services are included in the Accommodation costs, such as cleaning or catering, these should be competitive and **must** be provided at cost.

##### 4.1.2 Costs are Transparent

- A monetary breakdown of inclusions of accommodation costs **must** be provided to the department in the Accommodation Plan.
- If the property is commercially provided at an all-inclusive cost (such as by a backpackers hostel where the cost includes both rent and utilities) and a breakdown is not available, the Approved Employer **must** set this out in the Accommodation Plan and indicate what is included in the cost.
- The cost of accommodation **must** be provided to Seasonal Workers in the Offer of Employment with an explanation of what is included in the cost (rent, utilities, cleaning, etc) so that they understand what they are being charged for.
- It is understood that in some cases the costs can only be estimated, such as for utilities. In these instances reasonable estimates would be considered to be acceptable.

##### 4.1.3 Fit for Purpose and in good condition

- Accommodation **must** be fit for immediate occupation and use. This means no building or appliance defects, outstanding maintenance work or health and safety issues.
- Accommodation **must** comply with relevant state, territory and local government rules (such as fire safety).
- Although minor repairs will not preclude use, there **must** be an effective system in place to ensure faults are identified and repaired in a timely manner
- Accommodation **must** be clean, sanitary and tidy at the time of arrival of Seasonal Workers.
- Water supply, including hot water, **must** be available continuously, and be adequate and safe for drinking, cooking, bathing and washing.
- Seasonal Workers **must** be provided with

adequate facilities to store food safely, cook and eat while in their accommodation. Kitchen and dining facilities must be adequate for the number of Seasonal Workers. Makeshift kitchens are not acceptable. They must always be either inside or under cover.

- Unless cleaning is provided as part of the accommodation charge, it is the responsibility of each Seasonal Worker to keep facilities in a clean and sanitary condition. It is the responsibility of the Approved Employer or the accommodation facility, where relevant, to make sure the standards are respected and to provide adequate cleaning, disinfection and pest control when necessary.
  - Where Seasonal Workers fail to comply with cleaning instructions and, as a result, cleaning, disinfection and / or pest control is necessary for safe habitation, the Approved Employer may pass these costs on to the Seasonal Workers through deductions, subject to requirements to amending deductions (see making changes to an Approved Recruitment section). Alternatively, it may be appropriate to retain part or all of any bond paid to cover these costs, subject to relevant laws.
  - Accommodation **must** provide Seasonal Workers with adequate heating, cooling and ventilation, as required and as determined by the local climate.
  - Seasonal Workers **must** have adequate laundry facilities for washing and drying their clothes. These facilities must be onsite or within reasonable walking distance of the accommodation.
  - Accommodation **must** be maintained in a good condition.
- ##### 4.1.4 Accessible, safe and secure
- The property **must** be lockable and Seasonal Workers **must** have 24 hour access to their accommodation.

- Seasonal Workers' privacy **must** be respected in their living quarters.
- House rules should be reasonable and non-discriminatory. Expectations about the responsibility of Seasonal Workers in using the accommodation provided should be clearly communicated in the house rules.
- Decisions should be made on whether to prohibit alcohol, tobacco, etc. and relevant rules should be clearly communicated to all Seasonal Workers.
- Procedural fairness should be afforded to Seasonal Workers if the house rules are broken.
- Separate sleeping and bathroom facilities **must** be provided for single men and women. This includes lockable doors to bathroom facilities to ensure Seasonal Workers' privacy and safety. A couple may use the same quarters where they are married or in a de-facto relationship.
- Storage **must** be provided for each Seasonal Worker's belongings.
- Separate lockable storage **must** be provided for each Seasonal Worker's valuables such as their passport. Where the Seasonal Worker is accommodated in a single room on their own (or with their spouse or de-facto partner), a lockable bedroom door is acceptable.

#### 4.1.5 Seasonal Workers are able to arrange their own accommodation

- Seasonal Workers may elect to arrange their own accommodation, in which case, Approved Employers cannot make deductions from their wages for accommodation.
- Seasonal Workers may choose to arrange their own accommodation for a variety of reasons including cost, condition of the accommodation, and links to the community.
- If a Seasonal Worker chooses to arrange their own accommodation, the Approved Employer

is not responsible for the quality of that accommodation. The Approved Employer does, however, retain the responsibility for providing welfare and wellbeing assistance to the Seasonal Worker.

- Where a Seasonal Worker is considering moving from the accommodation provided by the Approved Employer to their own arranged accommodation, the Approved Employer **must** explain to them that they will be responsible for all costs which may include rent, electricity and other utility costs, transport costs, and other housing related costs.
- Approved Employers may require that Seasonal Workers provide a minimum of two weeks' notice of their intention to move to their own accommodation and transport arrangements. If an Approved Employer seeks to impose this condition on the accommodation and transport this **must** be set out in the Offer of Employment.
- If the Seasonal Worker does not give two weeks' notice, where this is a condition they have agreed to in the Offer of Employment, the Seasonal Worker may be charged for the accommodation and transport provided by the Approved Employer for the two week period even if they have moved out.

## 4.2 MORE DETAILED ADVICE

### 4.2.1 Bed arrangements

Seasonal Workers are staying in the accommodation for up to nine months. They are expected to undertake manual labour often in variable weather conditions. Therefore, the provision of an adequate number of beds of an appropriate size and level of comfort is essential to provide Seasonal Workers with decent, safe and hygienic conditions to rest and sleep.

#### BEDROOM REQUIREMENTS:

- A separate bed with a base or bedframe, comfortable and clean mattress, pillow and linen for each Seasonal Worker.

- Sleeping areas **must not** be crowded; there should be a reasonable walking space between beds, the exits, and storage.
- The use of bunk beds should be minimised. If used, there **must** be enough clear space between the upper and lower bunks, and the upper bunk and the ceiling.
- Triple bunks are prohibited
- Window coverings **must** be installed, and in working order, in all sleeping areas to provide privacy and block-out sunlight.

### 4.2.2 Bathrooms

- There **must** be adequate bathroom facilities (toilets, baths/showers, hand basins) for the number of Seasonal Workers. When in use they must provide Seasonal Workers with adequate privacy
- Facilities **must** be conveniently located, and wherever possible, attached to the living quarters.
- As a minimum, one toilet, hand basin, and shower (or bathtub) **must** be provided for every 10 Seasonal Workers (or part thereof).

- Portable toilets **must not** be used, such as port-a-loos. Transportable toilet blocks may be acceptable, such as dongas.

### 4.2.3 Leisure, social and telecommunication facilities

- Collective social and rest spaces **must** be provided.
- You **must** provide Seasonal Workers with a means to communicate with their families and the outside world.
- A common area **must** provide sufficient comfortable seating for the number of Seasonal Workers being accommodated (i.e. one seat for each Seasonal Worker). Furniture **must** be clean and in good condition.

## DEED OF AGREEMENT FOR THE SEASONAL WORKER PROGRAM

### CLAUSE 11: ACCOMMODATION AND ACCOMMODATION PROVIDERS

- 11.1.** You must:
- provide accommodation; or
  - arrange accommodation with an Accommodation Provider, For each Seasonal Worker employed by You in accordance with the Guidelines, Your Approved Recruitment and Offer of Employment.
- 11.2.** You must submit an Accommodation Plan for Our review in accordance with the Guidelines.
- 11.3.** We may, in Our absolute discretion, approve or reject an Accommodation Plan by issuing written advice to You via SWP Online or otherwise in writing.
- 11.4.** In approving any Accommodation Plan, We may, in Our absolute discretion, require any amendments or impose any terms and conditions on the Accommodation Plan.
- 11.5.** You must, in relation to any accommodation You provide or arrange under clause 11.1:
- ensure that such accommodation is safe and secure and is fit for occupation and use for each Seasonal Worker employed by You; and
  - comply with any work health and safety legislation or state and territory Government and local government legislation and codes that may apply to such accommodation.
- 11.6.** A Seasonal Worker may elect to arrange her or his own accommodation, in which case You are prohibited from making any deductions for accommodation from that Seasonal Worker's wages and clause 11.1 does not apply.
- 11.7.** You must have, or obtain, Our prior written approval of any accommodation that You propose to arrange to be used by Seasonal Workers. For the purposes of this clause 11.7, such approval will be provided via SWP Online through approval of the Accommodation Plan or otherwise in writing.
- 11.8.** If You intend to alter any aspect of Your approved Accommodation Plan, You must submit Your proposed changes to Us and receive Our written approval of the proposed changes via a SWP Online or otherwise in writing prior to implementing those changes.

## NEW ZEALAND

Health and Safety at Work Act, 2015

### SUBPART 2 – DUTIES OF PCBUS (PERSON CONDUCTING A BUSINESS OR UNDERTAKING)

#### 36 PRIMARY DUTY OF CARE

(4) Subsection (5) applies if—

- a worker occupies accommodation that is owned by, or under the management or control of, a PCBU; and
- the occupancy is necessary for the purposes of the worker's employment or engagement by the PCBU because other accommodation is not reasonably available.

(5) The PCBU must, so far as is reasonably practicable, maintain the accommodation so that the worker is not exposed to risks to his or her health and safety arising from the accommodation.

#### Factsheet: Worker Accommodation, 2016

(Accompanying document to the Health and Safety at Work Act)

This fact sheet provides guidance for persons conducting a business or undertaking (PCBUs) who provide accommodation to workers as part of the job. If PCBUs provide accommodation they own, manage or control to their workers (where occupancy is necessary for work purposes because other accommodation is not reasonably available), they must, so far as is reasonably practicable, maintain the accommodation. It must be maintained so that workers are not exposed to health and safety risks arising from the accommodation<sup>1</sup>.

This applies to all industries.

The following interim general guidance is based on previous guidance about farm worker accommodation<sup>2</sup>.

#### BUILDINGS

Caravans and tents aren't suitable accommodation.

Accommodation should be soundly built from weatherproof materials. New buildings must comply with the Building Act 2004.

It should:

- be located away from stock yards and other similar areas
- have gutters and downpipes to carry rainwater away from the building
- have lined and finished interior walls (timber-framed buildings)

- have stopped and battened joints in wall linings
- have paper, paint or varnish on wall surfaces
- have suitable thermal insulation
- have draught-proof floors with smooth, easily cleanable surfaces. If the floor is concrete, it should be covered with material such as sheet vinyl flooring
- have ventilation openings in foundation walls that are covered with mesh or screened to keep out vermin
- not have machinery and chemicals stored nearby.

## FACILITIES AND AMENITIES

Adequate facilities and amenities should be provided. Accommodation should be kept clean and hygienic.

FACILITIES/AMENITIES	GUIDANCE
<b>BEDROOMS</b>	<p>Bedrooms should have the following minimum dimensions:</p> <ul style="list-style-type: none"> <li>For one person: 6 m<sup>2</sup> of floor space, 2.4 m high in any part, 1.8 m wide in any part.</li> <li>For two people: 9 m<sup>2</sup> of floor space, 2.4 m high in any part, 2.1 m wide in any part.</li> <li>For more than two people: 9 m<sup>2</sup> for the first two people and 4.5 m<sup>2</sup> for every extra person – 2.4 m high in any part, 2.1 m wide in any part.</li> </ul> <p>Bedrooms should be furnished with suitable beds and mattresses, and cupboards or wardrobes for hanging up clothes.</p>
<b>COOKING FACILITIES</b>	<p>The cookhouse should be big enough to prepare food in.</p> <p>The cookhouse and dining room can be in the same room.</p> <p>The cookhouse should have:</p> <ul style="list-style-type: none"> <li>at least 1.5 m clear floor space on the working side of the cooking stove and sink bench</li> <li>suitable cooking equipment, utensils and appliances hot water at the sink</li> <li>ventilation – as a guide, the window space should be at least equal to one tenth of the floor area, and at least half of the windows should open</li> <li>enough cupboard space for storing non-perishable food, utensils and equipment.</li> </ul> <p>The cookhouse shouldn't be used as a bedroom.</p>
<b>DINING FACILITIES</b>	<p>Dining rooms should have:</p> <ul style="list-style-type: none"> <li>room for workers to eat their meals in reasonable comfort – as a guide, the dining room should allow at least 1.1 m<sup>2</sup> of floor space for each person</li> <li>tables and enough seating for all workers at one sitting – benches with backs are acceptable, but don't attach them to the floor, as this makes it harder to clean</li> <li>equipment, utensils and appliances for dining.</li> </ul> <p>The dining room shouldn't be used as a bedroom.</p>
<b>WASHING FACILITIES</b>	<p>There should be hand basins with hot and cold water.</p> <p>There should be baths or showers. Each shower should have an attached dressing area. Each compartment (shower and dressing area) should have a floor area of at least 1 m<sup>2</sup>.</p> <p>If there are not separate facilities for females, doors should be lockable.</p>
<b>LAUNDRY FACILITIES</b>	<p>There should be a washing machine for laundering clothes.</p>
<b>SANITARY CONVENIENCES</b>	<p>There should be a flushing toilet if practicable. Installed toilets should meet the standards in the Building Act 2004 and codes.</p> <p>If a flushing toilet is not practicable, there should at least be an outhouse that is properly maintained.</p>

# CANADA

## Guidelines for Seasonal Housing for Temporary Farm Workers in BC, 2016

(Sample of provincial regulations)

## II. INSPECTIONS

- The following provides specific comments/points of clarification for questions on the inspection form (Q1-Q42). Questions with no additional information are noted as "n/a". Following each section of questions there may be additional general recommendations or factors to consider.
- Note: in several parts of this document the Industrial Camp Regulations (ICR) is referred to. The ICR may vary somewhat from the TFW guidelines, but they provide additional direction or clarification for provincial requirements.

## EMPLOYER INFORMATION

- Year – This is the year for which the inspection is being completed for (i.e. the year that the workers will arrive).
- Property Address – of the building being inspected.
- Building # - if multiple buildings are part of a single complex (i.e. bunkhouse, common area and showers in adjacent buildings) use one form. If there are separate units (i.e. multiple self-contained units) complete a separate form for each unit.
- If this is a re-inspection, please note the previous inspection form number.

### A. BUILDING GENERAL/EXTERIOR/PROPERTY

#### Q1 – Nature of Accommodation

- |   |  |
|---|--|
| 1. Single Family Dwelling – purpose built structure of a typical single family residence. Met the building code requirements at the time of construction. | that may have separate eating, sleeping and living areas. This includes portable structures that used in remote mining, gas and lumber work camps. |
| 2. Apartment – structure built as per building code for multifamily residential use.  | 4. Hotel – purpose built structures built to code requirements.  |
| 3. Dormitory / Bunkhouse / Work Camp structure– purpose built/renovated structure,  | a. Hotel style accommodations differ from other accommodations in that the sleeping  |

quarters do not have to be separated from the other living spaces.

- b. Capacity calculation is limited to a maximum of two (2) occupants per room. If beds/bunks in the main living area are being used, additional bedrooms may not factor into the occupancy calculation.
5. Converted Storage Area – a repurposed structure that has been converted into a single family or bunkhouse style accommodation.
  - a. Must have met the building code & fire code regulations at the time of conversion.
  - b. If the structure has dual purposes (i.e. only part of the structure has been converted for accommodations), refer to the section on dual purpose buildings.
6. Mobile Home – as defined by the *Manufactured Home Act of BC*.
  - a. Travel or tourist trailers, campers, park model trailers are NOT acceptable structures for TFW accommodations
  - b. Should be CSA approved.
7. General Comments
  - a. n/a

## Q2 – Building Location

1. Buildings should be located in well drained ground to prevent mold and/or seepage into the accommodations.
  - a. Evidence of mold in the accommodations results in an automatic fail.
  - b. In low lying areas, properly installed and functioning sump pumps may be required to maintain a well-drained base.
  - c. Evidence of standing water under or around the accommodations while workers are on site is not acceptable. Periodic water pooling may occur near the accommodation at times of the year when the building is not occupied and after intense rainfall events. Every effort should be made to remove the water quickly.
2. Fuel, fertilizer, paints, solvents, pesticide storage and similar products (including full and empty containers) are considered hazardous products.

## Q3 – Exterior Components

1. Roof must be tight-fitting and waterproof.
2. Windows must be tight fitting, wind and waterproof.
3. While not mandatory, it is recommended that working gutters, downspouts and perimeter drains be installed
  - a. They must be cleaned and allow water to flow through.

## Q4 – Flammable / Safety

1. All accommodations must have dual exits leading directly to the exterior of the building.
  - a. Secondary exits must meet the specification of the Fire Code (i.e. use of rope ladders).
2. Dual purpose buildings storing highly flammable material or hazardous goods are not acceptable accommodations.
3. Empty pesticide, fertilizer, fuel containers etc. are considered hazardous.

## Q5 – Multiple Use Buildings

1. If housing is part of a dual purpose building (i.e. storage facility, machine shed):
  - a. The accommodations must be completely separated from the rest of the building.
    - i. There must be a solid (i.e. drywall or plywood wall) that isolates the living area from the rest of the building. There should not be openings or ventilation between the areas.
    - ii. The current BC Building Code requires a 2 hour fire rated wall separating. If the facility started being used for TFW housing while this Building Code requirement existed, the fire wall is mandatory, if the housing was built before then, it is a recommended practice
  - b. Remainder of the building cannot be used to store highly flammable materials (see Q4-2)

- c. The primary and secondary access to the accommodations must be directly to the exterior, or into a corridor that is 2 hour fire rated as per BC Codes.

## Q6 & 7 – Garbage & Rodents

1. Rodent and insect populations must be controlled.
  - a. This is referred to in several questions relating to the integrity of exterior walls & floors, need for screen etc.
  - b. While it is reasonable that there may be evidence of rodents or insects around the residence. It is expected that the employer has taken steps to prevent access of the pests to the inside of the accommodation and is actively managing populations (i.e. limiting attractants and using active control measures (traps)).
2. Garbage containers should be rodent and insect proof and be readily cleaned and sanitized.
  - a. There should be an adequate number/size of containers for buildings to store all garbage accumulated between collections.
  - b. Containers must have sealable lids.
  - c. Containers should be clearly labeled in English and the language of the workers.
  - d. Garbage should be collected and removed for sanitary disposal at least once every week.
3. The ICR requires that buildings not built on solid concrete or rodent-proof foundation must have

## B1. BUILDING INTERIOR - GENERAL

### Q9 – Interior Components

1. All interior components of the accommodations must be clean, in good condition and appropriately sealed.
2. Floors are tight fitting, smooth-surfaced, impervious to moisture and readily cleanable.
3. Walls are tight fitting and the interior is lined with a smooth painted or treated surface material.

a clearance of at least 30cm between the surface of the ground and the underside of the floor joists.

## Q8 – Skirting / Crawl Spaces

1. Skirting is required to protect the crawl space from debris and animals.
  - a. Skirting and any external walls for a crawl space should not have holes to control rodents. Wire mesh, with spacing not greater than 0.5cm (1/4 inch) in diameter, should be used to cover holes.

## Other General / Exterior / Property

1. Living, sleeping, kitchen and washroom facilities may be located in separate buildings but need to be conveniently located for easy access.
  - a. Access between building should be covered and provide all weather footing keeping employees dry as they move between buildings.
  - b. Decks, walkways, and stairs should be free of trip hazards and have appropriate safety railings. Exterior stairs should be slip resistant.
  - c. The ICR requires that toilets be less than 30m from sleeping quarters. It is suggested that this be used as a guide for distances between spate buildings.

4. OSB or smooth finished plywood can be used for interior surfaces as long as it has a complete covering (painting) (i.e. this is more than just a quick undercoat paint job).
5. Walls should be of sound structure (i.e. solid behind wall tiles).

### Q10 – Ceiling Height

1. Walls must be at least 7 feet (2.13m) tall.
  - a. Walls may be more than 9 feet tall, but a maximum height of 9 feet will be used for calculating airspace in the sleeping areas.
  - b. Closets, storage areas etc, may be less than 7 feet, but these areas are not included in area or volume calculations.

### Q11 – Temperature

1. Heating & cooling systems must allow employees to be able to control the building temperature between a minimum of 18C and a maximum 25.5C at all times
  - a. A properly insulated accommodation with good ventilation in most parts of the province will usually suffice for maintaining the maximum temperature. In some areas or due to the construction of the accommodations, air-conditioning may be required.
  - b. Portable space heaters cannot be used as the primary heating source.

### Q12 – Lighting

1. Light switches should be located in such a way as to minimize the need to move into a dark room.

## B2. BUILDING INTERIOR – SLEEPING QUARTERS

### Q16 – Partitioning

1. Sleeping quarters must be partitioned by walls and doors.
  - a. Curtains, portable screens or similar materials are not acceptable partitions for either the walls or the doors.
2. Hotel style accommodations – where the sleeping and living are combined, maximum occupancy in the unit is two persons.

### Q13 – Ventilation

1. Fans (bathroom/kitchen) should be vented to the outside of the building.
2. Adequate ventilation is such to prevent the accumulation of condensation and disagreeable odours.

### Q14 – Screens

1. All windows including those in an exterior door and doors that will be used to provide ventilation during occupancy must have screens.
2. Screens must be installed at the time of inspection.

### Q15 – Basic Furnishings

1. Basic furnishing such as tables, chairs, couches, shelves, etc. should be compatible for the number of proposed workers.
2. Furnishings must be in good repair and clean.

### Other Interior – General

1. n/a

- a. For example – a hotel suite with one room plus washroom with space for four beds still may only have a maximum occupancy of two people.

### Q17 – Bunk Conditions

1. Minimum linens include a pillow, pillow case, sheets (2) and blanket for each bed / bunk.
2. Linens must be clean and in good condition.

### Q18 – Bunk Height

1. n/a

### Q19 – Bunk Location

1. Beds must not block exits (including emergency window exits).

### Q20 – Personal Storage

1. There must be one enclosed storage unit per employee.
  - a. Storage space should be the equivalent of two four feet wide dresser drawers.
2. Suggest that each worker be provided with an individual lockable storage space.
3. Recommend that additional storage / hanging space be provided for other personal items.

## B3. BUILDING INTERIOR – PERSONAL WASHING FACILITIES

### Q21 – Partitioning

1. Washrooms cannot open directly into areas where food is stored, prepared or served.
  - a. Curtains, portable screens or similar materials are not acceptable partitions for either the walls or the doors.

### Q22 – Privacy

1. Individual toilet facilities must have suitable privacy barriers that can be locked from the inside.

### Other Interior – Sleeping

1. Each employee must have a separate bed/bunk (e.g. no hot bunking or sharing beds).
2. Double beds are for single occupancy and may be provided ONLY for married couples.
3. Each room must have two exits. The BC Building Code generally requires every bedroom in a house and every bedroom in a small multi-family residential building to have an outside window that can be used as an emergency exit. The window opening must be 0.35M2 with no dimension less than 380mm.
4. Bedroom windows functioning as emergency that are more than 40 inches above the floor, should have a way to reach the window (e.g. a step stool)
5. The ICR prohibits males and females from sharing a bedroom (unless married to each other).
6. While bunkbeds have been used in agriculture TFW programs in BC since 2004 and are still permitted for use by the programs, the ICR prohibits the use of double deck or multiple tier bunks (e.g. bunkbeds).

### Q23 – Washroom Conditions

1. Must be fly-tight, weatherproof, well-ventilated.
  - a. Fans must be clean and ventilated to the outside.
  - b. Toilets, sinks, showers and all connecting plumbing must be in good repair, operate efficiently, free of leaks, and be clean & sanitary.

2. Showers must have individual privacy barriers (doors/curtains).

### Q24 – Hand washing

1. n/a

### Q25 – Floors and walls

1. Floors and walls must be made of or covered by a suitable material that can be cleaned and sanitized.
  - a. All flooring has a watertight surface (i.e. no carpet, bare wood, broken tile or laminate)
  - b. Smooth plywood/OSB must be covered (painted) with a scrubable product and have adequate coverage. (i.e. bare plywood or just an undercoat of paint is not acceptable)
  - c. Walls behind tiles must appear sound (i.e. when pressure applied to the tile surface, it appears that there is a solid structure behind the tile.)

### Q26 & Q27 – Laundry Facilities

1. There must be at least one laundering machine in good working order for every fifteen beds
2. There must be drying facilities for laundry, not in the bedrooms.
3. “Weekly access to laundromat” – Inspector just to record that the employer has committed to this. Not verified by the inspector.
4. Facilities used to clean personal protective equipment (e.g. spray masks, rain gear, gloves) must be separate from laundry machines.
5. The ICR requires that in larger facilities (10+ employees) that separate “dry room” be provided for employees to change in and out of work clothes before entering the residence.

### Q28 – Hot water supply

1. Hot water tanks should be maintained as per the manufacturer’s instructions.

### Other Interior – Washing

1. Portable privies (e.g. porta-pottys) may be used to augment toilets or for convenience, but they do not count for occupancy calculations.
  - a. If portable privies are used, there should be a service contract and they must be equipped with hand sanitation facilities such as wet wipe/alcohol solution.
2. The ICR requires that if a washroom has more than one toilet or shower, that washroom should be restricted for the use of one sex (i.e. multiple person washrooms should be either male or female).
3. All sewage is to be disposed of according to the provisions of the appropriate regulatory agency.
  - a. Septic tanks should be pumped out on a regular basis.
  - b. Additional recommendations on septic systems can be found at:
    - i. [http://www.env.gov.bc.ca/wsd/plan\\_protect\\_sustain/groundwater/septic\\_tank.pdf](http://www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater/septic_tank.pdf)
    - ii. Local Health Authority (phone book, internet or Enquiry BC 1-800-663-7867).
    - iii. BC Onsite Sewage Association at 1-866-391-8442 or [www.bcossa.com](http://www.bcossa.com).
    - iv. For information on groundwater and well stewardship go to [www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-quality/drinking-water-quality/health-authority-contacts](http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-quality/drinking-water-quality/health-authority-contacts)

### B3. BUILDING INTERIOR – KITCHEN

The following requirements are for facilities where the Employee is responsible for preparing some or all of their own meals.

### Q29 – Appliances

1. Appliances must be clean and in good working condition
  - a. Fridges must be clear of spills & old food.
  - b. Stoves/ovens must be free of grease or residue.
  - c. Stoves must have a range hood (fan) ventilated to the outside.
  - d. Appliances must be repaired immediately if not functioning correctly.

### Q30 – Floors & walls

1. The walls and floors of the kitchen or eating area must be made of material that can be cleaned and sanitized.
  - a. Carpeting is not acceptable
  - b. Smooth plywood/OSB must be covered (painted) with a scrubable product and have adequate coverage. (i.e. bare plywood or just an undercoat of paint is not acceptable)

### Q31 – Counters

1. The intent of Q31 is to prevent employers from attaching a sheet of plywood to the wall and calling it a counter. The expectation is for the counters to look like a normal residential kitchen, be impermeable and scrubable.

### Q32 – Food Storage

1. Employees must be able to store food in enclosed cupboards and sealed containers to protect it from contamination.
2. There is adequate cupboard and food storage space within reasonable distance to the kitchen.
3. Employees must be able to store perishable foods in adequate refrigeration to maintain a temperature not exceeding 4C (40F).

### Q33 – Kitchen Items

1. An adequate amount of the following kitchen items in clean, good condition.
  - a. Plates, bowls, cups and drinking glasses - one set per employee.
  - b. Utensils for cooking and serving food (pots, pans, serving spoons, ladles spatulas etc).
  - c. Tables and chairs – place for each worker to sit and eat at the same time.

### Other Interior – Kitchen

1. A kitchen with food storing, preparing and cooking facilities should be provided and this space should not be used as a sleeping room.

## C. WATER SUPPLY

### Q34 – Water Source

1. A constant supply of hot and cold potable water under pressure and in sufficient quantity to provide for drinking, washing, food preparation and laundering.
2. Water supply can NOT be via a garden hose (or similar).
3. When drinking water is provided in a container (e.g. while the workers are in the field), it should be bacteriologically safe, the container should be clean, sanitary, covered and equipped with a sanitary dispensing device.
4. No person should use a drinking vessel in common with others (i.e. each employee has and individual cup or glass).

### Q35 – Water Test

1. Water sample used for the test must come from the source(s) that employees will use for potable water while living in the facility.

## D. FIRE SAFETY

### Q36 – Number of extinguishers

1. Fire extinguishers must be fully charged and have a recent certificate that they have been recharged.

### Q37 – Location of extinguishers

1. Refer to current BC Fire Code safety recommendations.
2. As a minimum, extinguishers must be securely mounted outside of all bedrooms and in the kitchen.
  - a. Suggest also that they be mounted in the Living Room and Dining Rooms, near exits.

### Other Water Supply

1. Water supply is regulated by local Health Authorities. The health authorities' drinking water officers are responsible for providing the oversight to ensure compliance and drinking water safety. Drinking water officers are mandated to apply and enforce the *Drinking Water Protection Act* and *Drinking Water Protection Regulation*. They monitor the operations of drinking water systems and act on any notices of threats to drinking water quality. Drinking water officers are responsible for issuing operating permits, and will work with water suppliers to help them achieve compliance with the legislation and the conditions on their permits.
2. For additional information please contact your local Authority: <http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-quality/drinking-water-quality/health-authority-contacts>

### Q38 – Extinguisher accessibility

1. Must be easily seen, properly located and securely mounted.

### Q39 – Extinguisher Rating

1. Minimum requirement is ABC rating - this is a safety protocol and inspectors do not enforce the BC Fire Code.

### Q40 – Number of smoke detectors

1. Smoke alarm(s) are to be provided, properly

located, operational and securely mounted. (Note: This is a safety protocol and not necessarily an issue for compliance with the Fire Code).

2. Not a requirement, but it recommended that Carbon Monoxide detectors be installed and maintained as per manufacturer's instructions.

### Q41 – Location of smoke detectors

1. Refer to Fire Code for the most current recommendations for locating smoke detectors.
2. As people often sleep with closed bedroom doors, current recommendation is that there be a smoke detector in each bedroom.
3. Suggest that there also be detectors in the common area (not the kitchen) and any interior stairwells.

## E. OCCUPANCY CALCULATIONS

1. Total living space:
  - a. Includes areas of the accommodation that have a ceiling height of more than 7 feet.
  - b. Does not include areas with ceilings under 7 feet high, storage areas or closets.
2. Number of showers
  - a. Additional showers may be provided as per comment 1, Section A - Other General.
3. Number of toilets
  - a. Additional toilets may be provided as per comment 1, Section A - Other General.
  - b. In male only accommodations, the ICR permits urinals to be substituted for up to half of the required toilets (i.e. for 21 male workers it would be acceptable to have two toilets and one urinal)
  - c. Portable toilets (i.e. porta-pottys) are not acceptable for occupancy calculations (comment 1, Section B3 – Other Interior)

### Q42 – Smoke detector mounting & testing

1. All smoke detectors should be securely mounted as per BC Fire Code and manufacturer's directions.
2. Detectors should be tested to ensure they are operational?

### Other fire safety

2. Accommodations used for TFW should have fire protection facilities compatible with the provisions of the BC Building Code & BC Fire Code.
3. These requirements do not replace or supersede any requirements by the Fire Department in which the accommodation is located.

4. Hand washing
  - a. Near toilets
5. Number of ovens or stoves
  - a. The concept here is that there must be an adequate number of stove top burners to allow the workers to quickly prepare their meals.
  - b. An oven or stove is assumed to be a standard size (+/- 30 inch) residential stove (with a four burner range and oven). Larger commercial style units with additional burners may be converted to a residential equivalent. (i.e. a 36 inch 6 burner stove would be the equivalent of 1 ½ standard stoves)
  - c. Microwave ovens or toaster ovens may be used to supplement stoves, not replace them.
  - d. In situations where there are not enough stoves for the number of workers, hotplates may be used to augment the number of stoves with the following conditions:

- i. They must be located with adequate counter space to safely use all appliances.
  - ii. They must be safely plugged into an electrical socket (i.e. no splitters or extension cords).
  - iii. There must be an additional element (burner) for each additional worker (e.g. accommodation with 8 people, but one stove would require a hotplate with two elements or two single element hotplates).
  - iv. The maximum number of hotplates allowed for occupancy calculations is four elements (e.g. four – 1 element hotplates or two – 2 element hotplates).
  - v. Hotplates must be in good condition, clean (free of grease and residue).
6. Number of fridges
    - a. A refrigerator is assumed to be a standard size residential fridge (≈\_25cu ft, not a bar fridge).
    - b. Refrigerators should provide both cold and freezer storage capacity.
    - c. If larger refrigerators are used, suggest that there be approximately 4 cu ft of storage for each worker.
  7. Total bedroom space
    - a. Closets, storage areas or portions of the room where the ceiling is less than 7 feet in height are excluded from this calculation
    - b. A maximum room height of 9 feet is to be used in rooms with higher ceilings.

# UNITED STATES

## From Section H-2A of the Immigration and Nationality Act

**Housing:** Employers must provide housing at no cost to H-2A workers and to workers in corresponding employment who are not reasonably able to return to their residence within the same day. If the employer elects to secure rental (public) accommodations for such workers, the employer is required to pay all housing-related charges directly to the housing's management.

In addition, employers are required to either provide each covered worker with three meals per day, at no more than a DOL-specified cost, or to furnish free and convenient cooking and kitchen facilities where workers can prepare their own meals.

Employer-provided or secured housing must meet all applicable safety standards.

### OCCUPATIONAL SAFETY AND HEALTH STANDARDS, 29 CFR § 1910.142 – TEMPORARY LABOR CAMPS

#### 1910.142(a)

“Site.”

#### 1910.142(a)(1)

All sites used for camps shall be adequately drained. They shall not be subject to periodic flooding, nor located within 200 feet of swamps, pools, sink holes, or other surface collections of water unless such quiescent water surfaces can be subjected to mosquito control measures. The camp shall be located so the drainage from and through the camp will not endanger any domestic or public water supply. All sites shall be graded, ditched, and rendered free from depressions in which water may become a nuisance.

#### 1910.142(a)(2)

All sites shall be adequate in size to prevent overcrowding of necessary structures. The principal camp area in which food is prepared and served and where sleeping quarters are located shall be at least 500 feet from any area in which livestock is kept.

#### 1910.142(a)(3)

The grounds and open areas surrounding the shelters shall be maintained in a clean and sanitary condition free from rubbish, debris, waste paper, garbage, or other refuse.

#### 1910.142(a)(4)

[Removed]

#### 1910.142(b)

“Shelter.”

#### 1910.142(b)(1)

Every shelter in the camp shall be constructed in a manner which will provide protection against the elements.

#### 1910.142(b)(2)

Each room used for sleeping purposes shall contain at

least 50 square feet of floor space for each occupant. At least a 7-foot ceiling shall be provided.

**1910.142(b)(3)**

Beds, cots, or bunks, and suitable storage facilities such as wall lockers for clothing and personal articles shall be provided in every room used for sleeping purposes. Such beds or similar facilities shall be spaced not closer than 36 inches both laterally and end to end, and shall be elevated at least 12 inches from the floor. If double-deck bunks are used, they shall be spaced not less than 48 inches both laterally and end to end. The minimum clear space between the lower and upper bunk shall be not less than 27 inches. Triple-deck bunks are prohibited.

**1910.142(b)(4)**

The floors of each shelter shall be constructed of wood, asphalt, or concrete. Wooden floors shall be of smooth and tight construction. The floors shall be kept in good repair.

**1910.142(b)(5)**

All wooden floors shall be elevated not less than 1 foot above the ground level at all points to prevent dampness and to permit free circulation of air beneath.

**1910.142(b)(6)**

Nothing in this section shall be construed to prohibit "banking" with earth or other suitable material around the outside walls in areas subject to extreme low temperatures.

**1910.142(b)(7)**

All living quarters shall be provided with windows the total of which shall be not less than one-tenth of the floor area. At least one-half of each window shall be so constructed that it can be opened for purposes of ventilation.

**1910.142(b)(8)**

All exterior openings shall be effectively screened

with 16-mesh material. All screen doors shall be equipped with self-closing devices.

**1910.142(b)(9)**

In a room where workers cook, live, and sleep a minimum of 100 square feet per person shall be provided. Sanitary facilities shall be provided for storing and preparing food.

**1910.142(b)(10)**

In camps where cooking facilities are used in common, stoves (in ratio of one stove to 10 persons or one stove to two families) shall be provided in an enclosed and screened shelter. Sanitary facilities shall be provided for storing and preparing food.

**1910.142(b)(11)**

All heating, cooking, and water heating equipment shall be installed in accordance with State and local ordinances, codes, and regulations governing such installations. If a camp is used during cold weather, adequate heating equipment shall be provided.

**1910.142(c)**

"Water supply."

**1910.142(c)(1)**

An adequate and convenient water supply, approved by the appropriate health authority, shall be provided in each camp for drinking, cooking, bathing, and laundry purposes.

**1910.142(c)(2)**

A water supply shall be deemed adequate if it is capable of delivering 35 gallons per person per day to the campsite at a peak rate of 2 1/2 times the average hourly demand.

**1910.142(c)(3)**

The distribution lines shall be capable of supplying water at normal operating pressures to all fixtures for simultaneous operation. Water outlets shall be

distributed throughout the camp in such a manner that no shelter is more than 100 feet from a yard hydrant if water is not piped to the shelters.

**1910.142(c)(4)**

Where water under pressure is available, one or more drinking fountains shall be provided for each 100 occupants or fraction thereof. Common drinking cups are prohibited.

**1910.142(d)**

"Toilet facilities."

**1910.142(d)(1)**

Toilet facilities adequate for the capacity of the camp shall be provided.

**1910.142(d)(2)**

Each toilet room shall be located so as to be accessible without any individual passing through any sleeping room. Toilet rooms shall have a window not less than 6 square feet in area opening directly to the outside area or otherwise be satisfactorily ventilated. All outside openings shall be screened with 16-mesh material. No fixture, water closet, chemical toilet, or urinal shall be located in a room used for other than toilet purposes.

**1910.142(d)(3)**

A toilet room shall be located within 200 feet of the door of each sleeping room. No privy shall be closer than 100 feet to any sleeping room, dining room, lunch area, or kitchen.

**1910.142(d)(4)**

Where the toilet rooms are shared, such as in multifamily shelters and in barracks type facilities, separate toilet rooms shall be provided for each sex. These rooms shall be distinctly marked "for men" and "for women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for each sex are in the

same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling.

**1910.142(d)(5)**

Where toilet facilities are shared, the number of water closets or privy seats provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time, in the ratio of one such unit to each 15 persons, with a minimum of two units for any shared facility.

**1910.142(d)(6)**

Urinals shall be provided on the basis of one unit or 2 linear feet of urinal trough for each 25 men. The floor from the wall and for a distance not less than 15 inches measured from the outward edge of the urinals shall be constructed of materials impervious to moisture. Where water under pressure is available, urinals shall be provided with an adequate water flush. Urinal troughs in privies shall drain freely into the pit or vault and the construction of this drain shall be such as to exclude flies and rodents from the pit.

**1910.142(d)(7)**

Every water closet installed on or after August 31, 1971, shall be located in a toilet room.

**1910.142(d)(8)**

Each toilet room shall be lighted naturally, or artificially by a safe type of lighting at all hours of the day and night.

**1910.142(d)(9)**

An adequate supply of toilet paper shall be provided in each privy, water closet, or chemical toilet compartment.

**1910.142(d)(10)**

Privies and toilet rooms shall be kept in a sanitary condition. They shall be cleaned at least daily.

**1910.142(e)**

“Sewage disposal facilities.” In camps where public sewers are available, all sewer lines and floor drains from buildings shall be connected thereto.

**1910.142(f)**

“Laundry, handwashing, and bathing facilities.”

**1910.142(f)(1)**

Laundry, handwashing, and bathing facilities shall be provided in the following ratio:

**1910.142(f)(1)(i)**

Handwash basin per family shelter or per six persons in shared facilities.

**1910.142(f)(1)(ii)**

Shower head for every 10 persons.

**1910.142(f)(1)(iii)**

Laundry tray or tub for every 30 persons.

**1910.142(f)(1)(iv)**

Slop sink in each building used for laundry, hand washing, and bathing.

**1910.142(f)(2)**

Floors shall be of smooth finish but not slippery materials; they shall be impervious to moisture. Floor drains shall be provided in all shower baths, shower rooms, or laundry rooms to remove waste water and facilitate cleaning. All junctions of the curbing and the floor shall be covered. The walls and partitions of shower rooms shall be smooth and impervious to the height of splash.

**1910.142(f)(3)**

An adequate supply of hot and cold running water shall be provided for bathing and laundry purposes. Facilities for heating water shall be provided.

**1910.142(f)(4)**

Every service building shall be provided with equipment capable of maintaining a temperature of at least 70 deg. F. during cold weather.

**1910.142(f)(5)**

Facilities for drying clothes shall be provided.

**1910.142(f)(6)**

**All service buildings shall be kept clean.**

**1910.142(g)**

“Lighting.” Where electric service is available, each habitable room in a camp shall be provided with at least one ceiling-type light fixture and at least one separate floor- or wall-type convenience outlet. Laundry and toilet rooms and rooms where people congregate shall contain at least one ceiling- or wall-type fixture. Light levels in toilet and storage rooms shall be at least 20 foot-candles 30 inches from the floor. Other rooms, including kitchens and living quarters, shall be at least 30 foot-candles 30 inches from the floor.

**1910.142(h)**

“Refuse disposal.”

**1910.142(h)(1)**

Fly-tight, rodent-tight, impervious, cleanable or single service containers, approved by the appropriate health authority shall be provided for the storage of garbage. At least one such container shall be provided for each family shelter and shall be located within 100 feet of each shelter on a wooden, metal, or concrete stand.

**1910.142(h)(2)**

Garbage containers shall be kept clean.

**1910.142(h)(3)**

Garbage containers shall be emptied when full, but not less than twice a week.

**1910.142(i)**

“Construction and operation of kitchens, dining hall, and feeding facilities.”

**1910.142(i)(1)**

In all camps where central dining or multiple family feeding operations are permitted or provided, the food handling facilities shall comply with the requirements of the “Food Service Sanitation Ordinance and Code,” Part V of the “Food Service Sanitation Manual,” U.S. Public Health Service Publication 934 (1965), which is incorporated by reference as specified in Sec. 1910.6.

**1910.142(i)(2)**

A properly constructed kitchen and dining hall adequate in size, separate from the sleeping quarters of any of the workers or their families, shall be provided in connection with all food handling facilities. There shall be no direct opening from living or sleeping quarters into a kitchen or dining hall.

**1910.142(i)(3)**

No person with any communicable disease shall be employed or permitted to work in the preparation, cooking, serving, or other handling of food, foodstuffs, or materials used therein, in any kitchen or dining room operated in connection with a camp or regularly used by persons living in a camp.

**1910.142(j)**

“Insect and rodent control.” Effective measures shall be taken to prevent infestation by and harborage of animal or insect vectors or pests.

**1910.142(k)**

“First aid.”

**1910.142(k)(1)**

Adequate first aid facilities approved by a health authority shall be maintained and made available in every labor camp for the emergency treatment of injured persons.

**1910.142(k)(2)**

Such facilities shall be in charge of a person trained to administer first aid and shall be readily accessible for use at all times.

**1910.142(l)**

“Reporting communicable disease.”

**1910.142(l)(1)**

It shall be the duty of the camp superintendent to report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease.

**1910.142(l)(2)**

Whenever there shall occur in any camp a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it shall be the duty of the camp superintendent to report immediately the existence of the outbreak to the health authority by telegram, telephone, electronic mail or any method that is equally fast.

# NESTLE RESPONSIBLE SOURCING STANDARD

## ANNEX 3:

### EXAMPLES OF WORKER ACCOMMODATION ITEMS IN GLOBAL BUYER STANDARDS AND CODES OF CONDUCT FOR SUPPLIERS

#### 2.3.3 Housing Conditions

When provided by the Supplier or its related partners, dormitory facilities shall:

- Be clearly segregated from factory and production area and have clearly segregated housing for males and females for respect of privacy.

*Urgent*

- Be safety Built and maintained and be regularly cleaned. Workers shall be able to enter and leave the dormitory buildings freely at any hour.

*Urgent*

- Have automatic fire detection and alarm systems and have a minimum of two exits (of opposite direction) in case of emergency.

*Urgent*

- Respect personal floor space and a minimum cubic content of air: aim of 10 cubic metres of air per person.

*Important*

- Provide with adequate lighting and ventilation:
- windows are large enough to enable the workers to read by natural light, are constructed to allow the entrance of fresh air whether or not there is artificial lighting or ventilation turned on,
- Heating systems and ventilation are installed and properly functioning and maintained.

*Important*

- Be equipped with sleeping facilities with beds and mattresses above the floor and quiet and dark enough to allow for good quality of sleep.

*Important*

- Enable access to potable water, electricity, clean

shower and toilet facilities respecting the right of privacy, sanitary food preparation and storage facilities.

*Urgent*

- Have personal storage equipment with lockable lockers.

*Urgent*

# IKEA IWAY STANDARD, ED. 5.2

Minimum Requirements for Environment and Social & Working Conditions when Purchasing Products, Materials and Services

## 10. ACCOMMODATION

### 10.1 Housing conditions

Accommodation provided by the Supplier or on behalf of the Supplier offers adequate and safe conditions.

For single men or women separate accommodation of the gender is provided.

There are no restrictions which interfere with the Worker's right to leave the housing facility during their free time.

The average living space is not less than 3,8 m2 per individual.

Housing facilities are adequately ventilated and/or heated.

Sleeping quarters are possible to lock from both outside and inside and each Worker has a locker to secure his or her belongings.

Workers are provided with their own individual bed/mattress or sleeping mat.

### 10.2 Housekeeping

All facilities are regularly cleaned and maintained in good condition.

An appropriate number of clean and adequately equipped washing and toilet facilities are available and maintained to a reasonable standard.

Areas where food service is prepared, provided or consumed meet local sanitation and hygiene regulations.

### 10.3 Safety

Emergency exits and routes ensure a fast and safe evacuation of all people.

As a minimum there are two independent emergency exits per floor and all emergency exits and access routes are free from obstruction and kept unlocked from inside.

The requirements on fire safety in accommodation are the same as per chapter 7 in this document: competence and training (7.3), firefighting equipment (7.4), evacuation alarm (7.6) and evacuation drills (7.7).

The housing facility is not located in a building where high risk operations are taking place.

### 10.4 Legal compliance

Applicable laws and regulations relating to accommodation but not covered by the points of this chapter above are complied with.

# HEWLETT-PACKARD COMPANY SUPPLY CHAIN FOREIGN MIGRANT WORKER STANDARD GUIDANCE DOCUMENT, 2016

## DORMITORY AND HOUSING

### SOCIAL RESPONSIBILITY RISKS

- It is logistically difficult or impossible for workers to secure their housing accommodations themselves
- Curfews are implemented in the dormitories, and workers are unable to enter or leave the premises freely
- There are penalties for staying out, or for not returning to the dormitory or housing facility at a designated time. Gates are closed at designated times
- Security personnel are instructed to restrict workers from leaving or entering the dormitory or housing facility
- Inadequate maintenance and poor safety and health conditions in independently managed worker accommodation

### BEST PRACTICES TO MANAGE RISKS

- There is a policy stating that workers are free to enter and leave their living quarters at all times. The policy is posted in the native language(s) of workers and is covered in orientation training
- The company does not require foreign workers to live in company-provided housing, unless required by law
- Workers are provided with individual keys or key cards to lock their rooms
- The company does not require or assign workers to live in dormitories or housing facilities that have unreasonable policies which curtail the workers' freedom of movement
- Any restrictions or curfews for security reasons must be justified with documented incident data
- Security personnel manning dormitory entry points are clearly instructed on their duties. Their role is to protect workers and their presence should not limit or impede the workers ability to enter or leave the premises.
- Living quarters are kept safe, clean and hygienic, with adequate personal space and privacy, as defined by the EICC Worker Accommodation guidelines
- Methods for workers to report issues or grievances with the supplier and/or dormitory management are prominently posted in the native language(s) of workers in all supplier provided housing
- Regular safety and health inspections and preventive maintenance of worker accommodation supplemented by routine audits by the supplier



LITERATURE REVIEW:

# **MIGRANT WORKER ACCOMMODATION:** EXAMINING PUBLIC AND PRIVATE SECTOR APPROACHES AND THE IMPACTS OF COVID-19

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