

Alberta Farm Safety Legislation

Issue

The Government of Alberta has passed legislation enacting changes to Employment Standards, Labour Relations, Occupational Health and Safety, as well as Workers Compensation Board (WCB) coverage on farms and ranches. The contents of the Enhanced Protection for Farm and Ranch Workers Act (Bill 6) remains vague in its effect on industry and the lack of consultation limited the ability for industry stakeholders to seek clarity on the bill and be engaged in the process of providing input towards the bill and subsequent regulations.

Background

The Alberta agricultural industry has been in a unique position as it relates to the requirements of Employment Standards, Labour Relations, Occupational Health and Safety and Workers Compensation. This industry has held long-standing exemptions that have not applied in other provinces; however, this has recently changed with the passing of the Enhanced Protection for Farm and Ranch Workers Act (Bill 6).

Since receiving third reading on December 10th and Royal Assent on December 11th, 2015, this bill has changed these long-standing exemptions: while still providing exemptions for owners or family members of owners, it will now mandate that all wage earning farm and ranch employees are covered under these regulations. Under these requirements, as of January 1st, all paid farm and ranch workers will be covered under Workers' Compensation Board insurance coverage and basic safety standards under Occupational Health & Safety regulations will apply. Employment Standards, Labour Relations and detailed Occupational Health and Safety regulations will continue to be developed over the following 18 months.

There continues to be significant concern by industry, due to the lack of clarity and consultation prior to Government implementation of the legislations. Industry members and their representatives have unsuccessfully attempted to halt this legislation, with more than 22,000 signatures supporting the cessation of these measures.

With more than 43,000 farms and ranches across the province, the necessity of this industry is clear. As businesses, these operations are vital to the success of Alberta. Accordingly, government needs to ensure that the application of these new regulations do not egregiously affect the economic success of farming and ranching as an industry. It is important to note that the agriculture industry in Alberta employs over 60,000 Albertans, all of whom are directly affected by this legislation. Additionally, the agriculture industry had a GDP in excess of \$3.9 billion in 2014. Nationally, this equates to "22.4 percent of primary agricultural production" in Canada. These figures represent the immense economic impact that this industry has in Alberta, and as such should be active in any regulatory changes affecting their output.

The Lethbridge Chamber of Commerce met with industry leaders, federations and groups to determine a solution based approach to working with the government in implementing this legislation. As a result

of the meeting, the Lethbridge Chamber heard that industry is concerned that legislation affecting their business operations and lifestyles has been passed without consideration of how the industry would implement these changes or the impact this may have on their ability to continue operations.

The Alberta Chambers of Commerce recommends the Government of Alberta:

1. Expand the periods of implementation for regulations pertaining to Worker's Compensation, Occupational Health and Safety, Labour Relations, and Employment Standards, including consideration of a gradual or phased-in process.
2. Consult with local Chambers of Commerce and industry to facilitate observation and education of the diverse and unique operations in this industry.
3. Develop and provide educational resources for industry that ensure a transparent implementation process, with due recognition and consideration for the diversity in operations and the need for a multi-faceted set of regulations; the non-traditional operating seasons and requirements for labour; and the requirement for employer resources to understand and implement Workers Compensation regulations.
4. Conduct thorough and in-depth consultation with agricultural producers and the organizations, federations and groups that represent them, ensuring consensus is reached on the regulations developed under Bill 6.
5. Consider regulations and best practices developed in other provinces, but work with Alberta industry associations to develop and implement "made in Alberta" regulations that address the proposed changes to Workers' Compensation Board Coverage, Occupational Health and Safety Legislation, Employment Standards and the Labour Code.
6. Recognize the distinct nature, hours and operating seasons of the industry in development of the regulations, codes and standards.
7. Ensure that regulations, codes and standards contain certain exceptions and considerations including application of wages, deductions, statutory holidays, hours and overtime pay due to the special nature and seasonality of the industry.
8. Extend the compliance timeline for Workers Compensation in order for industry to renegotiate private benefit plans already in place to reduce the duplication of premiums, as well as to offset the increased costs of implementing WCB coverage and to provide sufficient time for the implementation of safety, disability management and return to work programs.