

December 10, 2015

Hon. Lori Sigurdson  
Ministry of Jobs, Skills, Training and Labour  
Room 323, Legislative Building  
10800 - 97 Avenue  
Edmonton, AB T5K 2B6

Dear Minister Sigurdson:

On behalf of the Canadian Federation of Independent Business (CFIB) and our 750 Alberta agri-business members, we would like to raise our serious concerns about Bill 6 - the *Enhanced Protection for Farm and Ranch Workers Act*. CFIB is a proud voice for agriculture and our farm members are very supportive of efforts to improve health and safety. However, adding more regulation is not the best way to achieve this.

Instead of legislation, education is the key to improving safety on Alberta's farms. The current Bill 6's "one-size-fits-all" legislation will only hurt our already fragile economy and there has been little opportunity for input.

Even though the government has introduced amendments to exempt family members from WCB and OH&S, they still have not allowed more time for industry consultation. Even with these amendments, there are many outstanding concerns about the Bill. This letter will provide further reasons why your government needs to take additional time to consult and make decisions that reflect the needs of Alberta producers and the realities of farming.

The concerns raised by the province's agricultural community are not simply a response to poor communication of the Bill; there are fundamental flaws in the legislation that will hamper growth and development of our agricultural sector with little, if any, improvement to working conditions. Given this, the government must slow down and consult with farmers.

CFIB has done extensive research on this issue and has outlined key facts and findings, as well as specific concerns about the legislation below (sources and data are outlined in the attached Alberta Farm Safety Backgrounder):

**Fact 1: Farmers are most respected.** On a scale of 0-10, where 10 is the highest level of respect, a 2011 Angus Reid Forum poll shows that farmers are the most respected by Canadians, with a rating of 8.7. Clearly, Canadians respect the hard work our farmers do and how dedicated they are to their families, employees, and communities.

**Fact 2: Alberta farmers are knowledgeable about farm safety.** Eighty-one per cent of Alberta farmers rate their overall knowledge of workplace injury prevention as excellent (18%) or good (63%). Fifteen per cent rate it as fair and four per cent as poor. The Alberta government should focus on additional farm safety education, rather than imposing blanket rules that are not designed for the sector.

**Fact 3: Ensuring affordability of safety measures and safety education programs are the most effective ways to promote farm safety.**

- 51% of Alberta farmers say incentives to make safety measures more affordable would be most effective
- 45% say safety promotion at farm shows, local workshops, and demonstrations would be most effective
- 42% say safety education programs in schools would be most effective

Many agri-business owners and their immediate family work side-by-side with their farm workers on a daily basis. It is in their best interest to provide a safe and healthy work environment. CFIB members believe one farm fatality is one too many, so it's important to listen to them when they say they are committed to improving farm safety. CFIB members are very supportive of constructive measures that will actually improve farm safety, including the solutions outlined above (safety promotion and education).

**Fact 4: Government legislative requirements are the LEAST effective way to promote farm safety.**

- Only 7% of Alberta farmers say government legislative requirements are the most effective way to promote safety on their farms.

Farmers do not support onerous new laws that will only increase red tape with no practical effect. Farmers are clearly saying that mandatory legislation is not a real solution to prevent farm injuries; the solution is targeted safety promotion and education about farm safety.

**Fact 5: Mandatory Employment Standards (ES) and Labour Code would negatively impact Alberta farms.**

- 79% of Alberta farmers say this will have a negative impact on their farm (55% very negative, 24% somewhat negative)
- Only 3% say it will have a positive impact on their farm (1% very positive, 2% somewhat positive)

**Fact 6: Mandatory Occupational Health and Safety Act (OH&S) would have a negative impact on Alberta farms.**

- 75% of Alberta farmers say mandatory OH&S would have a negative impact (43% very negative, 32% somewhat negative)
- Only 8% say it will have a positive impact on their farm (1% very positive, 7% somewhat positive)

**Fact 7: Mandatory Workers' Compensation (WCB) would have a negative impact on Alberta farms.**

- 62% of Alberta farmers say mandatory inclusion of agriculture under the Workers' Compensation Act would have a negative impact on their farm (39% very negative, 23% somewhat negative)
- Only 5% say it will have a positive impact on their farm (1% very positive, 4% somewhat positive)

**Fact 8: Other provinces, like Saskatchewan, have exemptions to recognize the realities of farming.**

In addition to the negative impact on Alberta farms and agri-businesses outlined in these survey results, Bill 6 is not workable for many other reasons.

**Concern 1: Bill 6 legislation wasn't designed for farms.** OH&S, WCB, Employment Standards, and the Labour Code were not written with the realities of farming taken into account.

**Peak times:** Farms deal with very different circumstances than businesses on Main Street. Farmers have time-and weather-sensitive peak periods when they can lose thousands of dollars, sometimes hundreds of thousands of dollars, if all hands are not on deck to bring in the crop or livestock. For example, if a frost is expected overnight, farmers must work twice as hard to finish combining in order not to lose their harvest. The need to get the work done can mean the difference between being able to pay staff and not being able to pay staff.

While some groups have suggested certain types of farming operations should be included under Employment Standards rules, trying to define the difference between a family farm and an industrialized operation is not easy and may very well end up including family farms in the end. For example, if a family farm hires five non-family employees to assist with harvest, does that make them an “industrialized operation?” What if these five employees are only employed for one week? Further, should a family farming operation hire a non-family member to manage the farm’s operations, does that make it an “industrialized operation”? Trying to categorize the wide variety of farms within Alberta would be fraught with difficulties and only cause confusion.

At the same time, farm workers recognize the nature of this work – they may not have work for weeks while they wait for crops to be ready. But, when the crop is ready, the following hours and days are critical for employees to get into the fields and help with a successful harvest. Farmers and their workers are renowned for helping neighbours in times of hardship when they cannot complete their work in the peak times, showing just how much they care about one another and their community.

**Unique hours:** Agriculture is not a “9-5” business, especially during periods of peak production (e.g. harvest, calving season), therefore laws like the Employment Standards Act that apply to workplaces in urban settings cannot be easily applied to agricultural firms. This is why agricultural businesses have been exempted from these laws in the past and should continue to be exempted. A cow doesn’t decide that it will calve before 4:59 pm. The Labour Code and allowing farm employees to strike would devastate Alberta agriculture – animals can’t wait to be fed, cows can’t wait to be milked, and crops can’t wait to be harvested or seeded until a strike is over. Applying the Labour Code to farming would not only put family farms in danger, but would also devastate Alberta’s agriculture sector.

Farmers care about their employees; in fact, most of their employees are family. Recently, agriculture has seen larger operations flourish in the province, hiring both local residents and temporary foreign workers. To force the Employment Standards Act as a rigid employment structure for the farm sector would be like trying to force a square peg into a round hole.

**Concern 2: Bill 6 will hit Alberta’s agriculture sector hard and hurt Alberta business owners’ confidence even further.** Alberta business owner’s optimism has been at their lowest levels since 2009, in fact it’s measuring even lower<sup>i</sup>. The Alberta economy is fragile and this Bill is yet another hard hit to an already stressed economy.

CFIB strongly believes the government’s plan to introduce restrictive rules and regulations to agriculture could deter investment and growth. The government should be working to keep agriculture competitive and create an environment that is attractive to the next generation of farmers. Bill 6 will do the exact opposite.

**Concern 3: Less coverage under mandatory WCB.** Many farmers purchase private insurance that is more comprehensive than WCB. Mandatory WCB would hinder farmers’ ability to customize their insurance to their unique operation. One CFIB agri-business member said he wants to know why a choice between private coverage or Workers’ Compensation isn’t an option: *“They won’t allow you to pick one or the other, you have to go with single desk, and I’m not going to pay for two, so I have to go with WCB. It only covers you when you’re actually at work, where mine covers me 24 hours a day, seven days a week, 365 days a year. WCB only covers you at work and it costs more.”*

**Concern 4: Bill 6 is out of touch, ignores the realities of farming and lacks consultation.** While CFIB did meet with the Hon. Minister Carlier on October 8<sup>th</sup> to discuss our members' views on farm safety and our serious concerns with mandatory legislation, there has been very little meaningful consultation with CFIB, Alberta's farmers or other associations following the release of Bill 6. We recognize that the government did put in place Town Halls across the province, but, from the start, policy makers were not in attendance. Instead, the Town Halls were organized as information sessions rather than true consultations, especially with many of them slotted to take place after the anticipated passing of the Bill. Only after the agricultural community pushed the government to listen through strong demonstrations, did the government recognize a need to listen. Even after some much needed amendments, the government has failed to allow more time for industry consultation.

**Concern 5: Government survey is flawed.** Many of the government's survey questions are flawed, which puts into question the ability of the government to truly understand farmers' or their employees' perspectives and responses. As a research-based organization, CFIB understands survey design and we are very concerned the Alberta Government survey has not included important response options. The results will therefore not accurately reflect farmers' views. For example, in Question 10 there is no response option for "not relevant" or "not necessary" or "where applicable" - because there are times when employees need to work more than seven consecutive days during peak periods. This is another example of how little care has been taken to reflect the realities of agriculture.

In addition to this, the survey could be completed by anyone in Canada pretending to be a farmer or farm employee, which in turn, calls all of the results into question. A more appropriate way to solicit farmers' and their employees' views would be for the Alberta Government to mail out surveys to primary producers.

**Concern 6: Bill 6 will impose significant red tape that won't result in greater farm safety.** Farm safety is important - farmers are friends and family with those who work on their farm - and no one cares more about it than producers. Red tape, such as unnecessary rules and bad customer service from government inspectors and agencies, are already a top concern for Alberta farmers. CFIB has strong concerns that this new legislation will impose significant regulatory financial costs, inspections, and paperwork for farmers that will add to the total red tape burden, but won't actually result in improved safety. Bill 6 is simply labour legislation disguised as safety.

**Concern 7: OH&S inspectors don't understand farming and will misinterpret the realities of farming.** We fear inspectors may not be fully knowledgeable about what is and is not safe on a farm, especially where common sense is the key safety measure, e.g. don't walk directly behind a horse or cow or you may get kicked. Common sense cannot be regulated.

Clearly there are many reasons why Bill 6 is unworkable for Alberta farmers. CFIB hopes that your government will listen and decide to further consult with farmers, and work more closely with CFIB to find ways to improve farm safety through the methods that farmers say will work without threatening the livelihood of thousands of Alberta producers.

Farms have been the backbone of Alberta for generations and have adapted to the changing work environment, as necessary. Farms will continue to adapt their operations to promote safety and do not need mandatory 'one-size-fits-all' legislation designed for an entirely different work environment, to do so.

Thank you in advance for considering our members' views and concerns. For more detailed information on the data provided in this letter, please review our Alberta Farm Safety Backgrounder (attached).

If you have any questions, please do not hesitate in calling our office at 403-444-9290.

Sincerely,



Richard Truscott  
Vice President, B.C & Alberta

cc Hon. Rachel Notley, Premier of Alberta  
Hon. Oneil Carlier, Minister of Agriculture and Agri-Food

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<sup>1</sup> Source: CFIB's Monthly Business Barometer, Alberta. <http://cfib.ca/a7883e>