

CANADIAN AGRICULTURE & AGRI-FOOD WORKFORCE ACTION PLAN



LABOUR TASK FORCE



AND THE

ALBERTA AgCOALITION

AGRICULTURE WORKFORCE MANAGEMENT COMPARISON OF PROVINCIAL AGRICULTURE REGULATIONS FOR

LABOUR RELATIONS

EMPLOYMENT STANDARDS INCLUDING REGULATED AGRICULTURAL
WAGE RATES

OCCUPATIONAL HEALTH AND SAFETY

WORKERS' COMPENSATION

June 2016

Prepared By

CANADIAN AGRICULTURAL HUMAN RESOURCE COUNCIL

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CONSEIL CANADIEN POUR LES
RESSOURCES HUMAINES EN AGRICULTURE

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Workforce Action Plan Contributing Partners:



Participating in the research

- Alberta AgCoalition
- AGRlcarrières
- Alberta Pork
- Alberta Canola Producers Commission
- Alberta Cattle Feeders' Association
- Alberta Federation of Agriculture
- Alberta Wheat Commission
- British Columbia Agriculture Council
- Canadian Agricultural Human Resource Council
- Canadian Agricultural Safety Association (Employment Standards, OHS, WC)
- Canadian Federation of Agriculture
- Canadian Honey Council
- Dalhousie University
- Egg Farmers of Alberta
- Landscape Alberta
- Labour Issues Coordinating Committee of Ontario
- Mushrooms Canada
- Nova Scotia Federation of Agriculture
- Western Canadian Wheat Growers

SUMMARY

This research document presents a summary of an analysis of provincial labour legislation and regulations to provide clarification on the ways agriculture labour is managed in each province. The research has been a collective effort by participants noted in the acknowledgement section of the document.

The analysis includes an overview of educational health and safety programming that agriculture associations and farmers are currently participating in, Labour Task Force research explaining the unique issues affecting the agricultural workforce, an overview of occupational health and safety standards, and a summary comparison table capturing provincial regulations as well as exemptions and special rules provided to the agricultural industry in the four following areas:

1. Labour Relations,
2. Employment Standards Including Regulated Agricultural Wage Rates,
3. Workplace Health and Safety, and
4. Workers' Compensation.

FARM WORK AND THE AGRICULTURE INDUSTRY ARE UNIQUE

Food in the grocery store is grown by hard working farmers. With sustainable technological advancements, farmers and food processors are feeding Canadian consumers and the world. Canadians can be proud of our Canadian agriculture value chain which contributes \$100 billion and close to 7 per cent GDP to Canada's economy. The agriculture and agri-food system employs 2.3 million Canadians who produce more food than ever before, safely and securely. The agriculture industry is a powerful contributor to each individual provincial economy as demonstrated in Chart 1.

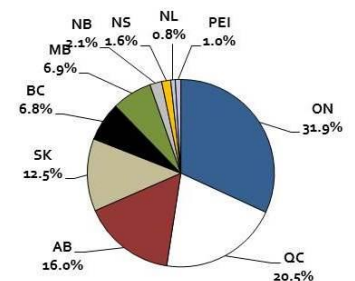
According to Farm Credit Canada, 98 percent of Canadian farms are family owned and operated. A sustainable agri-workforce with safe working conditions is vitally important to the future of the family farm and to keep Canada a world leader in food production.

Farmers and food processors deal with industry specific issues that no other industry faces. This work is crucial and necessary to enable the production of food for Canadian consumers, to allow farmers to remain globally competitive, and to ensure the security, safety and sustainability of food for Canadians, including the provision of local food products. The prices of agricultural products are set by international markets. Farmers have no way of passing on regulatory costs to the consumer.

Analyses of provincial labour legislation show that each and every provinces' legislation, rules and regulations are different. Because of the unique nature of the industry, many provinces and jurisdictions either do not include agriculture in certain labour regulations and/or they provide regulatory exemptions in most areas. All Canadian provinces recognize there is a difference between the farm workplace and the manufacturing workplace; these special rules work to the advantage of both the employer and the worker and the unique workplace requirements of agricultural operations. The agricultural workplace is unique and the challenges associated with the workplace are different from any other industry or sector, which include:

- The handling of perishable products: related to live animals and plants that need timely and ongoing attention;
- Work that is weather dependant: requiring long hours of work when the weather permits;
- Work that can be seasonal: which means critical, time sensitive seasonal cycles that farmers and agriculture workers need to work during peak periods to avoid devastating losses which can be clearly identified through agricultural science;

**Chart 1:
Provincial Contribution to Total Canadian
Agriculture and Agri-Food 2013 GDP**



Source: Statistics Canada and AAFC calculations.
Note: Excludes beverage and tobacco processing.

- Crops that need to be harvested and picked when ready and that will be spoiled if deferred to the next day;
- Livestock and some greenhouses need 24/7/365 management to avoid animal welfare issues and to avoid devastating losses to farming operations;
- Livestock and crops do not take statutory holidays so farmers and agriculture workers can't either;
- Necessary work that is crucial which extends to weekends or evenings for farmers and agriculture workers; and
- Agricultural work is located in rural areas.

The aforementioned workplace challenges and the work being rurally located are all contributing factors to a critical and pervasive agriculture worker shortage that is currently affecting the industry. Canadian Agricultural Human Resource Council's Agriculture Labour Market Information released in March 2016 quantifies that primary agriculture has the highest job vacancy rate of any industry in Canada at seven percent and due to vacancies producers are losing \$1.5 B or three per cent of the industry's total value in sales and production nationally.

LABOUR RELATIONS

Labour Relations are an attempt to balance the power found in the employer-employee relationship. Sustainable labour legislation recognizes a balance among employers and workers interests. Most jurisdictions in Canada and the United States use the **Wagner Model** or approach of collective bargaining, which was developed during the Second World War **for the manufacturing sector**. It is perhaps the most confrontational approach to collective bargaining and results in the greatest amount of lost time. The seasonal nature, managing living organisms and the handling of highly perishable products can swing the balance of power in favour of the worker in the farming industry.

In the 1980's the Canadian Charter of Rights and Freedoms guaranteed people the "rights of association," which extends to the workplace. It guarantees workers the right to bargain collectively, **but it does not define a specific model of collective bargaining.**

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1936/index.do> - Dunmore V. Ontario (2001)

Ontario: Following a **Supreme Court of Canada ruling in the early 2000s**, Ontario created the Agricultural Employees Protection Act mirroring the rights of association and using a **collective bargaining model used by the United Nations' International Labour Organization.**

<http://www.ontario.ca/laws/statute/02a16> – Agricultural Employees Protection Act of Ontario (2002)

<http://www.omafra.gov.on.ca/english/busdev/facts/03-045.htm> - AEPA Fact Sheet (2002)

In 2011 the Supreme Court of Canada ruled in favour of the province of Ontario law stating, "What is protected is associational activity, **not a particular process or result,**" the majority said. "The Ontario legislature is not required to provide a particular form of collective bargaining rights to agricultural workers, in order to secure the effective exercise of their associational rights."

<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7934/index.do> - Fraser V. Ontario (2011)

Ontario agriculture's key exemptions include:

- **no duty to bargain,**
- **no exclusive representation,**
- **no obligation to pay fees deductible at source.**

Saskatchewan: In January 2015, the Saskatchewan Federation of Labour challenged the constitutional validity of exemptions in their provinces labour code (which were similar to those of Alberta for agricultural workers, but was more focused on the public service). The court ruled that the exemptions were unconstitutional, as they failed to afford workers their basic right to association under section 2 (d). This case also saw the right to strike being cemented as a constitutional right under section 2 (d) of the constitution. <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14610/index.do> – SFL V. Sask (2015)

Supreme Court ruled regarding farm workers in Saskatchewan, *“In the case of farm workers, their exclusion from the Labour Relations Code fails to accord them even the narrowest level of protection under section 2(d), the constitutive freedom to belong to or form an association. The exclusion thus substantially interferes with their freedom of association. This conclusion is supported by international law and comparative law, and the Court’s decision in Saskatchewan Federation of Labour supports the reliance on a broad range of sources in this regard.”* <http://ablawg.ca/2015/03/03/the-supreme-courts-new-constitutional-decisions-and-the-rights-of-farm-workers-in-alberta/>

The above statement that it is unconstitutional to exclude farm workers from Labour legislation is an opinion. While this argument can be made, it is important to note this is an opinion, not actually a legally binding decision from the Supreme Court of Canada.

Removal of the exemption in the Labour Relations Code would make it legal for farm and ranch workers to exercise their association rights afforded to them under section 2(d) of the constitution, but this does not guarantee them the right to collectively bargain in a particular format or process, nor exercise their right to association in a particular format or process.

EMPLOYMENT STANDARDS

Most if not all of our worker protection legislation had their origins rooted in the industrial and manufacturing industries. The nature of work in the manufacturing setting is very different to the nature of work in farming. Most of the manufacturing characteristics that lead to the existing employment standards are not present in farming. For example a standard work day of 8 hours or a year defined as being 2,000 hours does not apply. Many seasonal farm workers achieve 2,000 hours in a much shorter period of time and then receive extended time off to compensate.

Since the inception of the Employment Standards Act, in most jurisdictions in both Canada and the United States including Saskatchewan, Manitoba, and also Ontario, agriculture functions under a number of exemptions and special rules that take into account the agriculture workplace’s unique nature. There are many Employment Standards categories, for the purpose of this report, the table is a comparison of Employment Standards from an agricultural perspective including: minimum wage, statutory holiday, overtime, hours of work, vacation pay, child employee restrictions (**see table for details**).

Alberta’s current employment standards can be found [here](#). Note the current exemption for agriculture on pages 10- 11 [S3.P1. (4)(a), (b)]. The basic standards for minimum wages, overtime, vacation/vacation pay, and hours of work/rest periods/days of rest are summarized as follows:

Minimum wage: Alberta’s current minimum wage is \$11.20/hr for most workers. The NDP government has committed to raising this to \$15/hr by 2018. As per the current exclusions, the minimum wage does not apply to agricultural workers, but there is no evidence any sector was paying below minimum wage. Considering that both the average (\$19.93/hr) and median (\$19.00/hr) wages for ‘general farm workers’ in Alberta are currently higher than \$15/hr, it is likely that the inclusion of agriculture in minimum wage regulations would be sector specific. Those sectors that rely on the Seasonal Agricultural Workers Program (SAWP) or other TFWP options will see costs rise dramatically. Those sectors that pay at or near the proposed minimum wage will see labour costs rise accordingly with the impact evening out

above \$25 per hour. (e.g. the person making \$17 an hour today (\$5.80 above minimum wage) will demand more via the labour market if minimum wage is \$15)

Overtime/ Overtime pay: The current standard in Alberta is that employees are entitled to overtime pay (at least 1.5x their regular wage rate) for any hours worked in excess of 8 hours a day or 44 hours a week. Agriculture employees are currently exempt from these standards.

Vacation/ Vacation pay: The current standard in Alberta is that employees are entitled to vacations/vacation pay, with two weeks of pay for years 1-4 of employment with pay and three weeks after five consecutive years with pay, at a rate of 4% (1-4 yrs) or 6% (5+yrs) of earnings. Farms and ranches are currently exempt in lieu of a new employment standards code.

Hours of work/Rest Periods/Days of rest: The current standard in Alberta (non-farms and ranch) is that an employee can work a maximum of 12 hours in a day unless there is an unforeseeable emergency. Special permits can be issued to authorize work in excess of 12hr/day. An employee is entitled to at least 30 minutes of rest in a shift in excess of 5 hours. Employees are also entitled to minimum days of rest: 1 day/week; 2 consecutive days/2 weeks; 3 consecutive days/3 weeks; 4 consecutive days/4 weeks; 4 consecutive days/ 24 consecutive working days. Farm workers are currently exempt from these standards.

Exemptions and special rules in other provinces noted in the table reflect the recognition of the differences between the farm workplace and the manufacturing workplace; these special rules work to the advantage of both the employer and the worker and the unique workplace requirements of agricultural operations.

OCCUPATIONAL HEALTH AND SAFETY

Occupational Health and Safety (OHS) legislation is designed to bring OHS regulations to farms and ranches so as to ensure workers' safety and to prevent and learn from farm incidents that result in injury or death.

Overview of Occupational Health and Safety Regulations

The Canadian Centre for Occupational Health and Safety summarizes the responsibilities of employers, managers and employees under occupational health and safety legislation. This is a general overview; each province may have slightly different responsibilities in their legislation.

Employers' responsibilities include:

- Establishing and maintaining a health and safety committee which is generally based on employee numbers (see the section below on health and safety committees for further details), or requiring workers to select at least one health and safety representative
- Taking every reasonable precaution to ensure the workplace is safe
- Training employees about potential hazards and how to safely use, handle, store and dispose of hazardous substances
- Training employees on how to handle emergencies
- Supplying personal protective equipment and ensuring workers know how to use the equipment properly
- Reporting all critical injuries to the government department responsible for occupational health and safety (visit your provincial / territorial occupational health and safety board for contact details).
- Assigning a competent supervisor to monitor the implementation of the safety plan

Managers / supervisors are responsible for:

- Ensuring that workers use prescribed protective equipment, clothing and devices
- Advising workers of potential and actual hazards
- Taking every reasonable precaution to protect workers

Employees are responsible for:

- Working in compliance with occupational health and safety acts and regulations

- Using personal protective equipment and clothing as directed by the employer
- Reporting workplace hazards and dangers
- Working in the manner required by the employer and using the prescribed safety equipment

Employees have the right to:

- Refuse unsafe work
- Participate in the workplace health and safety activities through a Joint Health and Safety Committee or as a worker health and safety representative (see below)
- Know, or be informed about, actual and potential dangers in the workplace

Refusing work: An employee can refuse work if the employee believes that the situation is unsafe to either himself/herself or co-workers. If a worker believes that work should be refused, then:

- The employee reports the refusal to work to his/her supervisor and state the reason why the situation is believed to be unsafe.
- The employee, the supervisor, and a health and safety committee member or employee representative investigates.
- If the situation is resolved with mutual agreement, the employee returns to work.
- If the situation is not resolved, a government health and safety inspector is called (visit your provincial / territorial occupational health and safety board for details on contacting an inspector in your jurisdiction).
- The inspector investigates the situation and issues a written decision.

Health and safety committees: A health and safety committee is an advisory group of management and worker representatives which is generally based on employee numbers. Health and safety committees have a variety of functions, including:

- Acting as an advisory body that provides input into the formation of health and safety policies and procedures
- Identifying and obtaining information about hazards
- Recommending corrective actions
- Assisting in resolving work-refusal cases
- Participating in accident investigations and workplace inspections
- Making recommendations to management regarding actions required to resolve health and safety concerns

Legislation in different jurisdictions sets guidelines for health and safety committees that cover the structure of the committee, meeting frequency, and the roles and responsibilities of committee members. Further information on these guidelines can be found in the section on Health and Safety Committees on the Canadian Centre for Occupational Health and Safety website.

Types of Potential Legal Action: The Canada FarmSafe Plan outlines the types of legal action you could face if a work-related injury or illness occurs on your farm:

Regulatory: In most provinces, occupational health and safety laws are based on the principle that you (as the employer) are responsible for the occurrence of an incident unless:

- You can prove that you took preventative measures and actions, but
- Circumstances beyond your control resulted in the incident occurring.

Civil: If you are not covered by workers' compensation, an injured party can take legal civil action against you if:

- They believe you were negligent in providing a safe work environment, or
- They believe you failed to fulfill your responsibilities in exercising due diligence in taking reasonable care to protect the people on your farm.

Criminal: 2004 legislation set new legal requirements for workplace health and safety and imposed penalties for violations that result in injuries or death. These new rules can attribute criminal liability to organizations, including corporations, their representatives, and those who direct the work of others. For further information, visit the overview prepared by the Canadian Centre for Occupational Health and Safety.



This OHS regulatory overview is brought to you by the Canadian Agricultural Human Resource Council (CAHRC). For more helpful ag labour information for producers and agricultural employers and to access agriculture labour source documents call CAHRC and ask for the AgriHR Toolkit: 613-745-7457

<http://www.cahrc-ccrha.ca/resources/agricultural-hr-toolkit>

ALBERTA PROACTIVE FARM SAFETY EDUCATION INITIATIVES

Health and safety education, awareness and training are critical to the agriculture industry. Farmers and the agriculture industry take safety of their workers, their families and themselves on their farms very seriously. Farmers on a national and provincial level have been working together on safety issues and programming through shared learning and open communication, increased education, and training. This programming brings awareness and education to children, teenagers, agriculture workers, adults, farm owners and managers. A scan of safety associations across Alberta that farmers have developed and work with include:

- 4-H (integrated into programming)/national
- Alberta Farm Safety Centre/AB
- Alberta Farm Safe Plan/AB
- Agriculture Education & Training Branch, Farm Safety Program/AB
- Agricultural Health and Safety Network
- Agriculture for Life/AB
- Green Certificate (integrated into programming)/AB
- Farm Safety Association
- Safe Think Course/AB

Many agricultural associations are proactive in working with governments and agricultural employers, offering farm safety education information to their memberships. One example is when, “Farmers work with a safety professional in the industry to develop a system tailored to their farm based on a template similar to other industry occupational health and safety systems,” through the Alberta Farm Safety Programs and the Alberta Government Farmer Programs and Services division. Another example is the Egg Farmers of Alberta which are developing a list of dangerous tasks and a list of hazards and potential controls for each. They have a producer package on their website that includes Job Task Hazard Assessment checklists and 14 Standard Operating Producers templates that farmers can customize to fit producers’ own operations.

Farm leaders are involved in many ongoing collaborative farm safety initiatives as well, working together with governments on improving farm safety. One such initiative was the Alberta Farm Safety Advisory Council which released a report in February 2012 entitled: *Enhanced Farm Safety Education and Training*. The report has several recommendations and states, “Farming in Alberta has a strong history. This council's vision is that together we can forge an even stronger future, where our farms are free of serious injury and death. Not one parent, not one neighbour, not one child – our commitment starts today.”

Another safety initiative was the Alberta Agriculture Injury Prevention Working Group which was launched in January 2013. Participants in the work included: Alberta Agriculture and Rural Development (now Agriculture and Forestry); Safe Think Course; Alberta Centre for Injury Control & Research (ACICR); Alberta Farm Safety Centre; Alberta Health Services; Lifesaving Society Alberta & Northwest Territories; St John Ambulance; Population and Public Health; Agriculture for Life; United Farmers of Albert; Alberta Association of Municipal Districts and Counties; Agriculture Service Board representative; County representatives; Commodity group representatives; and the Alberta Federation of Agriculture.

NATIONAL AND OTHER PROVINCIAL FARM SAFETY EDUCATION INITIATIVES

In 2013, Canadian Agricultural safety Association (CASA) and Canadian Agricultural Human Resource Council (CAHRC) developed a National Occupational Standard (NOS) for Agricultural Occupational Health and Safety Specialist.

In Ontario, the agriculture industry meets quarterly with OHS policy, enforcement and prevention representatives to facilitate consistent and common interests of everyone involved. In 2015, CASA also developed safety materials for international agriculture workers in conjunction with Ontario’s Workplace Safety and Prevention Services.

In Nova Scotia there is a Farm Family Support Centre that is managed as a member assistance program by Morneau Shepell where registered farms have access to this service in Nova Scotia which provides 24/7/365 answering service providing counselling support for mental health, relationships, finances, legal and more.

More awareness is needed for the unique health and safety issues facing farmers and rural residents. Two examples identified by safety experts include the fact that farms are located in rural areas, while most health care personnel who are trained in disabilities and work related rehabilitation are located in urban areas i.e. occupational therapists and physiotherapists. And the other area highlighted by experts is that farmers and farm workers who become disabled as a result of farm injury find it difficult to obtain disability pensions without having to give up their family farm and other financial options available to them in event of disability injury or chronic disease i.e. cancer that makes them unable to work.

Examples of national and other health and safety programming include:

- Canadian Agricultural Safety Assoc./national
- Canadian Centre for Occupational Health and Safety/national
- Canadian Standards Assoc./national
- Canadian Safety Council/national
- Farm Family Support Centre/NS
- Farm Safety Nova Scotia/NS
- Farm and Ranch Safety and Health Association/BC
- Farm Stress Unit, Saskatchewan Agriculture/SK
- Manitoba Safety Council/MB
- New Brunswick Safety Council Inc./NB
- Saskatchewan Safety Council/SK
- Sask Alliance for Safety & Health in Agriculture/SK
- Service de prévention de l'UPA/QC
- Workplace Safety Prevention Services/ON
- Worker Safety Insurance Board Safety Group (Farming)/ON
- Service de prévention de l'Union des producteurs agricoles (UPA)/QC

WORKERS' COMPENSATION AND PRIVATE INSURANCE

Workers' Compensation programs set premiums for different industry rate groups every year in each province based on risk and claims made. Provincial legislation: employers agree to fund program and workers give up the right to sue employer for work related injuries. It provides benefits for lost wages, health care, vocational rehabilitation and other costs.

To be considered for compensation and accident may arise out of and occur in the course of employment. The Workers' Compensation administration initiates queries to obtain evidence and adjudicates the eligibility of the claim based on the evidence of the worker, employer and medical provider.

Premium rates per \$100 of insurable earnings vary by province (See Table for agricultural WC rates).

Currently there are three Canadian jurisdictions where Workers' Compensation is optional for agricultural operations including: Nova Scotia, Prince Edward Island, and Saskatchewan. In these provinces WC is optional and so is private insurance. Some farms and workers do not carry insurance or WC, others chose one or the other for their workers and farm operations. Farms that use the Federal Government's Temporary Foreign Worker Program's Agriculture Stream or the Seasonal Agriculture Worker Program are required to have Workers' Compensation coverage.

Since December 2015 recent legislation, Alberta is moving towards mandatory Workers' Compensation. Previous to the legislation, similar to other provinces where WC is optional, agricultural employers used optional workers' compensation as well as private insurance programming. In 2014 Alberta's Workers' Compensation Board reported, "1,380 farming employer accounts with voluntary coverage on about 3,800 workers." Alberta industry reports that many Alberta farm employers also used private insurance, several industry associations report that private insurance offers more comprehensive coverage at better rates than provincial Workers' Compensation.

Nova Scotia which has optional Workers' Compensation and the Nova Scotia Federation of Agriculture association also offers a health benefit package. Participation in this programming is completely voluntary and all members of the NSFA are eligible to participate. Benefits offered include:

- Preferred health and dental group plan through Morneau Shepell. There are numerous benefits available under that plan including life, dismemberment and health care insurance, prescription drug coverage, vision care, paramedical practitioners' coverage, dental and critical illness.
- Members can also participate in a Preferred Pharmacy Provider Program offered by Managed Health Care Services. This benefit can be used at drug stores owned by Sobeys and Lawtons. This provides a \$2 deductible on prescriptions and special discounts on storefront items.

TABLE: Agriculture Workplace Management: A Comparison of Labour Relations, Employment Standards including Regulated Agricultural Wage Rates, Occupational Health and Safety, Workers' Compensation

This research report and the following table present an important summary of the provincial data regarding labour relations, employment standards, employment standard exemptions, minimum wage and other wage rates, occupational health and safety standards and exemptions, and workers compensation and insurance regulations to provide a clearer picture of how agricultural workforce issues are supported in different regions of Canada.

AGRICULTURE WORKPLACE MANAGEMENT: A COMPARISON OF LABOUR RELATIONS, EMPLOYMENT STANDARDS INCLUDING REGULATED AGRICULTURAL WAGE RATES, OCCUPATIONAL HEALTH AND SAFETY, WORKERS' COMPENSATION

Prov.	Labour Relations (right to unionize & collective bargaining)	EXEMPTIONS & ENFORCEMENT: Labour Relations (right to unionize & collective bargaining)	Employment Standards <small>Min Wage/ Sat Holiday/ Overtime/ Hour of Work/ Vacation Pay/ Child Employee Restrictions</small> *See Addendum for Regulated Agricultural Wage Rates	EXEMPTIONS & ENFORCEMENT: Employment Standards	Occupational Health & Safety for agriculture	EXEMPTIONS & ENFORCEMENT: OHS for agriculture	Workers' Compensation	EXEMPTIONS & ENFORCEMENT: WC												
BC	LABOUR RELATIONS: YES Farm workers have the right to unionize and the right to collective bargaining.	LABOUR RELATIONS:	<p style="text-align: center;">EMPLOYMENT STANDARDS</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th>Min Wg</th> <th>Stat Holiday</th> <th>OT</th> <th>Hrs of work</th> <th>Vacation Pay</th> <th>Child Employee Restriction</th> </tr> </thead> <tbody> <tr> <td>YES</td> <td>NO</td> <td>NO</td> <td>NO</td> <td>YES</td> <td>YES</td> </tr> </tbody> </table> <p>A farm worker is anyone employed in farming, ranching, orchards and agricultural operations who grows or raises crops or livestock, clears land, operates farm machinery or other equipment, sells any products from a farm or washes, cleans, sorts, grades or packs a product from a harvest.</p> <p>Child Employee Restrictions: Children who are 12 or older, but have not yet turned 15, cannot be employed without the written consent of a parent or legal guardian. Children under 12 years of age cannot be employed without a child employment permit issued by the Director of Employment Standards.</p>	Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction	YES	NO	NO	NO	YES	YES	<p>EMPLOYMENT STANDARDS EXEMPTIONS INCLUDE:</p> <p>Farm workers in primary production of most crops, livestock and other farm products are covered by most sections of the act, however, exemptions include hours of work, overtime and statutory holidays.</p> <p>https://www.labour.gov.bc.ca/esb/facshts/farm_worker.htm</p>	<p>OHS: YES: http://www2.worksafebc.com/Portals/Agriculture/RegulationAndGuidelines.asp</p> <p>WCB is responsible for enforcement of OHS and administration of WC.</p> <p>→ Separate OHS rules for farms, including creation of Farm and Ranch Safety and Health Assoc (FARSHA).</p> <p>→ Every workplace that employs workers must have a health and safety program, including farms. Through FARSHA liaison officers work with farmers to create a safety plan. Part of their job is to meet with OHS and Work Safe BC and to make recommendations when necessary.</p> <p>→ The regulations include a number of conditions specific to agriculture, including barriers on manure pits, cold storage, animal handling and use of hay balers. There are no exemptions for family farms or differentiations between large and small farming operations.</p>	<p>OHS INSPECTIONS & INVESTIGATIONS: Regular inspections are required on all BC workplaces including farms.</p> <p>→ 20 or more regularly employed workers must have a health and safety committee;</p> <p>→ 10 – 19 employed workers must have a worker health and safety representative;</p> <p>→ Less than 9 people required to have health and safety discussions but not have a representative;</p> <p>EXEMPTIONS: → Ag divided into High, Moderate and Low risk commodities and occupations;</p> <p>→ Agricultural businesses defined as “Low risk” only need to have a formal written health and safety program if they have 50 or more workers rather than 20 for the businesses rated Moderate or High risk. As described, high or moderate risk workplaces with fewer than 20 workers, and low risk workplaces with fewer than 50 workers, are not required to have a formal written health and safety program. (In exceptional circumstances, the WCB can require a smaller employer to establish a formal written health and safety program, but this is rare.)</p>	<p>WC MANDATORY: http://www.worksafebc.com/</p> <p>Work Safe BC (WSBC): Employers and workers engaged in paid work, although it does allow for some exemptions.</p> <p>All paid workers, and the employers of those workers on all commercial farming operations, regardless of size, are included.</p> <p>Farm and Ranch Safety and Health Assoc (FARSHA): Funded by WCB, BC Agriculture council Canadian Farmworker’s union, promotes health and safety in BC farming through development of tools such as safety programs and training courses and workplace reviews. http://www.agsafebc.ca/wp-content/uploads/2015/10/category12_item231.pdf</p>	<p>WC EXEMPTIONS INCLUDE: Unpaid workers, such as children and family members performing chores or assisting in seasonal activities, are not included.</p> <p>Exemptions are not based on industry (there is no exemption for agriculture), but rather duration of employment and if the employment is taking place at a private residence. Exemptions include if a person works an average of less than eight hours a week and a person is employed for a specific job for a temporary period of less than 24 hours.</p>
Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction															
YES	NO	NO	NO	YES	YES															

LABOUR RELATIONS: YES

LABOUR RELATIONS: Labour relations coverage will be extended to agriculture workers following extensive consultation with the industry.

<http://www.alberta.ca/farm-and-ranch-labour-relations.cfm>

Alberta is the only jurisdiction in Canada where farm and ranch employees do not have any form of labour relations coverage. The proposed removal of the exemption in the Labour Relations Code would make it legal for farm and ranch workers to join labour unions and collectively bargain with their employers if they choose to do so.

Recent Supreme Court of Canada decisions have provided all workers, including those in agriculture, with the right to form unions and bargain collectively. The full exclusion of farm and ranch workers from Alberta's Labour Relations Code is unconstitutional. The government is now acting to bring this province's laws into alignment with the Supreme Court's decisions.

Government will consult with farmers and ranchers to consider how the potential changes may impact operations, and will explore possible special provisions, such as when bargaining can occur, to address the unique aspects of the farm and ranch industry and family farms.

After consultations are complete, changes to the Labour Relations code will take effect when the regulations are proclaimed.

EXEMPTION: The extension of labour relations provisions for agricultural workers is meant to capture traditional employer/employee relationships. Owners and managers are not normally considered to be employees, nor are volunteers, and therefore they cannot form a union.

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Employment Standards After Bill-6: December 2015

Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction
TBD	TBD	TBD	TBD	TBD	TBD

Employment Standards Before Bill-6:

Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction
NO	NO	NO	NO	NO	NO

TBD over the next 12 to 18 months

Employment Standards legislation sets minimum standards for hours of work, overtime, overtime pay, holidays and general holiday pay, vacations, vacation pay, minimum wage and employees under the age of 18.

The Alberta government will consult with farmers and ranchers to develop employment standards that reflect the unique aspects of the industry.

Sign up for updates
<http://www.alberta.ca/farm-and-ranch-employment-standards.cfm>

EMPLOYMENT STANDARDS

EXEMPTIONS: Although Bill 6 has been approved by Alberta's Legislature, operations will have no new obligations until an extensive consultation has been completed and new regulations have been approved.

Farmers and ranchers will be consulted to help government understand the unique aspects of the industry that need to be accommodated – for instance hours of work during harvest and calving seasons.

Other industries in Alberta have exemptions or rules that vary from the standards set by the Employment Standards Code.

After the new regulations are developed and approved, Employment Standards rules will only apply in circumstances where an employment relationship exists.

EXEMPTION: While there are special rules for the employment of youth to protect their well-being and education, children doing chores on the farm or helping out around the home are not considered to be in an employment relationship or performing "work".

OHS:YES: Farms and ranches with one waged, non-family worker will be subject to the basic safety standards laid out in the new OHS Act.

Paid, non-family farm and ranch workers are protected under OHS as of January 1, 2016 for farms and ranches that employ one waged non family worker. Detailed technical rules for farms and ranches will take place over the next 18-24 months. The unique aspects of the industry will be considered as these regulations are developed.

For more info:
<http://www.alberta.ca/farm-and-ranch-ohs.cfm>

<http://work.alberta.ca/occupational-health-safety.html>

Workers have an obligation to work safely and cooperate with their employer to keep the workplace safe.

Refusing unsafe work
A worker obligated to tell their employer.
Employer obligated to provide a safe and healthy work environment, and must investigate the situation and provide a solution that ensures the work can be performed safely. Worker's job security is guaranteed.

OHS officer training
Some of our officers already have extensive farming experience, while others will undergo training. Similar to other industries, experts can always be brought in to provide input and advice during investigations that follow a serious injury or fatality.

NOTE: Workers employed on Ornamental Greenhouses, Nurseries Turf Farms always had to comply to OHS and WCB. Floriculture industry was also excluded from farm exemptions, including the 48 hour rule like nurseries.

OHS EXEMPTIONS: Family members of the owner of a farm or ranch operation are explicitly excluded from the application of OHS. Family and friends can continue contributing to farming operations as they always have, and neighbours can still volunteer to help each other out.

A family member is defined as:
→The spouse or adult interdependent partner of the farm or ranch owner; or
→A child, parent, grandparent, sibling, aunt, uncle, niece, nephew or first cousin of the farm or ranch owner. This relation can be by blood, marriage, or adoption, or by virtue of an adult interdependent relationship.

OHS law does not apply to the private residence, which includes areas around the home, like the lawn area, backyard or garden, or when people are doing non-work related activities on their land, such as recreational activities like horseback riding or hunting.

OHS does not investigate non-paid or non-work related incidents UNLESS an owner requests an investigation of an incident involving a resident.

OHS INSPECTIONS & INVESTIGATIONS:

Inspections
Farms that do not meet basic safety standards may be inspected by OHS inspectors; however, inspectors cannot conduct those inspections without cause. Cause includes a complaint, a fatality, or a record of unsafe behaviours.

OHS contraventions
Resolving the situation is the first objective. Penalties or prosecutions may be appropriate in certain circumstances where there are serious, repeat or willful contraventions or failures.

Stop work order
Caring for people, animals and crops is important. If a worker's

WC MANDATORY:
WCB coverage has been extended to farm and ranch operations with non-family paid employees as of January 1, 2016.

Rates are based on the risk and size of an operation. A large operation with many workers would pay higher premiums than a small farm.

Workers' Compensation Board (WCB)
1-866-922-9221
employer.account.services@wcb.ab.ca
<http://www.alberta.ca/farm-and-ranch-wcb.cfm>

As a general guideline, the typical rates would apply per \$100 of insurable earnings:
→\$1.70 - Agri-tourism farms, greenhouses/market gardens, mushroom producers, bait farms
→\$1.75 - Apiaries, fishing/fish or fur farms, goat/sheep producers, hog producers, poultry/egg producers
→\$2.25 - Forage & peat moss processing, hay/grain/crop farming, harvesting/baling-custom
→\$2.97 - Beef producers, dairy farms, elk/bison producers, feed lots, livestock auctions/stockyards, llama/alpaca producers, riding academies/horse stables

Funded through employer premiums not taxes.

WC ENFORCEMENT & EXEMPTIONS INCLUDE:

Coverage for farm operations with paid employees is mandatory as of January 1, 2016. Operations have until April 30, 2016 to register with WCB.

Unpaid workers, family members and children will not be covered under WCB unless an owner chooses to opt them in to protect the farm from liability in the case of an accident, and provide coverage for medical assistance and income replacement.

These **family exclusions** apply in the case of farms and ranches that are:
a sole proprietorship where the owner is a family member
a partnership in which the only shareholding partners are family members
an incorporated company, where the only shareholders are family members

						<p>health and safety is in danger, a stop-work or stop-use order may be an officer's only reasonable choice. OHS officers would consider the use of a stop-work order on a case-by-case basis. Officers are expected to act appropriately and not impede the normal activities on a farm or ranch. Once the danger is controlled, work can continue.</p> <p>Appeals process An appeals process is in place if an operator doesn't agree with the decision of an OHS officer. Issues that can be appealed before the OHS Council are: -Orders issued by Occupational Health and Safety -The cancellation or suspension of a licence or permit -The issuance of an Administrative Penalty -A ruling from a dismissal or disciplinary complaint investigation -A ruling from an imminent danger complaint investigation</p>														
SK	<p>LABOUR EXEMPTIONS : YES</p> <p>Farm workers have the right to unionize and the right to collective bargaining</p>	<p>LABOUR RELATIONS:</p> <p>January 2015 Supreme Court Ruling: Saskatchewan Federation of Labour V. Sask (2015) https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14610/index.do</p> <p>Prior to SCC ruling: Part VI and VIII of the Saskatchewan Employment Act would apply to any agricultural operation that is unionized</p>	<p>EMPLOYMENT STANDARDS</p> <table border="1"> <thead> <tr> <th>Min Wg</th> <th>Stat Holiday</th> <th>OT</th> <th>Hrs of work</th> <th>Vacation Pay</th> <th>Child Employee Restriction</th> </tr> </thead> <tbody> <tr> <td>Partial</td> <td>Partial</td> <td>Partial</td> <td>Partial</td> <td>Partial</td> <td>Partial</td> </tr> </tbody> </table> <p>→The Labour Standards Act (LSA) legislation outlines the relationship between employer and employee, including application of minimum wages, holidays and maternity leave.</p> <p>→Applies to egg hatcheries, greenhouses and nurseries, feedlots, confined feeding, bush clearing operations, and commercial hog operations with six or more full time workers. In these hog operations overtime is payable after 10 hours a day or 80 hours in 2 consecutive weeks.</p> <p>→Youth workers must be 16 years old to operate powered mobile equipment on a worksite or to work in areas where they may be exposed to dangerous chemicals or biological substances.</p> <p>→Ag employers are not exempted from requirements to pay wages and the Director of Employment Standards has the ability to assess and collect wages owing.</p> <p>https://www.saskatchewan.ca/business/employment-standards/employment-standards-in-professions-and-</p>	Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction	Partial	Partial	Partial	Partial	Partial	Partial	<p>EMPLOYMENT STANDARDS EXEMPTIONS INCLUDE:</p> <p>LSA does not apply to: →Workers employed in farming, ranching or market gardening exempt from the Act.</p> <p>→In hog operations there are special provisions for workers and employers to agree to an alternate day instead of a statutory holiday in the legislation.</p> <p>→Exemption for youth workers for family farms so that the immediate family members of the farm owner are able to work on farms with no restrictions to work hours other than workers younger than 16 cannot work during school hours without the permission of the school principal.</p>	<p>OHS: YES: http://www.worksafesask.ca/ Saskatchewan Occupational Health and Safety Act was passed in 1993 and Regulations were implemented in 1996 which apply to all workplaces, including farms.</p> <p>The level of responsibility is based on authority and control. An employer has the most responsibility to ensure health and safety standards are met. Workers are given three basic health and safety rights:</p> <p>→They have the right to know about the hazards of their job and how to deal with those hazards so they will not cause injury or harm. →They have the right to participate in health and safety education in the workplace. →They have the right to refuse work that they believe is unusually dangerous to themselves or others in the workplace. →A self-employed person, such as a farmer, who does not employ</p>	<p>OHS INSPECTIONS & INVESTIGATIONS: OHS officers can conduct an inspection at any plant, place of employment, worksite, or vehicle where workers usually work or have worked. An officer can conduct an inspection at any reasonable time or at any time they have grounds to believe that a hazardous situation towards workers exists.</p> <p>There are a few special rules that apply to ag workers under OHS Regulations 1996 (section 154) training for powered mobile equipment.</p>	<p>WC OPTIONAL: http://www.wcbask.com/</p> <p>Farm and farm worker coverage is optional. Manages a compensation system for workplace injuries on behalf of workers and employers.</p> <p>Section 3 of the Act exempts farming and ranching industry from mandatory coverage. This does not preclude an employer from being voluntarily covered by workers' compensation.</p> <p>→2016 premium rate for farming and ranching is \$1.97/\$100 of salary down from \$2.33 in 2015.</p>	<p>WC EXEMPTIONS INCLUDE: agriculture related areas including: dairy, demonstrating and exhibiting, feedlots, grazing co-ops, land clearing, fur farms, livestock brokers, mobile farm feed services or portable seed cleaning plants, pig farms, poultry farms, trapping and voluntary workers.</p>
Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction															
Partial	Partial	Partial	Partial	Partial	Partial															

			industries/agricultural-industry		others, has the same responsibility under the act as both an employer and worker combined.															
MB	<p>LABOUR RELATIONS: YES</p> <p>Farm workers have the right to unionize and the right to collective bargaining</p>	LABOUR RELATIONS:	<p>EMPLOYMENT STANDARDS</p> <table border="1"> <thead> <tr> <th>Min Wg</th> <th>Stat Holiday</th> <th>OT</th> <th>Hrs of work</th> <th>Vacation Pay</th> <th>Child Employee Restriction</th> </tr> </thead> <tbody> <tr> <td>Partial</td> <td>Partial</td> <td>Partial</td> <td>Partial</td> <td>Partial</td> <td>Partial</td> </tr> </tbody> </table> <p>→Parts of the employment standards code covers farm workers, while others do not.</p> <p>→Workers in climate controlled facilities are covered by all minimum employment standards.</p> <p>→Non-family workers are regulated by minimum wage requirements, annual vacation and vacation allowance requirements, weekly day of rest requirements, work break requirements, unpaid leave requirements (maternity, compassionate care etc.), termination of employment requirements and employment of children requirements.</p> <p>https://www.gov.mb.ca/labour/standards/doc/guide-agriculture,factsheet.pdf</p>	Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction	Partial	Partial	Partial	Partial	Partial	Partial	<p>EMPLOYMENT STANDARDS EXEMPTIONS INCLUDE:</p> <p>→There are different exemptions for paid farm workers with no relationship to the family that own or operates the farm and for family members being paid to work on the farm.</p> <p>→Farm workers employed by family members are exempted except for promised rate of pay and equal pay for men and women.</p> <p>→Other workers are covered by all standards except for reporting/call in pay, hours of work and overtime, and general holiday provisions.</p> <p>→Most restrictions on child employment do not apply in the agricultural sector. However, children younger than 16 cannot work during school hours without a permit. Children younger than 15 may not get such a permit. However, children who are family members of farmers are exempt from this section of the code.</p>	<p>OHS: YES: http://www.gov.mb.ca/labour/safety/</p> <p>The Manitoba Workplace Safety and Health Act and Regulation came into effect in 1977 and apply to every employer, worker and self-employed person in MB.</p> <p>The act governs the relationship between employers and employees with regard to workplace safety and applies to all workplaces, including farms. Every employer must ensure the safety, health and welfare of all their workers. The act gives direction on how farmers should protect those who work on a farm as well as how workers are required to protect themselves and others.</p>	<p>OHS INSPECTIONS & INVESTIGATIONS: you must allow and officer into your workplace or farm if the officer has reason to believe there is a harmful or unsafe condition on the premises. OHS investigators can investigate incidents.</p>	<p>WC MANDATORY: http://www.wcb.mb.ca/</p> <p>implemented for farm workers 2009</p> <p>The act applies to all employers and workers in all industries. It does exempt farmers and family members of farmers from WCB regulations. A farm can be owned by a farmer or can be a family farm corporation. Family members can be a spouse or common-law partner, child, parent, sibling and other relative and a person who the farmer considers to be a close relative, whether or not they are related by blood, adoption, marriage or a common-law relationship.</p> <p>→2016 WC average rate for crop production, livestock and harvesting is \$2.09/\$100 of assessable payroll.</p> <p>→Hog and poultry rate is \$1.61/\$100</p> <p>→Market Gardening \$0.41/\$100</p>	<p>WC EXEMPTIONS INCLUDE:</p> <p>Farmers, family members and neighbours to work together are exempt.</p> <p>Farmers can voluntarily apply for coverage for themselves and their family members.</p>
Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction															
Partial	Partial	Partial	Partial	Partial	Partial															

ON	<p>LABOUR RELATIONS: SPECIAL RULES: In Ontario, farm workers can associate but not collectively bargain.</p>	<p>LABOUR RELATIONS: Supreme Court of Canada Ruling: 2002, Ontario created the Agricultural Employees Protection Act which is administered by the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) mirroring the rights of association and using a collective bargaining model used by the United Nations' International Labour Organization.</p> <p>Supreme Court of Canada Ruling 2011: ruled in favour of the province of Ontario law stating, "What is protected is associational activity, not a particular process or result," the majority said. "The Ontario legislature is not required to provide a particular form of collective bargaining rights to agricultural workers, in order to secure the effective exercise of their associational rights."</p> <p>Key exemptions include: no duty to bargain, no exclusive representation, no obligation to pay fees deductible at source.</p> <p>https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1936/index.do - Dunmore V. Ontario (2001)</p> <p>http://www.ontario.ca/laws/statute/02a16 - Agricultural Employees Protection Act of Ontario (2002)</p> <p>http://www.omafra.gov.on.ca/english/busdev/facts/03-045.htm - AEPA Fact Sheet (2002)</p> <p>http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7934/index.do - Fraser V. Ontario (2011)</p>	<p>EMPLOYMENT STANDARDS</p> <table border="1" data-bbox="647 175 1091 256"> <thead> <tr> <th>Min Wg</th> <th>Stat Holiday</th> <th>OT</th> <th>Hrs of work</th> <th>Vacation Pay</th> <th>Child Employee Restriction</th> </tr> </thead> <tbody> <tr> <td>NO</td> <td>NO</td> <td>NO</td> <td>NO</td> <td>NO</td> <td>YES</td> </tr> </tbody> </table> <p>Workers growing mushrooms are not exempt from minimum wage, vacation pay and other Employment Standards.</p> <p>Termination and severance same as other industry sectors.</p> <p>Farmers allowed to pay for piece work but it must equal the minimum hourly wage.</p> <p>http://www.labour.gov.on.ca/english/es/pubs/factsheets/fs_agri.php http://www.labour.gov.on.ca/english/es/pubs/guide/ind_ex.php.</p>	Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction	NO	NO	NO	NO	NO	YES	<p>EMPLOYMENT STANDARDS EXEMPTIONS INCLUDE:</p> <p>→Workers in primary production of most crops, livestock and other farm products exempt from hours of work, daily rest periods, hours of work, overtime, minimum wage, public holidays and vacation with pay.</p> <p>→Those who harvest fruit, vegetables or tobacco receive minimum wage based on amount harvested, and vacation pay and public holidays after 13 weeks of employment.</p> <p>→For seasonal workers in canning, processing, packing or distributing fruits and vegetables overtime is paid after 50 hours per week.</p> <p>→Child Employee: There is no age limit for work in agriculture or farming. Determination for age of work is actually covered under the School Act. There are some rules about working during school hours. It really comes down to parents' assessment of age appropriateness and ability. Farmers are allowed to pay their kids an allowance for farm work. It does not classify them as a paid worker.</p> <p>→Nursery/Sod/Landscape are given many exemptions including overtime, hours of work, rest periods, and vacation pay.</p>	<p>OHS: SPECIAL RULES: Separate program for Agriculture, including Farm Safety Association. Applicable since 2005.</p> <p>Farming is part of the Workplace Safety and Prevention Services (WSPS) with agriculture specific advisory committee.</p> <p>After 3 years of negotiation the result was a "Farming Operations" regulation under the Ministry of Labour OHS Act. This is separate from industrial regulations and is more interpretive and less prescriptive than the industrial, construction and mining regulations. Farm Safety developed a series of 8 Guidelines that OHS and WSIB agreed to accept.</p> <p>An ongoing Technical Advisory Committee brings 1) agricultural employers, 2) OHS (Ministry of Labour), 3) prevention (Farm Safety Assoc), 4) insurance (WSIB) and, 5) OMAFRA to a common table to discuss ongoing issues.</p> <p>The Technical Advisory Committee has a cooperative approach to OHS. Ontario's MOL has agreed to industry friendly regulations. Issues such as harvesting broiler chickens, work platforms in greenhouse arborist practices, all involve employer input, period implementation, and proactive inspection practices.</p> <p>http://www.labour.gov.on.ca/english/hs/index.php http://www.labour.gov.on.ca/english/hs/pubs/farming/ohsa/index.php</p>	<p>OHS INSPECTIONS & INVESTIGATIONS: If there is a critical injury or fatality investigators must investigate. They also have to respond to and investigate complaints.</p> <p>Farming Operations Regulation implemented 2006. ON farming industry embraced the principles of the Occupational Health and Safety Act but asked that it come under the Agriculture Employee Protection Act administered by the Ministry of Labour (MOL) ensuring that the regulation of the act be interpretive based and not prescriptive Industrial Regulations.</p>	<p>WC MANDATORY: Worker Safety Insurance Board (WSIB): http://www.wsib.on.ca/</p> <p>MANDATORY: Implemented for paid farm workers in 1973. ON Crown Agency that is self-funding and reports to Ministry of Labour (MOL).</p> <p>WSIB is currently restructuring to function more like an insurance company that will see premium rates change dramatically once the unfunded liability is reduced/eliminated.</p> <p>→Farming part of the Workplace Safety and Prevention Services.</p> <p>→Average rate in the province for all industries is \$2.16/100 salary.</p> <p>Agriculture 6 rate groups with premiums range from \$2.84/\$100 of wage to \$7.09/\$100 of wage.</p> <p>→WSIB does include no-fault insurance benefits, however, it has expanded to mental stress and latent long term injury</p>	<p>WC EXEMPTIONS INCLUDE: Family members are exempt. Coverage can be purchased for family members if they are designated as a paid worker.</p>
Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction															
NO	NO	NO	NO	NO	YES															
QC	<p>LABOUR RELATIONS: PARTIAL</p> <p>Farm workers have the right to unionize and the right to collective bargaining,</p>	<p>LABOUR RELATIONS : Projet Loi 8 http://www.assnat.qc.ca/fr/travaux-parlementaires/projets-loi/projet-loi-8-41-1.html</p> <p>Exemption when "fewer than three workers are ordinarily and continuously employed"</p> <p>https://classnet.wcdsb.ca/sec/OYAP/Dual-Credit/Class%20Documents/Guide%20in%20Labour%20Relations%20Law%20in</p>	<p>EMPLOYMENT STANDARDS</p> <table border="1" data-bbox="647 1247 1091 1328"> <thead> <tr> <th>Min Wg</th> <th>Stat Holiday</th> <th>OT</th> <th>Hrs of work</th> <th>Vacation Pay</th> <th>Child Employee Restriction</th> </tr> </thead> <tbody> <tr> <td>YES</td> <td>YES</td> <td>NO</td> <td>NO Normal week: 40 hrs</td> <td>YES</td> <td>YES</td> </tr> </tbody> </table> <p>Must receive at least minimum wage if paid according to yield</p>	Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction	YES	YES	NO	NO Normal week: 40 hrs	YES	YES	<p>EMPLOYMENT STANDARDS EXEMPTIONS INCLUDE:</p> <p>Farm workers (not defined) exempt from hours of work provisions. The weekly day of rest can be postponed to the following week the worker consents. For fruit pickers minimum is based on amount picked.</p>	<p>OHS: YES: http://www.csst.qc.ca/Pages/index.aspx</p>	<p>OHS INSPECTIONS & INVESTIGATIONS:</p>	<p>WC MANDATORY:</p>	
Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction															
YES	YES	NO	NO Normal week: 40 hrs	YES	YES															

	but only where more than three workers are employed regularly and continuously .	%20Canada.pdf	http://www.cnt.gouv.qc.ca/en/situations-de-vie-au-travail/travail-saisonnier/index.html	Exemptions for overtime include those in remote or isolated areas or the James Bay area.															
NB	LABOUR RELATIONS: PARTIAL Farm workers have the right to unionize and the right to collective bargaining, but only where more than five workers are employed regularly and continuously .	LABOUR RELATIONS: "Farm workers are excluded from labour relations legislation and the right to organise and bargain collectively in the provinces of New Brunswick (at operations for five or fewer workers)." http://survey.ituc-csi.org/New-article,11370.html Exemption when "fewer than 5 employees are employed" https://classnet.wcdsb.ca/sec/OYAP/Dual-Credit/Class%20Documents/Guide%20to%20Labour%20Relations%20Law%20in%20Canada.pdf	EMPLOYMENT STANDARDS <table border="1"><thead><tr><th>Min Wg</th><th>Stat Holiday</th><th>OT</th><th>Hrs of work</th><th>Vacation Pay</th><th>Child Employee Restriction</th></tr></thead><tbody><tr><td>Partial</td><td>Partial</td><td>Partial</td><td>Partial</td><td>Partial</td><td>YES</td></tr></tbody></table>	Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction	Partial	Partial	Partial	Partial	Partial	YES	EMPLOYMENT STANDARDS EXEMPTIONS INCLUDE: Workers in primary production of crops, livestock and other farm products excluded from the Act except for provisions dealing with employment of children and in cases where there are 3 or fewer non-family employees.	OHS: YES: http://www.worksafenb.ca/	OHS INSPECTIONS & INVESTIGATIONS:	WC MANDATORY:
Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction														
Partial	Partial	Partial	Partial	Partial	YES														
NS	LABOUR RELATIONS: YES Farm workers have the right to unionize and the right to collective bargaining.	LABOUR RELATIONS:	EMPLOYMENT STANDARDS <table border="1"><thead><tr><th>Min Wg</th><th>Stat Holiday</th><th>OT</th><th>Hrs of work</th><th>Vacation Pay</th><th>Child Employee Restriction</th></tr></thead><tbody><tr><td>Partial</td><td>NO</td><td>NO</td><td>NO</td><td>YES</td><td>YES</td></tr></tbody></table> Child Employment Restrictions: http://novascotia.ca/lae/employmentrights/children.asp	Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction	Partial	NO	NO	NO	YES	YES	EMPLOYMENT STANDARDS EXEMPTIONS INCLUDE: There are 5 areas of the Labour Standards Code where the rules are different for farm workers than most other workers: 1. The requirement to pay minimum wage for farm workers who are under 16 or who harvest fruit, vegetables or tobacco on a piecework basis; The requirement to pay 2. Overtime; 3. Holidays; 4. Day of Rest; 5. Call in pay. Farm workers are defined as follows: →Persons engaged in work on a farm whose employment is directly related to the primary production of eggs, milk, grain, seeds, fruit, vegetables, Christmas trees, Christmas wreaths, maple products, honey, tobacco, pigs, cattle, sheep, poultry or animal furs.	OHS: YES: http://novascotia.ca/lae/healthandsafety/ The OHS Act and regulations apply to all workplaces in Nova Scotia, this includes farms considered to be a workplace (where people work for remuneration)	OHS INSPECTIONS & INVESTIGATIONS:	WC OPTIONAL: http://www.wcb.ns.ca/ →Nova Scotia which has optional Workers' Compensation provides health benefits through the Nova Scotia Federation of Agriculture association. Participation in this programming is completely voluntary and all members of the NSFA are eligible to participate. Benefits offered include: →Preferred health and dental group plan through Morneau Shepell. There are numerous benefits available under that plan including life, dismemberment and health care insurance, prescription drug coverage, vision care, paramedical practitioners' coverage, dental and critical illness. →Members can also participate in a Preferred Pharmacy Provider Program offered by Managed Health Care Services. This benefit can be used at drug stores owned by Sobeys and Lawtons. This provides a \$2 deductible on prescriptions and special discounts on storefront items.
Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction														
Partial	NO	NO	NO	YES	YES														

				Note: This definition would also include employees of greenhouses which produce the products mentioned above. http://novascotia.ca/lae/employmentrights/farming.asp															
PEI	<p>LABOUR RELATIONS: YES</p> <p>Farm workers have the right to unionize and the right to collective bargaining.</p>	LABOUR RELATIONS:	<p>EMPLOYMENT STANDARDS</p> <table border="1"> <thead> <tr> <th>Min Wg</th> <th>Stat Holiday</th> <th>OT</th> <th>Hrs of work</th> <th>Vacation Pay</th> <th>Child Employee Restriction</th> </tr> </thead> <tbody> <tr> <td>NO</td> <td>NO</td> <td>NO</td> <td>NO</td> <td>NO</td> <td>YES</td> </tr> </tbody> </table>	Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction	NO	NO	NO	NO	NO	YES	<p>EMPLOYMENT STANDARDS EXEMPTIONS INCLUDE:</p> <p>Farm workers excluded from the Act except for promised rate of pay, unless they are in a "commercial undertaking".</p>	OHS: NO:	<p>OHS INSPECTIONS & INVESTIGATIONS:</p> <p>Occupational Health and Safety Act applies to all workplaces within the province including agricultural operations. Farmers are required to have a safety program if they have 20 or more workers.</p> <p>However, if zoned as farm land then PEI farmers are exempt from the regulations of the Act. PEI Farm Safety Code of Practice for farms. It is a guide for farmers but Code is not law and can't be enforced in an inspection although it may be used as evidence of a safe procedure in case of prosecution.</p> <p>Aquaculture is not exempt.</p>	<p>WC OPTIONAL:</p> <p>http://www.wcb.pe.ca/</p>
Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction														
NO	NO	NO	NO	NO	YES														
NL	<p>LABOUR RELATIONS: YES</p> <p>Farm workers have the right to unionize and the right to collective bargaining.</p>	LABOUR RELATIONS:	<p>EMPLOYMENT STANDARDS</p> <table border="1"> <thead> <tr> <th>Min Wg</th> <th>Stat Holiday</th> <th>OT</th> <th>Hrs of work</th> <th>Vacation Pay</th> <th>Child Employee Restriction</th> </tr> </thead> <tbody> <tr> <td>YES</td> <td>YES</td> <td>NO</td> <td>NO</td> <td>YES</td> <td>YES</td> </tr> </tbody> </table>	Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction	YES	YES	NO	NO	YES	YES	<p>EMPLOYMENT STANDARDS EXEMPTIONS INCLUDE:</p> <p>Workers in primary production of crops, livestock and other farm products excluded from hours of work and overtime except those in greenhouses, nurseries and raising livestock.</p>	<p>YES:</p> <p>http://www.servicenl.gov.nl.ca/ohs/</p>	<p>OHS INSPECTIONS & INVESTIGATIONS:</p>	<p>WC MANDATORY:</p> <p>http://www.whscc.nf.ca/indexSiteIntro.html</p>
Min Wg	Stat Holiday	OT	Hrs of work	Vacation Pay	Child Employee Restriction														
YES	YES	NO	NO	YES	YES														

ENDNOTES: SUMMARY AND TABLE SOURCES

Alberta: 29th Legislature, 1st Session (2015-2016), Bill 6 Legislation: Enhanced Protection for Farm and Ranch Workers Act, http://www.assembly.ab.ca/net/index.aspx?p=bills_status&selectbill=006&legl=29&session=1

- Bill-6, pdf
http://www.assembly.ab.ca/ISYS/LADDAR_files/docs/bills/bill/legislature_29/session_1/20150611_bill-006.pdf
- Bill-6 Amendments
http://www.assembly.ab.ca/ISYS/LADDAR_files/docs/bills/bill/legislature_29/session_1/20150611_am-006-A1.pdf

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*Addendum: Regulated Agricultural Wage Rates

<u>Province</u>	<u>Flowers</u>	<u>Tobacco</u>	<u>Fruits, vegetables (including canning/processing of these products if grown on the farm)</u>	<u>Nursery-grown trees including Christmas trees, greenhouses/nurseries</u>
AB	\$11.20	\$11.20	\$11.20	\$11.20
BC	\$10.59	\$10.59	\$10.59	\$10.59
MB	\$11.00	\$11.00	\$11.00	\$11.00
NB	\$10.65	\$10.65	\$10.65	\$10.65
NL	\$10.86	\$10.86	\$10.86	\$10.86
NS	\$10.70	\$10.86	\$10.70	\$10.70
ON	\$11.25	\$11.25	\$11.25	\$11.25
PE	\$10.50	\$10.50	\$10.50	\$10.50
SK	\$10.50	\$10.50	\$10.50	\$10.50
YT	\$11.07		\$11.07	\$11.07
QC				

Quebec employers: please consult the website of Ministère de l'Immigration, de la Diversité et de l'Inclusion: <http://www.immigration-quebec.gouv.qc.ca/fr/employeurs/embaucher-temporaire/recrutement-travailleurs-agricoles/salaires.html>

ESDC Wages by agricultural commodity: http://www.esdc.gc.ca/en/foreign_workers/hire/agricultural/agricultural_wages.page#h2.1

<u>Province</u>	<u>Position</u>	<u>Swine</u>	<u>Bovine</u>	<u>Dairy</u>	<u>Mink</u>	<u>Mushrooms</u>	<u>Provincial Min Wage</u>
AB	lower-skilled	\$11.20	\$12.68	\$12.68	\$11.20	\$13.00	\$11.20
Alberta	higher-skilled	\$15.05	\$14.75	\$15.06	\$15.05	\$17.31	
BC	lower-skilled	\$10.59	\$10.59	\$10.59	\$10.59	\$11.25	\$10.45
British Columbia	higher-skilled	\$13.18	\$13.18	\$13.18	\$13.18	\$15.00	
MB	lower-skilled	\$11.00	\$12.68	\$12.68	\$11.00	\$11.75	\$11.00
Manitoba	higher-skilled	\$15.05	\$15.05	\$15.05	\$15.05	\$15.20	
NB	lower-skilled	\$10.98	\$11.50	\$11.73	\$10.98	\$12.50	\$10.30
New Brunswick	higher-skilled	\$15.05	\$15.05	\$15.05	\$15.05	\$13.00	
NL	lower-skilled	\$10.64		\$12.65	\$10.99	\$10.78	\$10.50
Newfoundland & Labrador	higher-skilled	\$12.65		\$15.05	\$15.06	\$13.00	
NS	lower-skilled	\$10.70	\$10.70	\$10.70	\$10.70	\$11.50	\$10.60
Nova Scotia	higher-skilled	\$12.65	\$12.65	\$12.65	\$12.65	\$12.60	
ON	lower-skilled	\$11.25	\$12.68	\$12.68	\$11.25	\$11.25	\$11.25
Ontario	higher-skilled	\$14.72	\$14.72	\$15.06	\$14.72	\$14.00	
PE	lower-skilled	\$10.98	\$11.65	\$11.65	\$10.98	\$12.50	\$10.50
Prince Edward Island	higher-skilled	\$15.05	\$15.05	\$15.05	\$15.05	\$13.00	
SK	lower-skilled	\$10.98	\$12.68	\$12.68	\$10.98	\$17.75	\$10.50
Saskatchewan	higher-skilled	\$15.05	\$15.05	\$15.05	\$15.05	\$17.00	
QC							10.55
Quebec							Fruit pickers min: (0.83\$/kg fraises et 3.12\$/kg framboises)

Quebec employers: please consult the website of Ministère de l'Immigration, de la Diversité et de l'Inclusion: <http://www.immigration-quebec.gouv.qc.ca/fr/employeurs/embaucher-temporaire/recrutement-travailleurs-agricoles/salaires.html>

Labourer (NOC 8611) = Job duties include picking, sorting, loading and cleaning mushrooms.

Worker (NOC 8431) = Job duties include picking, sorting, loading and cleaning mushrooms, as well as planting, examining mushrooms for quality monitoring waterlines, airflow, humidity and temperature

ESDC Wages by agricultural commodity: http://www.esdc.gc.ca/en/foreign_workers/hire/agricultural/agricultural_wages.page#h2.1

*Addendum: Regulated Agricultural Wage Rates

Province	Position	Apiary	Provincial Min Wage
AB	Technician	\$14.05	\$11.20
Alberta	Worker	\$12.95	
Alberta	Labourer	\$11.81	
BC	Technician	\$14.02	\$10.45
British Columbia	Worker	\$13.39	
British Columbia	Labourer	\$12.21	
MB	Technician	\$12.94	\$11.00
Manitoba	Worker	\$11.46	
Manitoba	Labourer	\$11.00	
NB	Technician	\$13.27	\$10.30
New Brunswick	Worker	\$11.31	
New Brunswick	Labourer	\$10.65	
NL	Technician	\$14.01	\$10.50
Newfoundland & Labrador	Worker	\$11.90	
Newfoundland & Labrador	Labourer	\$10.86	
NS	Technician	\$13.03	\$10.60
Nova Scotia	Worker	\$11.90	
Nova Scotia	Labourer	\$10.86	
ON	Technician	\$15.17	\$11.25
Ontario	Worker	\$11.85	
Ontario	Labourer	\$11.25	
PE	Technician	\$15.75	\$10.50
Prince Edward Island	Worker	\$11.43	
Prince Edward Island	Labourer	\$10.50	
SK	Technician	\$14.05	\$10.50
Saskatchewan	Worker	\$11.64	
Saskatchewan	Labourer	\$10.61	
QC	Technician		
Quebec	Worker		\$10.55
Quebec	Labourer		

Quebec employers: please consult the website of Ministère de l'Immigration, de la Diversité et de l'Inclusion: <http://www.immigratquebec.gouv.qc.ca/fr/employeurs/embaucher-temporaire/recrutement-travailleurs-agricoles/salaires.html>
ESDC Wages by agricultural commodity: http://www.esdc.gc.ca/en/foreign_workers/hire/agricultural/agricultural_wages.page#h2.