

The AgCoalition in Review

An Update from the Alberta Agriculture Farm and Ranch Safety Coalition

This Update: The Employment Standards Table Reports Back

The AgCoalition and the Government Table Consultation Process

As covered in the previous update, the Technical Working Groups were divided along the various topics encompassed by Bill 6. Employment Standards was a topic of keen importance for many in agriculture. As with all tables, feedback from farmers, ranchers and their employees ahead of the meetings was integral supporting information for the 12 representatives at the table. Through the AgCoalition, this information was collected in an original survey that went out to the agriculture sector, as well as through the Industry Leadership Advisory Committee (ILAC) focus groups, held across the province. A summary of information from both of these initiatives was provided to participants and often presented to the entire table to support the positions for agriculture.

The AgCoalition representatives had a very clear mandate for the Employment Standards table:

- 1) Preserve the key areas of employment standards that would otherwise negatively impact production or animal welfare and,
- 2) Extend the family exemption that was amended to Bill 6 last December.

Below is a summary of the key points collected during the consultation process.

- Limitations on the number of hours able to be worked daily will impede the industry's ability to effectively and efficiently manage farming operations, especially during peak times such as harvest.
- Flexibility must be a key component of any regulations.
- Regulations should explicitly acknowledge the agriculture industry's unique position and include exemptions that allow industry members to adapt to the changing conditions and requirements of successful agricultural management.
- Look to other provinces for common sense solutions that work for Agriculture.

So what Happens With Government Consultation Table Results?

The agricultural industry is certainly challenged by some of the initial positions taken on various topics in the consultation process. When it is clear that consensus will not be reached in areas of significance, this is noted and the associated issues become a matter of record. When table sessions conclude, it is expected that these areas of difference will be published and in turn given serious consideration in terms of guiding future strategies for application in agriculture. AgCoalition leaders have met, and plan to meet again at the Ministerial level to communicate expectations and participate as required to integrate agriculture sector consultation table feedback into policy.

Technical Working Group (TWG) Recommendations Summary

The Employment Standards TWG was well proportioned with 10 of the 12 members directly affiliated to agriculture with a broad spectrum of crops and livestock represented, as well as employers big to small. With the help of a strong facilitator, Mr. David Gould, the group was able to establish clear objectives for the meeting which included;

- work for industry with minimal disruption
- maintain choice of lifestyle
- allow employees to remain a part of the family (employers and employees continue to work together effectively)
- provide flexibility and recognize the diversity of the industry
- use clear, understandable language that is as simple as possible
- are product-specific
- are unambiguous
- provide for objective standards
- express clear intentions
- balance interests between employers and employees

While driven by Bill 6, this process was not focused solely on the exemptions currently afforded to the agriculture sector. All elements of the employment standards regulations were set for review, including any that applied to agriculture before Bill 6. All recommendations were arrived at by consensus and provide a good balance that preserves the unique work arrangements found across agriculture without adding undue burden while ensuring protection of employees.

The Consultation Tables Have Met Numerous Times.....

Recall that the AgCoalition Nominees are participating on every government consultation table, often during busy periods in the agriculture sector. The following schedule records this good work and future dates.

***Table 1 – Employment Standards:
June 12-13, August 8-9
Completed!***

***Table 2 – Labour Relations:
June 14-15, July 27-28
Completed!***

***Table 3 – OHS Codes 1:
July 15-16, August 22-23, October
24-25, November 29-30,
December TBD***

Table 4 – OHS Codes 2:

Topic	Description	Recommendation	Requires family exemption
Entitlement to Wages and Payment of Earnings*	Wages must be paid within 10 days of end of pay period.	Standard is suitable, with modification to include family exemption.	YES
Employment Records*	Employer must keep records related to employment	Standard is suitable, with modification to include family exemption.	YES
Job Protected Leaves*	Includes maternity, parental, reservist and compassionate	Standard is suitable, with modification to include family exemption.	YES

Topic	Description	Recommendation	Requires family exemption
Termination Notice and Pay*	Employee notice for termination. Existing legislation includes end of contracted season wording that works for Ag	Standard is suitable, with modification to include family exemption.	YES
Administration and Enforcement*	Allows for dispute resolution between employer and employee by government.	Standard is suitable, with modification to include family exemption. Recommend strong educational component to accompany implementation.	YES
Hours of Work, Days of Rest, and Breaks	The required standards and limits for work schedules.	Not suitable for Ag, recommend exemption from hours of work and breaks. Along with exemption recommend 4 days off for every 28 days worked.	YES and Exemption for ALL EMPLOYEES
Overtime	The threshold for hours worked in a time period for which overtime payments would be required.	Not suitable for Ag, recommended exemption.	YES and Exemption for ALL EMPLOYEES
General Holidays and Holiday Pay	Specifics on how 9 official holidays are dealt with.	Standard is suitable, with modification to include family exemption. Employers can decide to follow existing regulations, OR provide time off in lieu and be paid straight time for work on holiday, OR employees working on holiday be paid 3.6% of wages.	YES
Vacation and Vacation Pay	The required amounts of vacation or vacation pay provided to employees	Standard is suitable, without modification.	NO EXEMPTION
Rules for Employment of People under the age of 18	The standards for employees under the age of 18.	Standard is suitable, with modification to include the following. For youth under 16, work must have no negative impact on schooling, parental consent must be obtained, and the work must not be detrimental to health, education or welfare of youth. For youths aged 12-13 there should be a 20 hours of work per week limit all	YES

Topic	Description	Recommendation	Requires family exemption
		year.	
Minimum Wage	Compliance with provincial minimum wage rules.	Standard is suitable, with modification to include the following. For youth below the age of 16 a minimum wage of 75% of prevailing be paid to encourage work experience plus exemption for family members	YES
Rules for Family Members	Each instance was discussed individually and as a blanket section.	Standard was not suitable. Ag. Family member to be defined as stated in amendment to Bill 6.	N/A
Greenhouses and Nurseries*	In current regulations many farms were excluded from rules for agriculture.	Recommend that nurseries, sod farms, mushrooms farms, and greenhouses including ornamental be considered 'primary production' and thus all the same standards apply as the rest of agriculture.	N/A

**Agriculture was subject to this employment standard prior to Bill 6.*

There was also a strong overall recommendation to allow for enough time to phase-in any of these changes. This includes education sessions and other resources for employers.

Overall this TWG was very productive and, in the opinion of those attending, achieved the goals of achieving a fair balance between employer and employee while ensuring employment standards did not interfere with the unique nature of farms and ranches. Thanks again to the participants.

Next Update: The Safety Imperative