

Legal Protection for Farm Workers

Background Information

Who are Farm workers?

- Workers hired to perform labour for the raising or tending of animals or production of crops, which includes mushroom factories, greenhouses, nurseries and sod farms
- There are approximately 12,000 farm workers employed in Alberta
- 2,600 (25%) farm workers are considered temporary or seasonal, the rest are permanent employees
- There are an estimated 200 to 300 foreign migrant farm workers each year in Alberta
- The majority of farm workers are involved in animal production, such as hog barns and ranches

Farm worker Wages:

Official statistics indicate farm workers earn the following average wages, however caution is required in interpreting this data, as the reporting for this industry is spotty, and likely to over-estimate working conditions.

Greenhouse workers: \$9.16

General farm workers: \$10.92

Farm worker working conditions:

- There is little official data available about the working conditions of farm workers, as they have no organization representing them, and no government agency is responsible for collecting data.
- Each year there are between 14 and 25 farm deaths in Alberta, which includes farmers and their workers.
- Informal surveys suggest farm workers work 12 to 15 hours a day during busy season, and often go weeks without a day of rest.

Legal Status of Farm Workers in Alberta:

- Completely exempt from Labour Relations Code
- Exempt from most provisions of Employment Standards Code. Only protection is for payment of earnings, record of employment, maternity leave and termination notice
- Exempt from mandatory WCB coverage. The WCB estimates about 3,100 agricultural workers have employers who have chosen optional coverage
- The OH&S Act covers workers in mushroom factories, greenhouses, nurseries and sod farms, but excludes all other farm workers (including hog barns and large operations)

- Formalized working relationships require deduction of EI, CPP and taxes, but many transactions are "cash-based" and no deductions are made

Supreme Court Decision on Farm Workers:

- In December 2001, the Supreme Court of Canada ruled in a challenge by UFCW (Dunmore v. Ontario (Attorney General)) that excluding farm workers from Labour Relations legislation was unconstitutional. It stated farm workers possess the right to associate, which includes the right to organize a union.
- A subsequent court challenge of occupational health and safety laws by UFCW was put on hold when Ontario announced it will remove agricultural exemptions from its safety act. Ontario's decision leaves Alberta as the only province not committed to including farm workers in the OH&S Act.

Sources: *Alberta Agriculture, Food and Rural Development; 2003 Alberta Wage and Salary Survey; Alberta WCB, Canadian Seasonal Agricultural Workers Program*