

Advisory body urges province to leave farm workers exempt from health and safety laws

BY MATT MCCLURE, CALGARY HERALD SEPTEMBER 17, 2012

RockLake

A provincial government advisory body wants Alberta to remain the lone province to exempt farm workers — including a fast-rising number of temporary migrants — from health and safety laws, according to a leaked report.

Despite Premier Alison Redford's promise to protect agriculture employees under the legislation, her government's Farm Safety Advisory Council is suggesting that voluntary certification of the industry will be enough to reduce a farm-injury fatality rate that is stubbornly high and rising.

Recently released figures show 355 Albertans were killed and 678 were seriously injured in farm accidents over a recent span of nearly three decades.

And the injury fatality rate in what is arguably the province's most dangerous job trended up by 10 per cent from 1990 to 2009. For every 100,000 people who live on a farm in Alberta, approximately 12 now die in injury incidents, almost all of which are work-related, every year.

Written by a 15-member council dominated by industry representatives, the report says there is an incentive for farm businesses to act now on their own to address the problem.

"Timing is right for a shift towards farm safety awareness and practice change," the report says.

"An industry that is proactive towards health and safety will limit the need for legislation and regulations to reduce farm incidents."

The draft report obtained by the Herald, which sources have confirmed is substantially the same as the final version, was submitted to the province last February.

Nearly seven months later, neither Agriculture Minister Vern Olson nor Human Services Minister Dave Hancock were available to be interviewed for this story.

But a government spokesman said the advisory council report is still being reviewed and discussed inside government, and the two politicians will meet later this month to discuss farm safety.

During her leadership campaign a year ago, Redford was unequivocal about her plan to amend health and safety legislation to cover adult farm workers if elected.

"We have to have farm workers protected," she told the Herald's editorial board.

"Hired employees on farms are entitled to that protection."

While statistics show that well over half the deaths on Alberta farms involve the operator or an immediate family member, some 26 deaths in the past three decades, or nine per cent of the total, were hired workers.

Researchers and farm-worker advocates say extending safety regulations to the industry is overdue and essential, especially for the fast-growing number of migrant employees who travel from Central America, Asia and the Caribbean to toil in Alberta's fields.

Federal government figures show that in 2011 more than 2,400 temporary foreign workers worked on the province's farms, a nearly 150 per cent increase from the previous year.

Kerry Preibisch, a University of Guelph sociologist who is completing a study based on interviews with migrant workers on farms near Red Deer and Medicine Hat, said their social and geographic isolation in rural Alberta means they are open to exploitation by their employers.

"Many we talked to were cautioned against talking to outsiders like church groups, and some were even forbidden from leaving the farm," Preibisch said.

"It seemed some of their employers didn't want them to become aware of their rights or to complain about their conditions."

Because they can be easily fired and then forced to return to their home country, Preibisch said her research has shown migrant workers are loathe to speak up when they aren't paid properly or are asked to do unsafe tasks.

"They frequently work when they're sick and they often keep quiet when they're injured," Preibisch said.

"It's ludicrous that in today's Canada a province as rich as Alberta wouldn't offer the most basic protections to its most vulnerable workers."

The province currently operates a Temporary Foreign Worker Advisory Office with a hotline to provide advice to migrants with concerns or complaints.

While the office received more than 6,400 queries last year, the advisory council report says staff are unable to deal with some issues raised by farm workers due to the exemptions primary agriculture has from some Employment Standards rules and the entire Occupational Health and Safety law.

Instead of bringing them under the umbrella of the legislation, the report recommends the creation of a cross-ministry liaison office that would allow migrant farm workers to report problems.

Stan Raper, who oversees a national network of migrant worker help centres run by the United Food and Commercial Workers, said the advisory council's suggestions are a Band-Aid on a hemorrhage.

"When a migrant worker refuses unsafe work or raises his voice to complain, it can mean losing his only means to support his family and a one-way ticket home," Raper said.

"Premier Redford needs to keep her promise, cover farm workers, and send out inspectors on unannounced visits to make sure the law is being followed."