

Farm and Ranch Workplace Legislation

Recommendations Report

Report to Ministers

Technical Working Group: Employment Standards Code

Submitted to:
Minister Carlier
Agriculture and Forestry

Minister Gray
Labour

January, 3, 2017

Letter to Ministers

Dear Minister Carlier and Minister Gray,

January, 3, 2017

I hereby tender the Recommendations Report for the Employment Standards Technical Working Group to be used by the government to ensure workers are provided with safe, fair and healthy workplaces which reflect the realities of Alberta's farm and ranch operations.

I want firstly to applaud the effort and commitment of the internal teams from your departments. Their collaboration and support, and their commitment to the principles of effective consultation and engagement in the face of distrust and polarization in their stakeholder communities made my work possible.

The Employment Standards Working Group comprised 12 people with very different backgrounds and very different stories about what "Farm Safety" meant and what the government should and should not do about it. These were strong minded, well connected people with a passion for their communities and the assigned topics. In fact they had been selected to participate precisely because of their strongly held views and they were expected to represent fully those views in our work together.

At the outset we designed together our path forward. We agreed that we all wanted safety on farms and the best way to get there was to focus on sharing our important stories and perspectives for understanding rather than for who was right or wrong. We agreed to dialogue rather than debate. We agreed that based on this shared understanding we would identify the interests and needs that could be and should be addressed in a regulatory regime. We agreed that we would collaborate together to co-create options for future regulations that best meets those interests and needs.

I served as referee on some occasions and cheerleader on others but for the most part they all worked diligently to stay on task and to respect each other and the rules we all agreed to.

Four full days of effective dialogue by 12 committed people has resulted in substantive, defensible, doable recommendations for regulations customized for the enhanced protection of farm and ranch workers in Alberta

The 12th century Sufi poet Jalal al-din Mohammad Rumi said:
"Out beyond ideas of right doing and wrong doing there is a field, I will meet you there"

It was a pleasure to work in that field with my working group and my support team.

Dave Gould

The Employment Standards Code Technical Working Group participants listed below agree to, and support, the report's content.

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James Suydam
Laurie Fries
Stuart Thiessen

Tjerk (Jack) Dejong
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Morgan Gallatin
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Gwenneth Feeny
Joel Beatson
Gordon Tait
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Sincerely,



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Executive Summary

The Employment Standards Technical Working Group (TWG) was tasked with reviewing the standards established in the *Employment Standards Code* for their applicability to the agriculture sector.

The TWG's mandate consisted of: reviewing each standard outlined in the agenda, making clear recommendations of proposed policy for each standard with supporting rationale, identifying any other employment standards-related policy and legislative issues relevant to the industry, and suggesting methods of communicating the provisions of the *Employment Standards Code* to the farming and ranching community.

In addition to its mandate, the TWG agreed that discussions around farm and ranch workplace legislation would be governed by an appropriate set of objectives. These objectives were to establish regulations that:

- 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

The TWG met its mandate and objectives through two sets of meetings at the Agriculture Centre in Airdrie. The first meetings took place on June 13 and 14, 2016, followed by two more days of meetings on August 8 and 9, 2016. The June meetings focused on establishing rapport and although there was some discussion of standards there were no final recommendations. Deliberations during the August meetings led to the development of a full set of recommendations with respect to employment standards.

Each recommendation, except for one, was reached with consensus from all members of the TWG. The final recommendations made by the TWG were:

Consensus Recommendations:

- Standards around *Payment of earnings, Employment records, Job protected leaves, Termination notice and pay, and Administration and enforcement* continue to apply except for family-member employees.
- Farms and ranches to be exempt from standards around *Hours of work and breaks and Overtime and overtime pay*. The TWG recommended, in regards to *days of rest*, that requiring 4 days off every 28 days for waged, non-family employees, at the employer's discretion was a reasonable standard.

- *Vacation and vacation pay* and *General holidays and General Holiday* to apply to waged, non-family employees in the agriculture industry, with special rules around the application of general holiday pay.
- For waged, non-family employees below the age of 16 work must not be detrimental to health, education, or welfare and parental consent must be obtained by employers. Additionally, for youths aged 12 and 13 who are waged, non-family employees there should be a limit of 20 hours of work per week.
- Minimum wage to apply to waged, non-family farm and ranch employees Greenhouses, nurseries, sod farms, and mushroom farms be considered 'primary production' and have all the same standards and exemptions as the rest of agriculture.
- Family-member employees be exempted from all discussed standards, including ones that currently apply. Rationale included: the application of standards would be impractical and unfeasible, as well as burdensome without providing any benefit. In cases where family members may be mistreated, members of the TWG identified that the employment standards discussed would not be helpful in preventing such mistreatment.
- Sufficient time be provided to phase-in any upcoming changes and education sessions be offered to increase awareness of applicable employment standards.
- Government to explore options around easing the burden of job-protected leaves on small businesses.

Non-consensus Recommendation:

Minimum wage for waged, non-family employees below the age of 16 should be 75 per cent of the general minimum wage rate.

Introduction

The *Enhanced Protection for Farm and Ranch Workers Act* (Act) received royal assent on December 11, 2015. The Act lifted the large-scale exemptions from workplace and employment-related legislation for farms and ranches in Alberta. This required the establishment of specific employment rules to come into force at a later date. The Employment Standards TWG was asked to help in the development of these rules with regards to applicable standards in the *Employment Standards Code*. In conjunction with the Employment Standards TWG, five other Technical Working Groups conducted meetings to develop rules relating to the *Operational Health and Safety Act* and the *Labour Relations Code*. The consultations aimed to ensure the unique needs of Alberta's farm and ranch sector are considered and balanced against the protection of workplace standards for farm and ranch workers and employees.

Consultation Process

The consultations took place in the form of roundtable discussions with the Chair guiding the overall direction of conversations. During the meetings each participant was given equal voice and the opportunity to present their viewpoints as the group worked through the topics provided in the agenda. Although some of the topics may have been contentious, a collaborative atmosphere was maintained throughout the meetings. Through appropriate background materials and presentations from subject matter experts the members of the TWG were given a basic grounding and understanding of applicable employment standards. Recommendations, as provided in this report, were formally recorded only once each member of the TWG expressed their agreement with the group consensus reached. After the conclusion of meetings, where consensus recommendations were reached for all but one of the agenda topics, a 'Record of Decision' document was passed amongst members to obtain confirmation of their agreement with the decisions being presented.

Working Group Mandate

The Technical Working Group will review the established employment standards for their applicability to the farm and ranch sector, and provide recommendations on the possible application of standards to ensure they are appropriate and reflective of the realities of farming and ranching in Alberta.

Recommendations

Including full scope of recommendations with explanation from the TWG.

1. Entitlement to Wages and Payment of Earnings

Whether to continue to include farm and ranch (family and non-family) employees under entitlement to wage provisions.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation	Rationale
The <i>Entitlement to Wages</i> standard should continue to apply to non-family, waged farm and ranch employees.	Employee earnings should be protected under the <i>Employment Standards Code</i> .
Family members of the employer be exempt from the <i>Entitlement to Wages</i> standard. ('family member' definition for the purposes of ES will be aligned with the definition in the amendment to Bill 6 except, for the purposes of OHS and WCB, s. 2(b)(A) and 2(c) of the amendment referencing no wages or unpaid work).	<p>A large number of family farms do not currently follow this standard; requiring them to do so would be cumbersome and difficult without providing any real benefits.</p> <p>To what extent family members fit within the definition of an 'employment' relationship may be ambiguous or difficult to determine.</p> <p>This standard requires payment at intervals of at least once a month. In family farms there may be arrangements where, for e.g., the employee is paid once a year with a portion of produce. Such arrangements would make the application of this standard impractical.</p> <p>(see topic 10)</p>

2. Employment Records

Whether employment-related records should continue to be required for employees on farms and ranches.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation	Rationale
The <i>Employment Records</i> standard should continue to apply to non-family, waged farm and ranch employees.	The standard in its current form is suitable and beneficial for employers and employees.
Family members of the employer be exempt from the <i>Employment Records</i> standard. ('family member' definition for the purposes of ES will be aligned with the definition in the amendment to Bill 6 except, for the purposes of OHS and WCB, s. 2(b)(A) and 2(c) of the amendment referencing no wages or unpaid work).	<p>A large number of family farms do not currently follow this standard; requiring them to do so would be cumbersome and difficult without providing any real benefits.</p> <p>There are often alternative arrangements for family members compared to formal work arrangements. Due to the nature of family-member employment relationships it would be impractical to constantly require detailed records such as hours of work, etc. (see topic 10)</p>

3. Job-Protected Leaves

Whether to continue to have farm and ranch employees entitled to job-protected leaves such as maternity leave, parental leave, etc.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation	Rationale
The <i>Job-Protected Leaves</i> standard should continue to apply to non-family, waged farm and ranch employees.	The standard is suitable and protects employees who need to take leaves for maternity, etc.
Family members of the employer be exempt from the <i>Job-Protected Leaves</i> standard. ('family member' definition for the purposes of ES will be aligned with the definition in the amendment to Bill 6 except, for the purposes of OHS and WCB, s. 2(b)(A) and 2(c) of the amendment referencing no wages or unpaid work).	<p>A large number of family farms do not currently follow this standard; requiring them to do so would be cumbersome and difficult without providing any real benefits.</p> <p>Family member employees often have alternative arrangements or unique circumstances which may make application of such a standard difficult.</p> <p>(see topic 10)</p>
It is recommended that Government explore options around the provision of job-protected leaves with the purpose of easing the burden on small businesses in the agriculture industry.	

4. Administration and Enforcement

Whether to continue to include farm and ranch employees under Employment Standards provisions relating to Administration and Enforcement.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation	Rationale
The <i>Administration and Enforcement</i> standards should continue to apply to non-family, waged farm and ranch employees.	The standard is suitable and helps enforce the <i>Employment Standards Code</i> .
Family members of the employer be exempt from the <i>Administration and Enforcement</i> standards. ('family member' definition for the purposes of ES will be aligned with the definition in the amendment to Bill 6 except, for the purposes of OHS and WCB, s. 2(b)(A) and 2(c) of the amendment referencing no wages or unpaid work).	A large number of family farms do not currently follow this standard; requiring them to do so would be cumbersome and difficult without providing any real benefits. Due to the unique nature of the employment relationship with family member employees it may be difficult for employers to make, keep and produce records per this standard. (see topic 10)

Possible Approaches

If discussed, these are possible and reasonable approaches to realize the recommendations above. Include as much detail as was discussed by the groups

Options for Moving forward	Rationale
A strong educational component to go in line with this standard and that consideration be given towards implementation time	This would increase awareness regarding the requirements and application of this standard. More implementation time would help provide farms and ranches the time to ensure their operations meet requirements.

5. Hours of Work, Days of Rest and Breaks

Whether farm and ranch employees should be covered under provisions limiting hours of work as well as provisions requiring days of rest and breaks during a workday.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation	Rationale
Farm and ranch non-family, waged employees should be exempt from provisions around <i>Hours of work and Breaks</i> .	Due to the nature of work on farms and ranches in terms of unpredictable hours these standards would be impractical and unfeasible. Furthermore, since seasonality largely affects work it is not viable to have fixed hours of work provisions all year-round.
With regards to <i>Days of Rest</i> the recommendation is that non-family, waged employees be given 4 days off every 28 days with the employer deciding on which 4 days, at their convenience and within reason.	This would ensure employees are provided with a certain number of days off, while also giving employers the flexibility so that business operations are not adversely affected.
Family members of the employer be exempt from all these standards. ('family member' definition for the purposes of ES will be aligned with the definition in the amendment to Bill 6 except, for the purposes of OHS and WCB, s. 2(b)(A) and 2(c) of the amendment referencing no wages or unpaid work).	Requiring these standards to be followed for family-member employees would be cumbersome and difficult without providing any real benefits. (see topic 10)

6. Overtime

Whether overtime provisions in the *Employment Standards Code* should apply to farm and ranch employees.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation	Rationale
Non-family, waged farm and ranch employees should be exempt from <i>Overtime</i> provisions.	Most jurisdictions in Canada exempt the agriculture sector from overtime. Hours in the agriculture sector are unpredictable due to the nature of the work An overtime rate would only lower the base pay rate which would not increase total earnings of employees and furthermore cause complications in calculating pay.
Family members of the employer be exempt from <i>Overtime</i> standards. ('family member' definition for the purposes of ES will be aligned with the definition in the amendment to Bill 6 except, for the purposes of OHS and WCB, s. 2(b)(A) and 2(c) of the amendment referencing no wages or unpaid work).	Requiring this standard to be followed for family-member employees would be cumbersome and difficult without providing any real benefits. (see topic 10)

7. General Holidays and General Holiday Pay

Whether to include farm and ranch employees under provisions around General Holidays and General Holiday Pay.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation	Rationale
<p>Standards for <i>General Holidays</i> and <i>General Holiday Pay</i> are suitable, for non-family, waged employees with special rules and modifications.</p> <p>The recommended special rule is that employers decide between the following methods to adopt when it comes to general holiday pay entitlements::</p> <ul style="list-style-type: none"> • Employees be given a day off in lieu of a day worked on a general holiday and be paid straight time for work performed on the general holiday; OR • Employees working on the general holiday be paid 3.6% of wages, with wages based upon a maximum of 44 hours of pay per week; OR • The existing provisions in the <i>Employment Standards Code</i> be followed. 	<p>While these standards are suitable, providing employers with options regarding their application gives them the flexibility needed to continue business operations without adverse effects.</p>
<p>Family members of the employer be exempt from all these standards. ('family member' definition for the purposes of ES will be aligned with the definition in the amendment to Bill 6 except, for the purposes of OHS and WCB, s. 2(b)(A) and 2(c) of the amendment referencing no wages or unpaid work).</p>	<p>Requiring these standards to be followed for family-member employees would be cumbersome and difficult without providing any real benefits.</p> <p>(see topic 10)</p>

8. Vacation and Vacation Pay

Whether to include farm and ranch employees under provisions around Vacation and Vacation Pay.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation	Rationale
<p><i>Vacation and Vacation Pay</i> standards are suitable and should apply to non-family, waged employees on farms and ranches without modification.</p> <p>Vacation pay should be based upon a maximum of 44 hours of pay per week.</p>	<p>Members of the TWG identified that most farm employees expressed strong preference for this standard.</p> <p>The application of this standard is unlikely to adversely affect the agriculture sector.</p>
<p>Family members of the employer be exempt from all these standards. ('family member' definition for the purposes of ES will be aligned with the definition in the amendment to Bill 6 except, for the purposes of OHS and WCB, s. 2(b)(A) and 2(c) of the amendment referencing no wages or unpaid work).</p>	<p>Requiring these standards to be followed for family-member employees would be cumbersome and difficult without providing any real benefits.</p> <p>(see topic 10)</p>

9. Rules Respecting the Employment of Individuals under the Age of 18

Whether rules around the employment of individuals under the age of 18 should apply to farms and ranches. If so, what should the specific rules be and how should they apply.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation	Rationale
<p>Standards around the employment of individuals under the age of 18 are suitable for non-family, waged employees however special rules are needed compared to the current standards in the <i>Employment Standards Code</i>.</p> <p>The following are the special rules recommended:</p> <ul style="list-style-type: none"> • For youths below 16 years age: work must have no negative impact on schooling, parental consent must be obtained by employers, and the work must not be detrimental to health, education, or welfare. • For youths 12-13 years age there should be a 20 hours of work per week limit all year round. 	<p>While protections are needed for youths who may be employed on farms and ranches, youths must also be given the opportunity to gain valuable hands-on experience on farms that would serve as helpful knowledge and training for the future.</p>

Recommendation	Rationale
<p>The TWG also identified that the requirement for approval from the Director of Employment Standards to employ individuals under the age of 15 would not be viable for farms and ranches.</p>	
<p>Family members of the employer should be exempt from all these standards. ('family member' definition for the purposes of ES will be aligned with the definition in the amendment to Bill 6 except, for the purposes of OHS and WCB, s. 2(b)(A) and 2(c) of the amendment referencing no wages or unpaid work).</p>	<p>Requiring these standards to be followed for family-member employees would be cumbersome and difficult without providing any real benefits.</p> <p>(see topic 10)</p>

10. Special Employment Standards Rules for Family Farms and Family Members

Whether to implement special rules for employment on family and for the employment of family members on farms and ranches.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation	Rationale
<p>The TWG concluded that family members of an employer should be exempt from all standards discussed, including those that previously applied (e.g. keeping of employment records, job-protected leaves, termination notice and/or pay).</p> <p>('family member' definition for the purposes of ES will be aligned with the definition in the amendment to Bill 6 except, for the purposes of OHS and WCB, s. 2(b)(A) and 2(c) of the amendment referencing no wages or unpaid work).</p>	<p>There are often nonstandard arrangements with family member employees that make it difficult to apply employment standards. For e.g. compensation may be received through a yearly percentage of produce or profits making a number of standards such as regular wages, records, etc. difficult, if not impossible, to follow. Further, requiring the abolishment of such nonstandard arrangements would strongly impede the flexibility that is integral to family farms.</p> <p>Although some standards (wages, records, etc.) already applied the vast majority of family farms did not adhere to these standards. Requiring these standards could be very cumbersome and problematic for such farms without providing any real benefits. This provides an opportunity to bring these farms 'on-side' of regulations.</p> <p>In cases where family member employees may be mistreated the provisions laid out in</p>

the *Employment Standards Code* would not be helpful in preventing the mistreatment.

11. Greenhouses and Nurseries

Whether greenhouses and nurseries should be included within the definition of farms and ranches and, if so, to what extent.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation	Rationale
Nurseries, sod farms, mushroom farms, and greenhouses including ornamental ones, should be considered 'primary production' and thus have all the same standards and exemptions as the rest of agriculture.	The nature of work and type of product from these establishments is generally similar to those in the agriculture sector as a whole. Consequently, they should be classified as 'primary production' and be subject to the same rules and regulations as the rest of the agriculture industry.

12. Termination Notice and Pay

Whether to continue include farm and ranch employees under provisions relating to termination notice and termination pay.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation	Rationale
The <i>Termination Notice and Pay</i> standards should continue to apply to non-family, waged farm and ranch employees.	Employees should be entitled to these provisions in case of termination.
Family members of the employer be exempt from the <i>Termination Notice and Pay</i> standards. ('family member' definition for the purposes of ES will be aligned with the definition in the amendment to Bill 6 except, for the purposes of OHS and WCB, s. 2(b)(A) and 2(c) of the amendment referencing no wages or unpaid work).	A large number of family farms do not currently follow this standard; requiring them to do so would be cumbersome and difficult without providing any real benefits. In cases where family-member employees receive compensation through nonstandard means, such as a percentage of yearly produce, this standard would be unfeasible.

13. Minimum wage

Whether minimum wage should apply to farm and ranch workers and, if so, whether any types of employees require special consideration.

Decisions

Of the following mandate items the first, to apply minimum wage to non-family, waged employees, was agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. The second recommendation, was to apply a special rule for minimum wage for non-family waged employees, below the age of 16, such that they would be paid at 75 per cent of the general minimum wage rate. This recommendation was agreed to by a majority but not all working group members. These items are recommended to the government for consideration.

Recommendation	Rationale
Standards around minimum wage are suitable, but require certain special rules to be effective. The recommended special rule is that individuals below the age of 16 be entitled to a minimum wage of 75% of the general minimum wage rate for employment on farms and ranches.	While the standard minimum wage rate is suitable for general farm and ranch employees, the lack of a lower youth rate may discourage employers from employing youths and cause them to lose out on valuable experience.
<i>Note: The recommendation that individuals below the age of 16 be entitled to a minimum wage 75% of the general rate did not receive full consensus; two members of the TWG disagreed with this policy. Please see 'Further considerations around certain topics', pg. 14.</i>	

Further Considerations around certain topics

Minimum wage

The TWG did not reach a full consensus for the recommendation that individuals under the age of 16 be entitled to a lower minimum wage. Two members of the TWG disagreed and wished to record their concerns as follows:

“The minimum wage is intended as a legal baseline below which no workers should fall without exception. If some subsections or classes of worker are allowed to be carved out of this basic standard, many more vulnerable groups of workers with less ability to resist employers' power will also risk losing the bare minimum protection. Furthermore, it is unclear that such an exception would be constitutionally compliant under current human rights legislation.

In addition, individuals below the age of 16 should be focused on their schooling and not waged labour. Accordingly, although a universal minimum wage may discourage employers from employing under-16 year olds this should not be a concern.”

The remaining ten members of the TWG continued to express support for a lower minimum wage for individuals below the age of 16. Out of these members, two provided the following rationale, with the remainder expressing agreement:

“Youth working on farms are there to gain experience and should not be eligible for the full amount of minimum wage as this would be a considerable amount for 14 and 15 year olds. Our experiences in the agricultural sector indicate that employers will pay youth an adequate wage corresponding to their ability.

Other provinces have implemented variations on the minimum wage. The youth wage was seen as a means to promote age-relevant employment without which certain age groups may be unemployable. When considered in conjunction with requirements for employing youths, such as rules restricting hours of work and limiting work activities, a youth minimum wage would be a strong policy.”

Termination pay

Although there was consensus for the recommendation to exempt family members from this standard, two members of the TWG wished to record the following additional considerations:

“In cases where there is a poor relationship and potential for abuse having some minimal standards may provide some protection to the employee even if there are other protective legislation. Employees may not know about other legislation or face difficulty in seeking their application.”

The remaining ten members of the TWG expressed support for the exemption of family member employees from termination pay. Out of these members, two provided the following rationale, with the remainder expressing agreement:

“Termination rules around family members would be difficult to regulate due to the complexity of family relationships, and since they are often not paid in traditional manners. In addition, in instances where family members are being fired there are generally larger legal and protection issues at stake.”

Additional Items Discussed by the TWG

The TWG would like to propose the following recommendations that fall outside their mandate. They are noted below for consideration by government.

1. An appropriate amount of time should be provided to phase-in any changes so that the agricultural industry has enough time to adjust. The recommendation is that a phase in period of at least one year (which is one growing season) be given to allow farm operations to adapt their operations to any employment standards changes.
2. Education sessions should be conducted to inform the agriculture industry of any upcoming changes.

Summary

See executive summary

APPENDICES

A. Technical Working Group Participants

Participants were selected against a range of criteria to ensure appropriate representation from a representative group of parties. Parameters included, but were not limited to, geography, agricultural sector, farm and ranch employers, farm and ranch employees, gender, expertise, and experience.

Technical Working Group Participants:

- Blaine Staples, Red Deer County, producer, U-Pick and Agri-tourism operator
- Stuart Thiessen, Strathmore, producer (cow/calf and grain), feedlot operator
- Steven Marshman, Strathmore, producer (mixed farming), and Alberta Canola Producers Board Member
- Susan Schafers, Stony Plain, egg farmer
- Gweneth Feeny, Edmonton, senior researcher Alberta Union of Provincial Employees
- Joel Beatson, Edmonton, executive director Landscape Alberta
- Gordon Tait, Lethbridge, partner Meyers Norris Penny LLP (representative of Hutterian Brethren)
- Martin d'Entremont, Calgary, United Nurses of Alberta
- James Suydam, Calgary, agri-food worker, Administrator for All Seasons Mushrooms, Inc.
- Laurie Fries, Wainwright, mixed livestock producer
- Tjerk (Jack) Dejong, Fairview, former producer (crop and hog)
- Morgan Gallatin, Wetaskiwin, worker, dairy worker

B. Technical Working Group Terms and Conditions

Technical Working Group Overview

Each technical working group (TWG) has up to 12 representatives from the farming and ranching sector including both employees and employers, labour groups and technical experts, representing a broad and diverse range of voices.

Each working group will be chaired by an independent and impartial individual with demonstrated mediation, consensus and board governance experience.

Farm and Ranch Secretariat

The Secretariat is comprised of Agriculture and Forestry staff who provide project management, process design and facilitation, research, logistics/administrative, information gathering and packaging support.

Technical Working Group Support

Agriculture and Forestry and Labour will provide facilitation, coordination, Farm and Ranch Secretariat support, and technical expertise as required to all TWGs.

Expectations

Participants of TWGs will be involved in one of the following: a review of Employment Standards Regulation; Labour Relations; a review of Existing Health and Safety Related Requirements in the Occupational Health and Safety Code (two TWGs); a review of Best Practices for Health and Safety on Alberta's Farm and Ranch Operations; or Education, Training Resources and Certification.

Participants will share their knowledge, advice and input on how employment standards regulation, labour relations, existing health and safety related requirements in the occupational health and safety code, best practices for health and safety on Alberta's farm and ranch operations, or education, training resources and certification should be applied given the unique needs of employers and employees in the agriculture sector.

Participants will participate from May 12, 2016, until March 31, 2017, or earlier as determined by Her Majesty the Queen as represented by the Minister of Agriculture and Forestry.

Participants agree to:

- a) work cooperatively and collaboratively with other TWG participants to achieve the tasks set out in the TWG Mandate.
- b) establish mutually agreed upon operating principles for the TWG.
- c) uphold the mutually agreed upon operating principles for the TWG.
- d) attend and actively participate in all TWG meetings and teleconferences.

Agreements are individual participation agreements, therefore substitutes or

- delegates may not attend. Because the timelines for this process are ambitious, significant progress will need to be made at each meeting.
- e) prepare in advance of all meetings to ensure timely progress of the mandate.
 - f) provide input into the preparation of “key communication points” for delivery to the Minister.
 - g) provide input toward the advancement and accomplishment of the TWG Mandate, including Recommendation Development and Technical Working Group Communication described below.
 - h) respond to emails in a timely manner, as required.

Meeting Schedule

Technical Working Group participants will meet:

- Between June 13 and 30, 2016, for one, possibly two, two-day meetings, depending on requirements.
- In late July or August, for either a one- or two-day meeting.
- Additional meetings or conference calls may be required at the discretion of the Chair in consultation with and approval of the Secretariat.
- With the exception of the first meeting, the Chair and TWG participants will determine the schedule for in-person meetings and conference calls.

Recommendation Development

TWG participants will provide input on content and format of the recommendations, and critically review draft recommendations for submission to the Minister of Agriculture and Forestry and Minister of Labour.

TWG decisions are reached through consensus. For the purposes of the TWGs consensus means:

“A decision or direction that every TWG participant agrees to actively support. The group has gone through a decision-making process where the discussion is heard by all and the decision is an expression of the wisdom of the group.”

It is at the Chair’s discretion to decide when the group has put in sufficient effort to reach consensus. When consensus cannot be achieved, strategic options will be presented to the Ministers.

Technical Working Group Communication

Ministers

TWG Chairs, with input from participants, will formulate “key communication points” at the end of each meeting and deliver this information to Valerie Gilpin, designated Minister Representative with the Farm and Ranch Secretariat.

External

TWG participants are expected to act as ambassadors for their respective stakeholder groups. They will facilitate the exchange of relevant information to improve understanding of diverse interests and strengthen outcomes.

Participants can share the key communication points with the public.

Each TWG's Chair serves as the official spokesperson for the group. TWG participants will direct all media inquiries to the Chair.

Internal

TWG decisions and actions will be recorded in a Record of Decisions.

The Secretariat, with Direction from the Chair, will ensure agendas are shared with participants prior to meetings and Record of Decisions are shared after each meeting.

The process and tools for sharing and storing relevant information will be agreed to by the Chair and participants.

Participant Contributions and Personal Information

Participant Contributions

Participants understand any written documents and quotations ("Material") provided to the Government of Alberta, its employees, agents, representatives and sub-contractors can be used together with their name by the government for matters related to achieving the TWG Mandate. The Material may be made publicly available. All government communications where this Material appears is the property of the Government of Alberta, solely and completely.

Participants understand their consent is not required for the Government of Alberta to make use of the Material if it is not associated with their name or any other identifying information.

Participants understand they have no intellectual property rights in the Material.

The Government of Alberta shall not be liable to a participant for any claim arising from the use of the Material.

Participants understand that they may withdraw their consent in writing at any time. The withdrawal of their consent will only apply to the use of the Material in new communications or publications.

Personal Information

Participants understand personal information about them is collected pursuant to section 33(c) of the *Freedom of Information and Protection of Privacy Act* as it relates directly to

and is necessary to develop recommendations for consideration by the Minister of Agriculture and Forestry and the Minister of Labour on how employment standards, occupational health and safety, and labour relations requirements should be applied given the unique needs of employers and employees in the agriculture sector. Questions about the collection of this information may be directed to Diane McCann-Hiltz, Director Farm and Ranch Safety 7000-113 Street Edmonton, AB T9G 1Y5 780-422-6081.