

Farm and Ranch Workplace Legislation

Recommendations Report

Report to Ministers

**Technical Working Group 5: Occupational Health and
Safety (OHS): Best Practices in Agriculture**

Submitted to:
Minister Carlier
Agriculture and Forestry

Minister Gray
Labour

February 22, 2017

Letter to Ministers

Dear Minister Carlier and Minister Gray,

February 22, 2017

As Chair of Technical Working Group 5 (TWG5): Occupational Health and Safety (OHS): Best Practices in Agriculture, I am pleased to present our Recommendations Report to Minister Carlier, Agriculture and Forestry and Minister Gray, Labour.

The Farm and Ranch Workplace Legislation consultation was an excellent opportunity to collaborate with Albertans and the farm and ranch community on best practices for occupational health and safety in agricultural workplaces. On behalf of TWG5 participants I wish to thank the Ministers for this opportunity.

I also wish to thank those who participated in this group and provided valuable insight into the complex nature of agricultural workplaces. The participants' willingness to work collaboratively and strive for consensus within the group created an effective environment for productive work. That environment, and the efforts of each of the participants, allowed the group to arrive at thoughtful recommendations based on their own experiences and the feedback they received from their respective communities. Each member of the group demonstrated their commitment to health and safety on farms and ranches in Alberta. This report would not have been possible without the contributions of each team member.

I would also like to express my appreciation for the work of Government of Alberta staff. The Technical Team was invaluable in providing technical and logistic support. The expertise of the Technical Team provided a high level of support to TWG5 as it worked to produce its decisions.

Lastly, I would like to express my appreciation to Minister Carlier and Minister Gray and the Government of Alberta for providing the opportunity to participate in this process.

This report provides direction and options that would foster the development of a higher level of Occupational Health and Safety on Alberta farms and ranches.

The OHS: Best Practices for Agriculture TWG5 participants listed below agree to, and support, the report's content.

Alfred L. Borbely
Allan Child
Don Voaklander

Jennifer Buck
Jim Hole
Jody Bignell

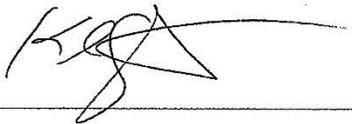
Les Oakes
Miranda These
Tom Kennelly

The OHS: Best Practices for Agriculture TWG5 participants listed below agree to support the report's content except for the Topic Recommendations as follows:.

Dale Collison, Greg Harris and John Waldner do not concur on Topic 1, all Recommendations, and Topic 3, Recommendation (g). Mr. Harris wrote the dissent rationale for those Recommendations; Mr. Collison and Mr. Waldner agreed with that rationale.

Mr. Collison wrote a dissent rationale for Topic 3, Recommendation (f) addressing working alone.

Sincerely,

A handwritten signature in black ink, appearing to read 'Klaus Opatril', is written over a horizontal line.

Klaus Opatril

Chair, OHS: Best Practices for Agriculture Technical Working Group 5

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Executive Summary

Technical Working Group 5 (TWG5): Review of Best Practices for Health and Safety on Alberta's Farm and Ranch Operations was charged with reviewing current best practices related to the healthy and safe operations on farms and ranches. The participants in the TWG represented a diverse range of agricultural enterprises spanning the province and an expert in the causes of farm and ranch injuries and deaths. Participants shared their perspectives and experiences related to the agricultural sector.

TWG5 met on three occasions: June 15 and 16, August 4 and 5, December 14, 2016. At these meetings the participants received information from ministerial experts as to current best practices in occupational health and safety in Alberta, Canada and internationally. The TWG used this jurisdictional review to identify gaps in the current best practices and to develop recommendations to address gaps. The TWG also identified communication and education as key factors in ensuring that Alberta becomes a world leader in farm and ranch health and safety.

Introduction

The Government of Alberta (GoA) implemented the *Enhanced Protection for Farm and Ranch Workers Act* to bring the protection and compensation of waged, on-family farm and ranch workers in line with protections already extended to other workers in Alberta and similar provinces. The Government of Alberta established six technical working groups tasked with developing recommendations to inform the drafting of regulations, codes and guidelines for the farm and ranch legislation.

TWG5: OHS- Best Practices for Agriculture was charged with reviewing current best practices related to health and safety on farms and ranches and asked to provide advice, suggestions and recommendations on best practices prevalent in the agricultural sector. This TWG was also asked to determine if gaps *existed* in current best practices and if so then provide advice, suggestions and recommendations to help address these gaps.

Consultation Process

The first stage of consultation involved an in-depth review of existing codes and practices by the six technical working groups. All groups received their instructions from the Deputy Ministers and then met as independent groups to work through the guideline provided by the Ministry of Labour.

TWG5: OHS- Best Practices for Agriculture began its work by participating in a workshop titled Forging Solid Working Relationships. The objectives of the workshop were to:

- Lay the foundation for achieving shared understanding, clarity and constructive outcomes in a collaborative consultation process
- Recognize the diverse expertise of the participants and to forge a strong, productive working relationship
- Introduce a consensus decision making model to be used in making decisions.

To provide participants with a common data set, experts from Alberta Agriculture and Forestry and Alberta Labour made presentations related to the following:

- Alberta's Occupational Health and Safety system and legislation
- Alberta Occupational Health and Safety current resources
- A definition of best practices
- Alberta Agriculture and Forestry current resources
- Best practices from within Canada, the United States and International Jurisdictions

Working Group Mandate

TWG5 will assist with the review of current best practices related to healthy and safe operations on farms and ranches, and provide advice, suggestions and recommendations on best practices prevalent in the farm and ranch sector.

The mandate for the working group consists of completion of the following tasks.

1. Identify and agree on best practices associated with promoting and protecting the health and safety on Alberta farms and ranches that are acceptable;
2. Develop a list of best practices that currently exist and are being used in Alberta. This should include the best practices which are mandatory and which are voluntary to comply with (i.e. if sector association membership dictates compliance with standard X);
3. A list of identified gaps between existing best practices (including resources that exist outside of Alberta that may help fill these gaps), including:
 - a. A process to evaluate these resources to determine if they can be applied to Alberta's situation. Identify topics to create new 'made in Alberta' best practices.
4. Make any suggestions or recommendations on how best the practices can be communicated to, and understood by, the farming and ranching community in Alberta.

Recommendations

Topic 1.

The working group drew upon the expertise from within the group to identify vehicle rollovers, particularly tractors, as the leading cause of injury or death on Alberta's farms and ranches.

Decisions

The following mandate items were not agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are presented as non-consensus recommendations for consideration.

1. (a) Recommendation

Recommend GoA develop a practical guideline to help employers fulfill their obligation to protect the health and safety of workers who operate and work around tractors.

Rationale/Discussion

In order for employers to meet their responsibility to ensure that workers are competent, it is identified that a best practice for the safe use of tractors is necessary to address the specific hazards workers face when using them.

1. (b) Recommendation

Recommend GoA develop an incentive program to assist in the retrofitting for ROPS on tractors (example: Growing Forward 3 Program).

Rationale/Discussion

If the GoA accepts that the installation of ROPS on tractors will save lives and reduce injuries among farm and ranch employees, the GoA should provide assistance to farm and ranch employers in making this change.

1. (c) Recommendation

Recommend that TWG 3 and 4: Review of Existing Health and Safety Requirements in the Occupational Health and Safety Code, review a requirement that tractors operated in agricultural operations employing workers be required to have Roll-Over Protective Structures (ROPS) and seatbelts.

Rationale/Discussion

Rationale for – Roll-overs are identified as one of the leading mechanisms of death and injury on agricultural workplaces.

Rationale against - As stated, this recommendation is far too general in scope and lacks evidence from which the group can draw a conclusion. While our group expert should undoubtedly have access to statistics and subsequent analysis to prove the need, if one truly exists, we are instead left with sweeping motherhood statements which have failed to convince

me. While the number of tractor roll-overs in Alberta can be quantified there is no subsequent analysis of that data, such as;

- how many of the roll-over deaths were in tractors manufactured after 1984 when ROPS were standard in North America?
- how many of the roll-over deaths were in tractors manufactured in 1984 or earlier and not equipped with ROPS.
- how many of the deaths in roll-overs could be attributed to a secondary health issue?

In fact, one study was cited in an earlier draft of the final report and used as rationale for the statement:

“Northern European countries with legislation requiring ROPS on all tractors have nearly eliminated rollover fatalities”¹

Rautianinen RH et al. Cochrane Database of Systematic Reviews. 2008:Issue 1

After researching this study, it actually provided some insight to a significant difference between ROPS on new tractors and on ROPS retro-fitted onto older tractors. While ROPS fitted on new tractors prior to sale showed a decrease in deaths and injuries, the opposite was true for old tractors retro-fitted with ROPS. This group showed an increase in deaths and injuries. The response to this was to delete and dismiss this cited study from the report while providing no evidence to the contrary. My own research could find no other study that made this distinction between new and old tractors. This alone should be enough to require more scrutiny before blindly recommending ROPS be required on all old tractors.

Clearly, other jurisdictions that have OHS legislation have recognized this and other impediments by “grandfathering” agricultural tractors made prior to 1985, including British Columbia. Others have made exceptions for tractors used as stationary engines or those that “operate in a specific location where there is no significant hazard of rollover, and the surface in the area of operation is maintained free of ground irregularities which might cause a rollover.” The additional factor of adding weight above the centre of gravity that was not factored into the original design and may affect the tractor’s stability have not been adequately considered.

This recommendation contains the words *“requirement that tractors operated in agricultural operations employing workers be required.....”* This suggests that a family farm that employs a worker cannot have any tractors without ROPS and seatbelts, even if they are only operated by family members. This flies in the face of exemptions given to family members and non-paid workers for family farms.

In the end, this recommendation is poorly written and not supported by any evidence presented to TWG5.

Topic 2.

Current legislation exempts Alberta farming and ranching operations from most OHS Regulations and Code. While the GoA promotes FarmSafe Alberta as a mechanism for development of a safety plan on farms and ranches it is a voluntary program.

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.

2. (a) Recommendation

Recommend that GoA revise the current FarmSafe Alberta program to ensure that it meets legislated requirements of the OHS.

Rationale/Discussion

Alberta farming and ranching operations are currently exempt from OHS Regulations and Code. At present there is no way to ascertain the health and safety conditions workers face on agricultural operations. The GoA promotes FarmSafe Alberta as a mechanism to develop a safety plan for farms and ranches but it is a voluntary program.

2. (b) Recommendation

Recommend that GoA recommend that all farms, ranches and other agricultural operations employing workers develop a health and safety management system.

Rationale/Discussion

Understanding that requiring a health and safety management system for agricultural operations is not in current legislation, such a system would ensure that such operations will have met their legislative responsibilities.

Topic 3.

The review of Agriculture and Forestry resources regarding farm and ranch safety led the working group to conclude that more is needed to ensure that the resources are promoted to the farm and ranch community. Further, the working group found that practical guidelines are needed to address various health and safety concerns.

Decisions

The following mandate items were not agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are presented as non-consensus recommendations for consideration.

3. (a) Recommendation

Recommend that GoA establish a best practice regarding entanglements.

Rationale/Discussion

A best practice addressing entanglements is necessary in order to address the specific hazards workers face when using equipment where entanglements are an identified hazard.

3. (b) Recommendation

Recommend that revisions be made to the Safety Up Factsheets to include current legislative standards and they be included as additional resource links to the FarmSafe Guide.

Rationale/Discussion

If the GoA accepts recommendations that amend current legislative standards, a rewrite of the current Safety Up factsheets will be required.

3. (c) Recommendation

Recommend that GoA develop a practical guideline to help employers fulfill their obligation to protect the health and safety of workers who operate general mobile farm equipment.

Rationale/Discussion

A best practice for the safe use of general mobile farm equipment is necessary in order to address the specific hazards workers face when using them.

3. (d) Recommendation

Recommend that GoA develop a practical guideline to help employers fulfill their obligation to protect the health and safety of workers who handle animals.

Rationale/Discussion

A best practice for those who handle animals is necessary to address the specific hazards workers face.

3. (e) Recommendation

Recommend that GoA develop a practical guideline to help employers fulfill their obligation to protect the health and safety of workers who work in confined spaces.

Rationale/Discussion

A best practice for those who work in confined spaces is necessary in order to address the specific hazards workers face.

3. (f) Recommendation

Recommend that GoA develop a practical guideline to help employers fulfill their obligation to protect the health and safety of workers who work alone.

Rationale/Discussion

Rationale for: Understanding that Working Alone (OHS Part 28) is not under the current legislation for the agriculture industry, it is an identified hazard faced by many in this industry. While there is a generic Working Alone guideline developed by the Alberta Government, a guideline specific to the needs of farming could help with identifying their particular hazards and assist them with developing safe practices.

Rationale against: We only had one member speak of his experience, yet the entire agriculture industry is heavily affected by this. Not only farms and ranches but also agricultural businesses. I don't believe our recommendation did enough to cover the needs. Copying others is not always the best way to go.

3. (g) Recommendation

Recommend that ROPS be in place and training for all-terrain vehicles (ATV) use be reviewed by TWG 6: Review of Occupational Health and Safety Education, Training Resources and Certifications.

Rationale/Discussion

Rationale for:

It is identified that one of the leading mechanisms of death and injury is from rollovers. The number of deaths and injuries could be reduced by the installation of ROPS on ATVS. (OHS Code Part 19 Powered Mobile Equipment).

Rationale against:

While I take no issue with referring training for all terrain vehicles to TWG6, I do take issue with the not so subtle suggestion that ROPS be required or in other words, legislated. This statement is wrong on several levels not the least of which is the confusion over what ROPS are and a lack of recognition of the varied and distinct types of ATV's and their characteristics.

Firstly, Roll-Over Protective Structures (ROPS) are generally defined as strong cages, frames, roll bars, or other structures attached to certain types of powered mobile equipment. (*Part 19 OHS Code*) In order to function correctly there are two criteria, crush resistance and containment. Certain types of All-Terrain Vehicles, or as Alberta defines them, Off-Highway Vehicles, are designed to support the use of ROPS and rider restraints, i.e. seatbelts or

harnesses such as side by sides (UTVs), dune buggys etc. Other types of OHV's such as trail bikes, quad bikes (ATVs) and snowmobiles, do not. Therefore, the term ROPS when referring to quads is incorrect. In addition, these vehicles require "active riding" a technique where the rider utilizes body position and weight distribution to assist in controlling the vehicle.

Our group expert in the causes of farm and ranch injuries and deaths has supported this recommendation by saying that ground zero for the debate about ROPS on ATV's has been Australia where the majority of ATV use is in the agricultural industry. Contrary to other information provided, there is currently no legislation in effect requiring Operator Protection Devices (OPDs) be fitted on new or used Quad Bikes as of January 4, 2016 when I spoke to an officer at Worksafe Victoria in Australia.

The most prominent study in Australia to date is the Quad Bike Performance Project conducted by Transport and Road Safety (TARS), University of New South Wales, for the Workcover Authority of New South Wales (2015). There are some fundamental differences in terrain, climate and overall size of farms/ranches between Alberta and Australia as well as a vast difference in the statistical severity of the numbers of deaths due to ATVs (Quad bikes). According to the TARS Report, in the 10 years leading up to 2015 there were 130 quad bike fatalities, 64% of those were on farms. Additionally, "The dominant injury mechanism for farm cases was rollover followed by being pinned by the vehicle resulting in crush injury and/or mechanical asphyxia. 70% were pinned under the Quad bike. Most of the pinned events were with the vehicle on its side, not upside down, by a factor of approximately two to one (2:1)." Interesting given that OPDs are designed to give room to prevent being pinned by the Quad bike if it is upside down, not on its side which says that 2/3 of these cases likely would not be helped by an OPD.

In contrast, according to the Canadian Agricultural Injury Reporting (CAIR) study Agricultural Fatalities in Canada 1990-2008 show a total of 22 deaths from Off Highway Vehicles for the 19 years in the entire country. That is less than 1% of all agricultural fatalities and includes deaths where the person was not engaged in farm work but the incident occurred on a farm. A subsequent study by the Alberta Injury Reporting Centre detailed 185 ATV related deaths in Alberta from 2002-2013 or roughly 16 per year. In an update of the CAIR data for Agriculture - related Injury Deaths Involved in Machine - related Rollover by Machine Type - Adults (15 - 59 years), Alberta, 1990 - 2013 and Older Adults (60+ years old), Alberta, 1990 - 2013 it showed 5 and 4 deaths respectively over 24 years due to ATVs. Under the category Children Age 0-14 no numbers were given for ATV related deaths due to the small number of deaths for each additional mechanism. It is clear by these numbers that the ratio of agriculture related ATV deaths to recreational or other uses is nowhere near the Australian numbers. It is quite the opposite and raises the question whether the push for this recommendation is fuelled by numbers from other than agricultural use in order to influence the regulation of ATV use in general.

The TARS Report makes some interesting observations about OPD use and safety. The report is very long but I have included some key statements from the report.

CONCLUSION 12: OPDs. In regard to injury prevention in rollovers for the workplace environment, the two OPDs (Quadbar and Lifeguard) are likely to be beneficial in terms of severe injury and pinned prevention in some low speed rollovers typical of farm incidents. They do not reduce the incidents of rollover. In some specific cases injury risk could be increased although there is currently no real world recorded evidence of this. The findings support the

view that multiple controls need to be applied. Of course there is scope for improvements to OPD designs in future.

The important admission here is not that injury could result from OPD's but that they have little data to go on. In Australia, it is estimated that there were approximately 270,000 Quad bikes and SSVs in use in 2010 (Mitchell, 2014, Australian ATV Distributors, 2010). This compares to an estimated 80,000 Quad bikes and SSVs in use in New Zealand agriculture in 2010 (Carman et al, 2010) and an estimated 10 million Quad bikes and SSVs in use by 16 million individuals in 2008 in the United States (US) (Mitchell, 2014, Helmkamp et al, 2011). While Australia is considered ground zero, we seem to be ignoring the vast amount of research and study done by and on behalf of the United States Consumer Product Safety Commission. There is 'real world' evidence in some of those studies of injuries directly attributable to OPDs, in particular head, neck and spine.

CONCLUSION 13: OPDs

In the order of effectiveness phasing out of Quad bikes and replacing with well-designed SSVs is likely to be superior to reliance on fitment of OPDs for risk mitigation. In the interim, for low speed workplace environments OPDs may be beneficial overall, but may also prove hazardous in some crash circumstances. However, any Australian real world case demonstrating that an OPD has been causal to an injury has yet to be identified. Moreover, fitment of these devices needs careful monitoring and evaluation by regulators to ensure that any possible adverse outcomes of OPDs are promptly identified and publicized. This is not to suggest that significant improvements to the rollover crashworthiness effectiveness cannot be achieved for both Quad bikes with OPDs and SSVs in the future.

"There were a number of rollover crashes where the OPD would not have assisted the rider. What is not currently knowable from the available data or analyses is how many, if any, non-serious injury Quad bike rollovers would have become injurious had an OPD been fitted."

This conclusion is interesting for its contradictions. They seem to want to articulate the limitations of the effectiveness of OPDs while emanating the hope that in certain low speed workplace environments they may be beneficial. They are prepared to support the use while admitting they need careful monitoring and evaluation to ensure that any possible adverse outcomes of OPDs are promptly identified and publicized. Small solace to anyone injured or killed because testing and evaluation was not thorough enough.

"For Quad bikes, OPDs do not satisfy the fundamental crashworthiness criteria for rollover, i.e. containment and crush protection. "

.....However, manufacturers have highlighted that in some scenarios (see Part 3: Rollover Crashworthiness Test Results) the OPD could exacerbate the injury. The rollover crashworthiness tests did highlight a potential issue with the Quadbar in a forward pitch roll and for the Lifeguard in a rearward pitch roll.²⁹ Moreover, based on computer simulations by Munoz, et al. (2007 and 2012) where they stated "for the population of overturns, the Quadbar would cause approximately as many injuries and fatalities as it would prevent", i.e. Industry's hypothesis that OPDs are likely to do as much harm as good thus simply substituting one injury mechanism for another, and therefore continue to oppose OPDs.

Clearly, there are as many if not more risks with fitting OPDs to Quad bikes as there are perceived advantages. As stated previously, there are also important differences between Australia and Alberta as it relates to terrain, climate and the size of farm/ranch holdings. There

are considerably more forest and brush areas on Alberta farms which provide an increased hazard for catching and upending a quad bike. Pictured are the two supported OPD's in the TARS Report.

Quadbar

Lifeguard

QB Industries

Ag TECH industries

8.5kg

14.8kg



Anyone actually experienced in riding quads in Alberta could attest to the hazard these devices present particularly if caught by vegetation or hidden wire, hazards not as common in Australia.

As it relates to recognizing the role of active riding for Quad bikes, the TARS Report recommended a new warning label for these machines.

“Recognize that the current configuration Quad bikes are promoted by Industry as Active Riding machines and that riders should not use them if they are not trained, or the task does not allow active riding, etc. The Authors therefore recommend a new safety warning label on Quad bikes with a continuous specific communication campaign to support this:

WARNING for QUAD Bike Riders

THIS VEHICLE IS DESIGNED AND REQUIRES THE RIDER TO USE ACTIVE RIDING - IF YOU HAVE NOT BEEN TRAINED IN ACTIVE RIDING, DO NOT HAVE THE PHYSICAL CAPACITY OR CAN NOT APPLY ACTIVE RIDING WHEN YOU ARE RIDING, THEN DO NOT USE THIS VEHICLE. IT IS UNSAFE FOR YOU.

The US Consumer Product Safety Commission has emphasized the need for collaborative work with the industry in improving ATV (Quad bike) safety focusing on improving overall stability and crashworthiness. Much has been accomplished, but there is much to be done, particularly in the area of crashworthiness. Clearly, current design and testing of OPDs is far

from adequate and more needs to be done before legislating any kind of OPDs or as incorrectly identified, ROPS. I find no fault with people concerned enough to want to be seen as doing something to prevent deaths and injuries from operating ATVs (Quads) however this must be tempered with caution and based on evidence rather than conjecture. The factors needing more consideration are the human variables; skill level, strength to be able to control the machine and judgment. These are best addressed through training of young riders and education aimed at older riders.

At the start of this process we received a presentation from OH&S which included a statement about 'Best Practices'; that they be evidence based, appropriate, applicable and achievable. These two Recommendations fail this test on several counts. Neither are evidence based while Recommendation #1 is not appropriate given that for most 'old' tractors(pre 1985) there are no OEM or aftermarket ROPS available. The process to design and approve ROPS for every make and model of 31+ year old machine to SAE, ISO, CSA or any other standard are extensive and prohibitively costly, far more than most machines are worth. Recommendation #3 is not applicable as the rationale comes from data not relevant to the agriculture industry in Alberta. Neither are likely achievable.

Topic 4.

The review of Occupational Health and Safety resources led the working group to conclude that while the resources provide good direction and advice to the farm and ranch community they were not available in a broad enough range of learning modalities and languages.

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.

4. (a) Recommendation

Recommend that GoA add to the FarmSafe manual different learning modalities: foreign workers – English as an additional language; resources (posters, visual aids, etc.); and training programs.

Rationale/Discussion

Employees in the farm and ranch industry represent the same broad diversity found in Alberta as a whole. It is important that GoA resources and training programs be available in a variety of languages and addresses various learning modalities.

4. (b) Recommendation

Recommend that GoA add to the document, Roles And Responsibilities of Supervisors, the following: Training techniques: explain the job, demonstrate the job, have employee demonstrate their competency of the job to provide confirmation of understanding.

Rationale/Discussion

Accepting that employers may have a wide range of abilities in educating employees regarding their tasks, it is important that a prescriptive model be available to those who may choose to use it. Effective education of employees regarding their job requirements could reduce the incidence of death and injury in the workplace.

Topic 5.

The working group grew concerned that the potential introduction of new legislated requirements and guidelines could create a burden for individual farms and ranches to keep abreast of the developments. The working group believes that a level of support be developed to ensure successful implementation of the new requirements.

Decisions

The following mandate item was agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. It is recommended to the government for consideration.

5. (a) Recommendation

Recommend that GoA provide technical and financial support to develop a system in Alberta similar to AgSafe (an independent association, governed by a Board of Directors whose members represent BC farm employer and worker organizations) in helping disseminate best practices.

Rationale/Discussion

Major industries such as construction and manufacturing have designated health and safety associations that work in partnership with the Alberta government (Certifying Partners). A similar organization specific to the agriculture industry such as AgSafe would be necessary in order to build and develop effective health and safety systems as well as assisting with meeting their legislative responsibilities.

Topic 6.

The working group believes that best practices will be more readily adopted if supports are provided that ensure a higher level of awareness of the best practices. Communication of best practices to stakeholders in a variety of modalities is key to the widespread implementation of best practices.

Decisions

The following mandate item was agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. It is recommended to the government for consideration.

6. (a) Recommendation

Recommend that GoA develop a plan for dissemination of health and safety information for the agriculture industry (e.g. social media, radio/TV ads, billboards, posters, pamphlets, etc.).

Rationale/Discussion

A communications plan must be developed and put in place to ensure effective dissemination of all resources, legislative changes and awareness materials to the users. Partnerships with agriculture sectors could also be an appropriate means of sharing relevant information to their members

Topic 7.

The safety of children on farms and ranches is a pressing concern. More needs to be done to ensure that the agricultural community is aware and understands what constitutes appropriate involvement for children in agricultural tasks. This issue is out of the TWG5 mandate but feedback is coming from industry groups that there is a requirement for education.

Decisions

The following mandate item was agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. It is recommended to the government for consideration.

7. (a) Recommendation

Recommend that GoA, in partnership with agriculture associations, facilitate awareness of the North American Guidelines for Children’s Agricultural Tasks.

Rationale/Discussion

The North American Guidelines for Children’s Agricultural Tasks (NAGCAT) is a collection of guidelines designed to assist parents and others in assigning age-appropriate tasks for children ages 7–16 who live or work on farms and ranches across North America. The guidelines are based on an understanding of childhood growth and development, agricultural practices, principles of childhood injury, and agricultural and occupational safety. Voluntary use of the guidelines can help parents and others make informed decisions about appropriate tasks for youth. They can provide consistent messages to ensure continued safety on Alberta farms.

Topic 8.

The working group has concerns about the role fatigue plays in adversely affecting the health and safety of workers on Alberta's farm and ranches. Employers and workers need opportunities to increase their awareness of fatigue as an issue for health and safety in agriculture workplaces.

Decisions

The following mandate item was agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. It is recommended to the government for consideration.

8. (a) Recommendation

Recommend that GoA develop a best practice on fatigue by investigating the Saskatchewan program - Sleepless in Saskatchewan or similar programs.

Rationale/Discussion

Sleep deprivation and fatigue are risk factors in agricultural operations.

Additional Item Discussed

The following topic was brought forward by some members of the TWG. It falls outside the TWG5 mandate. It is noted below for consideration by government.

Recommendation

Education of Farm and Ranch communities on the new regulations.

Rationale/Discussion

Under each recommendation is an area asking for POSSIBLE APPROACHES. Not one holds any information, such as education, be it in agriculture college, a course with certifications. Answers for OHS use on farms, requirements, mandatory and discretionary. The majority of our own kids and foreign workers, being employed these days need education to operate modern equipment properly and safely. Basically we are asking the government to come up with answers that we should have more experience with.

These are some of the reasons I believe we should have done a better job as we are representing a huge industry in Alberta. So as I feel representation has not been fulfilled in the areas mentioned above I must decline agreement with those areas.

Did we make recommendations on how best practices could be understood by the agriculture industry or did we ask the government to come up with them? I am also somewhat concerned with the fact the government shall not be liable to a participant for any claims arising from the use of the material.

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:

- Jody Bignell, Rimbey, producer (mixed farming) and farm worker
- Jennifer Buck, Calgary, farm worker (equine manager)
- Allan Child, Killam, producer (dairy and mixed crops)
- Jim Hole, St. Albert, market garden/greenhouse/garden centre
- Les Oakes, Millarville, president Alberta Equestrian Federation
- John Waldner, Foremost, manager at Kingslake Hutterite Colony
- Miranda These, Tilley, worker (safety coordinator)
- Don Voaklander, Edmonton, professor and director of the Injury Prevention Centre within the School of Public Health at the University of Alberta
- Alfred L. Borbely, Millarville, farm worker
- Dale Collison, Bruce, producer (grain and cattle) and former agri-food worker, Beaver County Councilor
- Greg Harris, Cremona, cattle and forage farm worker and former police officer
- Tom Kennelly, Wainwright, worker Sun Haven Farms

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.