

Farm and Ranch Workplace Legislation

Recommendations Report

Report to Ministers

**Technical Working Group 6: Review of Occupational
Health and Safety Education, Training Resources and
Certifications Technical Working Group**

Submitted to:
Minister Carlier
Agriculture and Forestry

Minister Gray
Labour

March 29, 2016

Letter to Ministers

Dear Minister Carlier and Minister Gray,

March 9, 2016

As Chair of Technical Working Group 6 (TWG 6): Review of Occupational Health and Safety (OHS) Education, Training Resources and Certifications, I am pleased to present the Recommendations Report for TWG 6.

The consultation process has been both challenging and extremely valuable. We were fortunate that our TWG included very dedicated and knowledgeable participants. I would like to thank each of them for providing their unique perspectives in a way that allowed us to work through complex issues and divergent opinions. Members sought feedback from their respective stakeholder groups and vigorously represented those perspectives. This was always done with an eye toward our common goal of making a positive contribution to OHS education and training for the agriculture industry in Alberta. This report reflects a great deal of work and thoughtful analysis by TWG 6 members, and I am grateful for their commitment to the process.

I would also like to thank the excellent team of support staff from the Government of Alberta. The technical team provided logistical support and facilitated the collection and presentation of information from agriculture education organizations across Canada. Without this support, the work of TWG 6 would not have been nearly as comprehensive.

Finally, I would like to thank the Government of Alberta, Minister Carlier and Minister Gray for providing me the opportunity to facilitate these very important consultations.

The members of TWG 6 are very hopeful that the recommendations in this report will provide a strong foundation for the advancement agriculture OHS educational opportunities in Alberta.

The Review of Occupational Health and Safety Education, Training Resources and Certifications Technical Working Group participants listed below agree to, and support, the report's content.

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Sincerely,



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Chair, Review of Occupational Health and Safety Education, Training Resources and Certifications Technical Working Group

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Executive Summary

The mandate for TWG 6 was to assist with a review of current occupational health and safety (OHS) education and training tools available to farms and ranches, and to provide recommendations regarding which education, training and certification requirements the agriculture industry may find useful. To fulfill this mandate, TWG 6 met on five occasions for a total of eight days between June 15, 2016 and February 27, 2017. We heard presentations from the Farm Safety Advisory Council (FSAC), safety education associations across Canada, and experts in OHS law and board governance. We were also supported with information and data from Alberta Agriculture and Forestry, Alberta Labour, and the Workers' Compensation Board.

TWG 6 was able to achieve consensus on 31 recommendations. There are two areas where the group was unable to achieve consensus. Overall, the recommendations are intended to support the effective delivery of accurate OHS information to all stakeholders in the agriculture community in Alberta. This includes owners and operators, exempt family farms, and employees (including temporary foreign workers).

Five consensus recommendations were made to address how the **delivery of OHS education and training** for the agriculture industry in Alberta can be most effectively coordinated and managed. The foundational recommendation is that an agriculture health and safety association be created and led by the agriculture industry. This is supported by recommendations regarding initial and ongoing sustainable funding for the organization, establishment of a board of directors, and the main activities of the organization.

Four recommendations were made regarding **improving accessibility** to current OHS education and training resources. These included recommendations that OHS resources be available in hard copy and online, that they be made available in large print, audio format, and multiple languages, and that they incorporate icons and images that are easily understood by all users. It was also recommended that the relevant online resources be consolidated to improve ease of use and clarity of online navigation.

Fourteen recommendations were made to **fill gaps** in current OHS resources. These are wide ranging, but include developing a template for reporting unsafe working conditions, creating a quick start guide for the agriculture industry, revising the current due diligence bulletin, and recommendations for revisions to the current FarmSafe Alberta manual.

Eight recommendations are made that address how to reach and **effectively communicate** with the agriculture industry. A key recommendation is that FarmSafe advisors partner with Alberta Labour and local champions to coordinate active outreach to agriculture associations. They should provide coordinated presentations about legal requirements and how to set up health and safety systems on farms and ranches. A communication plan should be developed to raise awareness and a marketing firm should be hired to create messaging that will appeal to the agriculture industry in Alberta.

Introduction

The Government of Alberta implemented the *Enhanced Protection for Farm and Ranch Workers Act* on January 1, 2016. The purpose of the legislation was to bring the protection and compensation of waged, non-family farm and ranch workers in line with protections already extended to other workers in Alberta and other provinces. The Government of Alberta established six technical working groups tasked with developing recommendations to inform the drafting of regulations and codes, development of best practice guidelines, as well as education and training for the health and safety of those in the agriculture industry.

TWG 6: Education, Training Resources and Certification was tasked with reviewing existing OHS education resources and determining which of these may be useful to the agriculture industry in Alberta. The group was asked to identify gaps in the resources, and to provide advice, suggestions and recommendations to facilitate the coordinated communication and delivery of these resources to the agriculture industry.

Consultation Process

All groups received their instructions from the Deputy Minister of Agriculture and Forestry, then met as independent groups to work through the guidelines provided by the Ministry of Labour.

TWG 6 began its work by participating in a workshop titled “Forging Solid Working Relationships.” The objectives of the workshop were to:

1. Lay the foundation for achieving shared understanding, clarity, and constructive outcomes in a collaborative consultation process.
2. Recognize the diverse expertise and tap the interests of TWG participants to forge a strong, productive working relationship.
3. Explore TWG governance and operational concerns.
4. Become familiar with key guiding or foundation references, and required paperwork.
5. Review the TWG 6 mandate.

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

- A profile of agriculture in Alberta,
- The OHS legislation in Alberta and the *Enhanced Protection for Farm and Ranch Workers Act*,
- The Partnerships in Injury Reduction program, and
- Existing OHS resources offered by the Government of Alberta and the current FarmSafe Alberta best practices guide.

TWG 6 also received presentations from:

- the Farm Safety Advisory Council (2012),
- Keystone Safety Association and Safe Work Manitoba,
- AgSafe BC,
- the Ontario Federation of Agriculture and Workplace Safety and Prevention Services,
- the Alberta Construction Safety Association, and
- experts in OHS law and board governance.

By the end of the first meeting, TWG 6 had agreed on ground rules for group functioning, and decision principles to guide their recommendations. These are as follows:

- a) The education system must be simple to find, use and implement, and should be accessible.
- b) The education system should be flexible so that users can quickly identify what they need for their own operations and are not overwhelmed with content and rules that are not applicable to them.
- c) The education system should be aimed at keeping all workers safe including owners, paid employees, family members and others not covered by the *OHS Act*.
- d) The recommendations should consider workers with disabilities.
- e) The recommendations should consider language, cultural and literacy barriers.
- f) The recommendations should include a method of authenticating private education providers.
- g) The recommendations should borrow good ideas (models/systems/education materials) from other jurisdictions and industries.

At the end of each meeting, the group jointly created key communication points that were shared with the Ministers as well as their stakeholder groups. Since the learning process was quite lengthy and presentations from various experts occurred over the course of the first four meetings, the process of developing recommendations was iterative. The chair would draft language, based on the discussions during face-to-face meetings. This language would be reviewed by email and once there was consensus, it would be captured in the key communication points documents. Consensus was defined as:

“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.”

Draft recommendations were further discussed at subsequent meetings, after members had gathered further input from their stakeholder groups. Recommendations were refined based on feedback and reflection, and consensus was confirmed by a show of hands. Since recommendations were inter-related, TWG 6 chose to wait until the final meeting to create a consolidated record of their decisions.

Working Group Mandate

The mandate for TWG 6 was to review current OHS education and training tools available to farms and ranches, and to provide recommendations to Agriculture and Forestry and Labour. More specifically, the tasks for the working group included:

1. Reviewing recommendations made by the FSAC (2012) to enhance health and safety in farms and ranches, assess and provide further recommendations to address:
 - a. Strategic, province-wide coordination and awareness
 - b. Enhanced educational resources, training and certification
 - c. Farm-related policies and guidelines
 - d. Temporary farm workers in Alberta
2. Reviewing the activities of AgSafe in BC, Keystone Safety Association in Manitoba, and similar associations, to make recommendations as to how these types of organizations may be applicable in Alberta and become part of the Partnerships in Injury Reduction (PIR) program.
3. Developing a list of gaps in education, training and certification resources currently available, and provide recommendations or suggestions for enhancements.
4. Developing a list of existing training programs and certifications to determine if they may be impacted by the application of OHS requirements.
5. Making any suggestions or recommendations regarding how education, training resources and certifications can be communicated to, and understood by the agriculture industry in Alberta.

Recommendations

Topic 1

How can the delivery of OHS education and training to the agriculture industry in Alberta be most effectively coordinated and delivered?

Decisions

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

1 (a) Recommendation

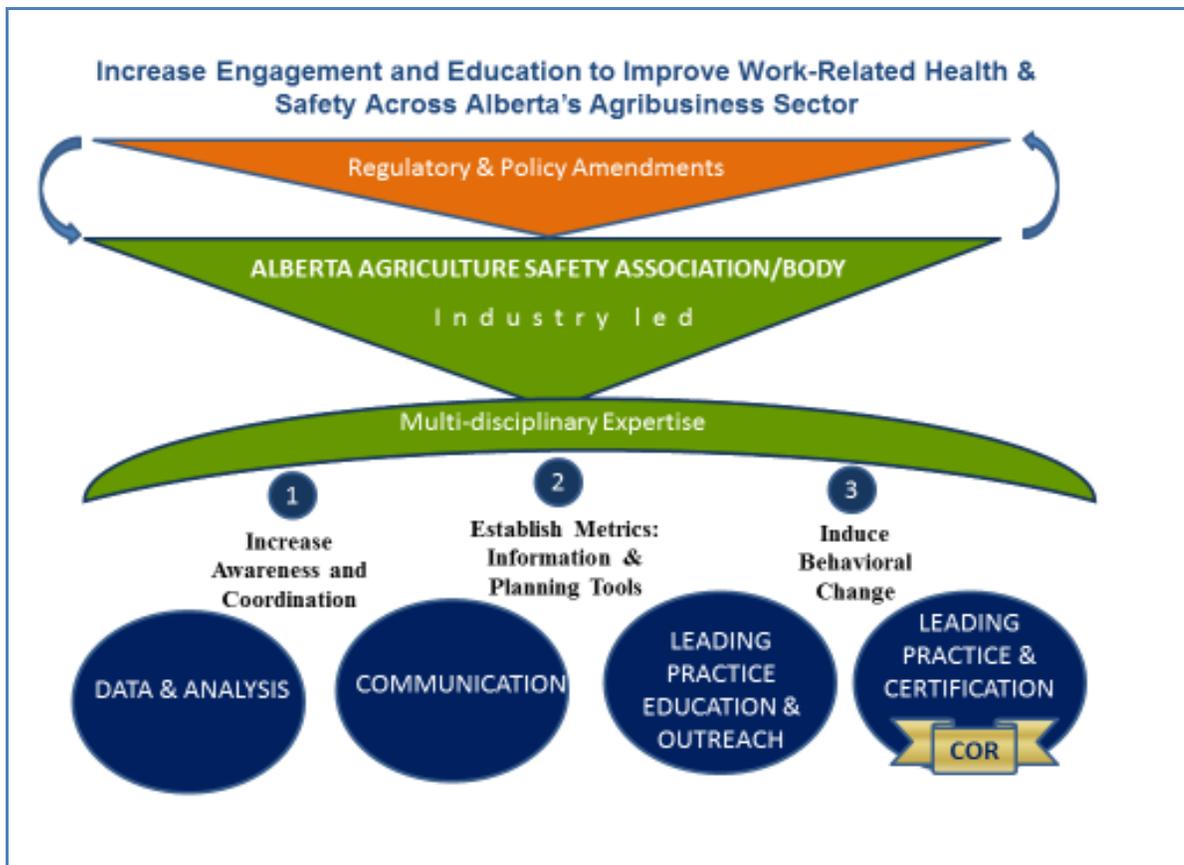
It is recommended that an agriculture health and safety association be created and led by the agriculture industry.

Rationale/Discussion

The purpose of the agriculture health and safety association is to improve farm and ranch safety by providing an integrated source of information, education, training and consultation. Key functions of the association include:

- Education, training and awareness.
- Development and dissemination of resources and tools for the agriculture industry.
- Encouraging adoption of best practices for health and safety in the industry.
- Facilitating communication between the industry and the Government of Alberta regarding safety regulation and policy.
- Collection and analysis of industry-relevant safety data.
- Supporting farms and ranches seeking COR certification from the PIR program.
- Identifying priority health and safety issues in agriculture.

The diagram on the following page depicts the objectives and core functions of the agriculture health and safety association. It is envisioned by TWG 6 as an independent organization that provides occupational health and safety educational services to the agriculture industry, information to the Government of Alberta, and with which the Government of Alberta consults on policy and regulatory matters.



1 (b) Recommendation

It is recommended that the Government of Alberta provide administrative and financial support to the agriculture industry to facilitate the creation of the initial board of directors for the proposed agriculture health and safety association.

Rationale/Discussion

Since there are many different stakeholders in the agriculture industry, it may be challenging to coordinate across groups. The purpose of this recommendation is to ensure there are resources available to support the industry in selecting the first board of directors. Although the recommendation is for administrative and financial support from the government, it is important that the initial board of directors have credibility within the agriculture industry.

1 (c) Recommendation

It is recommended that the board be in place by June 2017, include broad representation across industry stakeholders and that the initial board serve a term of two years.

Rationale/Discussion

Due to the legislative changes that have already been made, and those anticipated after the consultation process, there is some urgency to have the organization formed quickly so that it is able to provide education to the community as soon as possible. A two year term for the initial board of directors will enable them sufficient time to begin this important work.

1 (d) Recommendation

It is recommended the Government of Alberta provide sufficient start-up funding to support board and program operations for a minimum of two years.

Rationale/Discussion

Since most industry-led health and safety associations are primarily supported through levies applied to their WCB premiums, and a large proportion of the agriculture industry in Alberta will be exempt from WCB requirements, alternative sources of funding will need to be identified to support education outreach. To have the most significant impact in preventing illness and injuries, education resources should be made available to the entire agriculture industry, including individuals on farms and ranches that are exempt from the legislation, and who may not contribute to a WCB levy based system of financial support. There are costs associated with providing these education resources. Therefore, financial support from the Government of Alberta is necessary until the agriculture health and safety association is able to establish stable, sustainable sources of revenue.

1 (e) Recommendation

It is recommended that in the first two years of operation the board should engage in activities that will establish a firm financial foundation and garner support and credibility within the agriculture industry.

Rationale/Discussion

It is suggested that these activities include:

- Creating an effective method of community engagement that enables stakeholders to participate in the agriculture health and safety association and provide feedback

to the board.

- Developing bylaws and registering the association as a non-profit organization.
- Establishing a process for selection of new board members that ensures representation across the broad range of key stakeholders in the agriculture industry.
- Determining a sustainable funding model which may include: WCB levies, fees for services, membership fees, donations or other sources of revenue.
- Hiring a director to begin the work of the association.
- Building an association website.
- Identifying credible service partners and entering agreements to support education initiatives.
- Exploring and assessing certification options for the industry.

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

1 (f) Recommendation

It is recommended that a specific process be implemented for the election/appointment of the first board of directors for the industry-led agriculture health and safety association.

Rationale/Discussion

The group members were primarily concerned that the selection of the first board be both supported by industry and representative of key stakeholders. All agreed that this is extremely important to ensure that the agriculture health and safety association is viewed as legitimate and valuable to the industry.

Possible Approaches

Options for Moving Forward

The group debated a number of alternative routes to the selection of the first board of directors for the agriculture health and safety association, but did not reach agreement on this issue. Three main alternatives were discussed:

- a) The Government of Alberta could facilitate an open election process for the industry. Anyone interested in becoming a board member could put his or her name forward and be included on the ballot. There would be no limitation on who could cast a vote.
- b) Industry organizations could nominate potential members of the board. The names of these individuals and their qualifications would be submitted to the Government of Alberta and a selection made (by the Government) based on qualifications to ensure representation across industry stakeholders.

- c) Board appointment could be based on nominations from industry associations in each of the four WCB rate paying classifications (two per classification). The four classifications are:
 - i. Agri-tourism farms, greenhouses/market gardens, mushroom producers/bait farms.
 - ii. Apiaries, fishing/fish or fur farms, goat/sheep producers, hog producers, poultry/egg producers.
 - iii. Forage and peat moss processing, hay/grain/crop farming, harvesting/bailing – custom.
 - iv. Beef producers, dairy farms, elk/bison producers, feedlots, livestock auctions/stockyards, llama/alpaca producers, riding academies/horse stables.

Rationale

None of the options discussed would necessarily provide the balance of efficiency, expertise, representativeness and credibility the group felt was necessary to ensure the organization had a solid foundation.

1 (g) Recommendation

It is recommended that the board of directors for the agriculture health and safety association include meaningful worker representation.

Rationale/Discussion

The group did not agree that specific stakeholders should be named in the recommendations for the board of directors for the agriculture health and safety association. The recommendation states that the board include broad representation across industry stakeholders. Some members felt that stakeholder groups should be specifically identified (for example: employees, employers, family farm operators, WCB ratepayers, etc.). The specific concern raised was that the board include meaningful worker representation. Since the group could not reach consensus on the identification of stakeholder groups, it was agreed that the language of the recommendation would remain as “broad representation across industry stakeholders”, and that a separate non-consensus note would be added to this final report.

Topic 2

How can accessibility to current agriculture OHS education and training resources be improved?

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

It is recommended that all Government of Alberta agriculture OHS resources be available in hard copy and online. Online resources should be accessible on computer and mobile devices. Resources should be in printer friendly formats.

Rationale/Discussion

Many Government of Alberta resources are not available in print, or are not easily printed. Those without the ability to print their own resources should be able to request that a copy be mailed to them. Making resources accessible by mobile device will support use by employers and workers who may need to access them from the field.

2 (b) Recommendation

It is recommended that all Government of Alberta OHS resources for the agriculture industry be made available in large print, audio format, and in multiple languages.

Rationale/Discussion

Since many farm owners/operators/family members and employees continue to work well past the traditional retirement age, it is important that key information be made available in large print format.

Since literacy is a challenge across multiple sectors in the agriculture industry, it is important that the content of the resources be made available in an audio format.

Since Alberta agriculture employers often recruit temporary foreign workers and new immigrants, it is particularly important that worker resources be developed in the most commonly used languages in Alberta.

The Government of Alberta should conduct research to determine which languages are most commonly spoken and used on Alberta farms and prioritize the development of resources in these languages.

2 (c) Recommendation

It is recommended that Government of Alberta OHS resources for the agriculture industry incorporate icons and images that are easily understood by all users. Images should also reflect the diversity of individuals and industries in Alberta (colour, gender, occupation type), including agriculture.

Rationale/Discussion

This will facilitate uptake by those with limited literacy, and will also ensure agriculture stakeholders recognize which resources and information are most useful for them. For example, a resource for preventing back injury that only depicts office workers may mistakenly be understood as irrelevant to those in the agriculture industry in Alberta.

2 (d) Recommendation

It is recommended that the Government of Alberta consolidate relevant online resources to a single access point, and improve ease of use and clarity of navigation.

Rationale/Discussion

The SafeWork Manitoba website is a good example of a site that is dedicated to Safety (across industries), easy to navigate, available in multiple languages, and has a “quickfind” feature that enables users to search by role, industry/topic and resource type.

Main pages should provide essential information (focusing on minimum legal requirements), with links provided to information with greater depth on each topic.

Links should include brief descriptions so the user knows what information they will find if they click on the link.

Key contact information should be provided at the bottom of all pages.

Topic 3

What are the gaps in existing agriculture OHS education and training resources?

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.

3 (a) Recommendation

It is recommended that a document be developed for workers in the agriculture industry to report unsafe work conditions.

Rationale/Discussion

No document like this currently exists. It is a first step to ensure that all workers have the right and responsibility to report unsafe conditions. Creating a document that can be easily printed and used at any site would facilitate ease of use and promote hazard identification on farms and ranches. The document should include the information required (e.g. when, where, and what the unsafe condition is) as well as the process the worker is to follow. It should be developed as a stand-alone document and included in the templates of the FarmSafe Alberta manual.

3 (b) Recommendation

It is recommended that a “quick start” guide be developed as soon as possible for the agriculture industry.

Rationale/Discussion

Many in the agriculture industry are not taking action because they are uncertain about

their legal obligations, or how to go about establishing an OHS system on their farms and ranches. A simple, short guide with first steps would help overcome the concern that any work done on an OHS system would have to be repeated after changes to the Code have been made. The guide should include initial actions to establish an OHS system that will address the legal obligations of employers, and identify the most common and highest risk hazards on farms and ranches.

3 (c) Recommendation

It is recommended that the current Due Diligence Bulletin be redeveloped to focus on how farm and ranch employers can better understand what is “reasonably practicable” for their unique operations in order to ensure they are in compliance with the *OHS Act*.

Rationale/Discussion

TWG 6 identified OHS law as a significant concern, and education about current legal requirements as a priority need for the agriculture industry members who have paid employees.

We would suggest that the new version:

- be shorter.
- use a question and answer format – e.g. “How do I ensure I am meeting the obligation to...?”
- visually differentiate between key points, and detailed information.
- maintain the language of “due diligence” somewhere in the document to ensure it can still be searched using that language.

3 (d) Recommendation

It is recommended that the Government of Alberta work with the industry-led agriculture health and safety association to update the current FarmSafe Alberta manual.

Rationale/Discussion

Group members recognized the value of the current FarmSafe Alberta manual and felt it could form the foundation of a more comprehensive information source that highlights minimum legislative requirements. The suggested revisions are as follows:

- Minimum legislative requirements should be highlighted in a separate box in each relevant section of the FarmSafe Alberta manual. This is important to show the difference between minimum requirements, and best practices. The *Driving for Work: Developing Safe Practices for Employers and Workers* document provides a good example of highlighting legislative requirements.
- Paper copies of the revised FarmSafe Alberta manual should be provided to county offices and agriculture service boards to improve accessibility for individuals who have limited access to the internet.
- Sample farm “safety policies” should be included so that owner/operators have examples to use to develop language for their own operations. This is particularly

important, since Section 32 of the *OHS Act* requires that contractors and employers have a written health and safety policy.

- Templates in the FarmSafe Alberta manual should be consolidated at the back of the manual and numbered sequentially (with page number references in the main document), to facilitate easier access.
- New sections of the FarmSafe Alberta manual should be added to address:
 - a. Drug use.
 - b. Mental health (psychological safety).
 - c. Seasonal risks.
 - d. Recommendations for planning with local first responders prior to an emergency.
 - e. Information about WCB, COR and PIR (summary of what they are and how they work together with OHS legislation – links to additional detail).
- The revised FarmSafe Alberta manual should be reviewed by farms that piloted the original guide as well as new users, in order to gather feedback about content and usability.
- The Penn State FARMHAT customizable safety manual (<http://www.agsafety.psu.edu/farmhat/farmhat.html>) provides a good example of the type of tool that might be developed from the current FarmSafe Alberta manual. It enables producers to create a safety manual customized to the type of operation and unique hazards on their sites.
- The Marshfield Institute's North American Guidelines for Children's Agricultural Tasks (NAGCAT) should be included or referenced in the FarmSafe Alberta manual.

3 (e) Recommendation

It is recommended that a separate OHS Code Explanation Guide be developed for the agriculture industry

Rationale/Discussion

Once the recommendations for Code revisions have been determined, it will be necessary to provide this information to the agriculture industry in Alberta. The current guide is lengthy, complex and difficult to use, particularly for smaller operations or for individuals with limited literacy.

To support compliance with the Code, the guide should:

- be written in plain language.
- utilize terminology that is common (well-known) in the agriculture industry.
- include color and highlighting to make it easier to read and more appealing to the

eye.

- include a frequently asked questions (FAQ) section.
- be similar to the “Using the OHSR in Agriculture Booklet” provided by AgSafe BC.

3 (f) Recommendation

The Alberta OHS Awareness Legislation eLearning Program is an important tool, but should be updated to increase relevance to the agriculture industry and facilitate use.

Rationale/Discussion

The eLearning Program should:

- Be more age-appropriate for adult users.
- Have separate programs providing key information for employers and for workers.
- Enable the user to stop and restart the program at the point of departure (without have to go back and work through all the content again).
- Be developed using modules and chapters.
- Incorporate some agriculture-based examples, quizzes and images.

3 (g) Recommendation

It is recommended that agriculture relevant sections of the Driving for Work: Developing Safe Practices for Employers and Workers be linked to the FarmSafe online resource

Rationale/Discussion

The Driving for Work resource has particular relevance to the agriculture industry. However, it is a resource that may be difficult to find. Furthermore, there are particular driving hazards on farms and ranches that should be addressed. For example, additional sections should be created for off-road safety, and rollover protection.

3 (h) Recommendation

It is recommended that the Temporary Foreign Workers Guides for Employers and Employees, be updated to reflect changes to the TFW program, with sections added on the Seasonal Agricultural Worker Program (SAWP).

Rationale/Discussion

The current guides do not reflect changes to the program. Furthermore, the requirements of the TFW and SAWP while overlapping to some extent, are not identical. These differences should be clear to both employers and workers. The workers’ guide should also use language that is more simple and straightforward for users to understand.

3 (i) Recommendation

It is recommended that an education program be developed to help agriculture employers during the recruitment and relocation of temporary foreign workers and new immigrants.

Rationale/Discussion

The purpose of the program would be to:

- assist employers with what kinds of questions they should ask when interviewing potential hires so they can assess safety knowledge and training needs,
- identify and address language and cultural issues that may impact safety training and compliance,
- highlight important information that they should get from, and provide to, employees who are new to Canada, and
- provide guidance with respect to welcoming newcomers to help them adapt to their new situation so they are able to perform their jobs safely.

3 (j) Recommendation

It is recommended that a one page document addressing substantially similar content to the Employer's Guide to Occupational Health & Safety and corresponding Workers' Guide, highlighting core legislative requirements, be created so that it can be printed and provided to supervisors and workers, or posted at each worksite.

Rationale/Discussion

The one page guide should:

- be in an FAQ format,
- include contact information for reporting incidents,
- include a section to write down the farm location and instructions that can be provided to emergency response personnel, and
- come with an additional page of decals that include phone numbers and location information that can be placed on the windshields of farm vehicles.

3 (k) Recommendation

It is recommended that existing OHS resources that are relevant to the agriculture industry (e.g. Developing a First Aid Plan, Farm Employer's Guide to Job Orientation and Safety Training, Supervisor Roles and Responsibilities) be updated.

Rationale/Discussion

These resources should :

- highlight legislative requirements,
- be made more visually appealing, and
- be made available in print format and linked to or included in the FarmSafe Alberta manual.

3 (l) Recommendation

Where they do not currently exist, *evidence-based* resources should be developed to address high risk activities in the agriculture industry, and areas of legal responsibility that

arise from the Code (once finalized).

Rationale/Discussion

Gathering evidence on the highest risk activities will enable the Government of Alberta or agriculture safety association to focus on developing resources most relevant to the industry. Farmers and ranchers are more likely to respond well to evidence-based recommendations for practice. There is a risk that statistics will be misused. They should be communicated in a context that supports accurate interpretation. Examples of potential resources include: animal handling, working alone, confined spaces, entanglements in farm machinery, fatigue, and respiratory protective equipment.

3 (m) Recommendation

It is recommended that a resource be developed that identifies matters that may arise when farm and ranch employers and employees live together at the workplace.

Rationale/Discussion

- This is a gap in the available information because it is somewhat unique to the agriculture industry.
- The purpose is to help stakeholders establish appropriate boundaries.
- The resource should outline legal requirements and coverage for OHS, WCB, Employment Standards, and other legislation that affects the employment relationship.
- It has particular application in family farm situations, and where relationships between hired hands and farm owners/families can be quite personal because of the living circumstances.
- It has particular relevance where the distinctions between at-work and off-work time may not be clearly delineated.
- It is particularly important for TFW or SAWP workers as their residency status adds additional complexities where they are both employees and tenants of the employer.

3 (n) Recommendation

It is recommended that a training program for owners and lead hands in the agriculture industry be developed as soon as possible in order to facilitate uptake and provide guidance for legislative compliance.

Rationale/Discussion

While a number of training programs are available from other industry associations (e.g. the Alberta Construction Safety Association) and for the agriculture industry in other provinces, there are none that are specific to the agriculture industry in Alberta. The training program may be made available online, but should also be provided in seminars and face-to-face sessions across the province.

Topic 4

How can education, training resources and certifications be communicated to and understood by the agriculture industry in Alberta?

Decisions

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

4 (a) Recommendation

It is recommended that FarmSafe advisors partner with Alberta Labour, the industry led agriculture health and safety association, and local champions to coordinate active outreach to agriculture associations and farm communities throughout the province. They should arrange to provide presentations about legal requirements and setting up health and safety systems.

Rationale/Discussion

The current passive approach to disseminating agriculture OHS information is not effective.

- There is fear within the Alberta agriculture industry regarding legal liability, concern about the magnitude of work associated with creating an OHS system, and uncertainty about what actions owners/operators should be taking first (how to get started).
- Associations have a large reach with extensive communication networks and a high level of credibility within the agriculture industry so disseminating through them will have a substantial impact for a relatively low cost.
- Coordinating the efforts of Labour and FarmSafe advisors would ensure information is tailored to the unique needs of differing types of producers and stakeholders (e.g. using examples relevant to the types of operations that are typical members of the association).

4 (b) Recommendation

It is recommended that the Government of Alberta develop posters, decals and other takeaway materials that can be distributed at agriculture OHS presentations, and posted at farm and ranch worksites as ongoing reminders. These should include contact information for questions and support.

Rationale/Discussion

Providing take-away posters, decals, etc. is an easy way for owner/operators to share information with their employees and families.

4 (c) Recommendation

It is recommended that a communication plan that includes print, traditional media (newspaper, radio, television) and social network tools be developed to raise awareness of existing tools and resources.

Rationale/Discussion

A second communications plan should be developed to raise awareness and increase uptake once changes have been made to the OHS Code and when new tools are available.

These should be delivered concurrent with changes to the legislation.

There is currently a good deal of misinformation about OHS requirements within the agriculture community. There is also no coordinated plan for communicating requirements or changes to the legislation. In order to encourage the agriculture industry to become more engaged in OHS, it will be very important to develop an integrated communications plan.

4 (d) Recommendation

It is recommended that a marketing firm be hired to research and develop an effective communications campaign for the agriculture industry.

Rationale/Discussion

- Fear-based campaigns are often used by governments when trying to get public health and safety information across. This may not be effective for the agriculture industry when there is already fear about the impact legislative changes will have. Fear may be preventing some from moving forward with OHS actions.
- Using a professional marketing firm, with expertise in market research to will help ensure the message is effective for the intended audience.
- Using examples of OHS leadership in different sized agricultural operations may reduce fear and motivate industry members to increase their OHS efforts.

4 (e) Recommendation

It is recommended that the Government of Alberta disseminate information through as many avenues as possible, including but not limited to: agriculture service and supply corporations, 4-H clubs, newcomer and cultural community associations, mail outs included in workers' compensation statements, and local agriculture-related social events (e.g. rodeos, breakfasts, and picnics).

Rationale/Discussion

These avenues specifically reach some groups that may not attend association meetings, such as vulnerable workers, temporary foreign workers, or young farm workers.

4 (f) Recommendation

It is recommended that a non-government toll free number be created to provide support and answer questions from workers or employers.

Rationale/Discussion

Some owners/operators may not be willing to contact the Government of Alberta about questions they have due to the fear it will trigger a site visit or audit of their OHS systems.

Some workers may be fearful of contacting the government (particularly if they are from a culture where contacting the government has negative consequences).

This may be most effectively implemented by the agriculture safety association or other non-governmental organizations that support the agriculture industry.

4 (g) Recommendation

It is recommended that a list of subject-matter experts be created and made available to agriculture organizations, educational institutions, and others who may wish to invite a guest speaker to provide a presentation on a particular agriculture OHS issue.

Rationale/Discussion

This would facilitate the sharing of accurate information and is a relatively low cost action for the Government of Alberta or agriculture safety association to undertake. The subject matter experts should be vetted in some way to ensure they have the appropriate credentials/expertise.

4 (h) Recommendation

It is recommended that the Government of Alberta maintain education-related statistics to evaluate the success of their initiatives, and maintain ongoing consultations with the agriculture industry to identify gaps and areas for improvement or change.

Rationale/Discussion

The recommendations of TWG #6 with respect to education for the industry are based on information available at the time of the meetings and are not exhaustive. Developing a system of ongoing data collection and consultation will ensure education issues are identified and addressed as early as possible.

Additional Items Discussed by the TWG

1. Early in the process, TWG 6 identified OHS law as a significant concern, and education about current legal requirements as a priority need for the agriculture industry members who have paid employees. Group members indicated that there is concern and misunderstanding within the agriculture industry about their OHS obligations. Many owners and operators in the agriculture industry are not aware that the *OHS Act* already applies to them. They are waiting for changes to the Code to be made before developing OHS systems on their farms and ranches. Therefore TWG 6 requested immediate assistance from the Government of Alberta to develop a short communication specifically for the agriculture industry about this topic that could be shared as quickly as possible. The purpose of the communication is to provide answers to frequently asked questions about the law, and to identify important first steps that should be taken to meet the basic occupational health and safety responsibilities they have right now.

- It is the understanding of TWG 6 that this is currently underway and nearing completion with a revision of the Due Diligence Bulletin.
2. Concern was expressed within the group that much of what was discussed could be of value to the new agriculture OHS education organization. In particular, it would be very helpful to explain the discussions and rationale for alternatives that were *not* incorporated into the recommendations. While the recommendations and rationale proposed by TWG 6 will be recorded, the report will necessarily be abbreviated. Knowledge transfer between the FSAC and TWG 6 through a group member who also sat on the FSAC (2012) was very valuable for the group. This is something that the new organization may wish to consider.

Summary

These recommendations are provided to the Government of Alberta. However, TWG 6 recognizes that there are some recommendations that may be more appropriately acted upon by the agriculture safety association once it has been formed. The members of TWG 6 anticipate that a consultative and collaborative process will occur between the industry and government to determine which institution can most effectively enact the recommendations. The members of TWG 6 are hopeful that all 31 recommendations are accepted and that the work they have done will result in the establishment of a solid foundation for OHS education in Alberta's agriculture industry.

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:

- Doreen Neilley, Rocky Rapids, Bison Producers Association of Alberta
- Tim van der Hoek, Vauxhall, pulse producer, irrigation
- Jeff Kamlah, turkey producer and vice-chair of the Alberta Turkey Producers
- Jared Matsunaga-Turnbull, Edmonton, executive director of the Alberta Workers' Health Centre
- Richard Truscott, Calgary, vice-president, Canadian Federation of Independent Business, small- and medium-sized businesses
- David Kolotylo, Willingdon, producer, United Farmers of Alberta delegate
- Eric Musekamp, Bow Island, Farm Workers Union of Alberta
- Candace Martens, Calgary, public legal educator at the Workers' Resource Centre
- Judy Finseth, Okotoks, co-manager of Bar Pipe Hereford Ranch
- Brian Acton, farm worker, grains and oilseeds
- Page Stuart, Vegreville, producer, past chair Alberta Cattle Feeders Association

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.