



LEGISLATIVE ASSEMBLY  
ALBERTA

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June 30, 2017

**Dr. David Swann, MLA**  
Calgary-Mountain View Constituency

Honourable Christina Gray  
Minister of Labour  
107 Legislature Building  
10800 - 97 Avenue  
Edmonton, AB T5K 2B6

Dear Minister Gray:

Paid farm worker Stephen Gibson died in 2014, and his fatality inquiry revealed two major factors contributed to his death. First, he had been working for four weeks straight without a day off, and, second, he was using an unprotected power take-off (PTO).

The first of these serves as a troubling reminder that farm workers, like all other employees, need and deserve mandatory time off and rest period provisions enshrined in law. Otherwise, incidences such as this one will continue to occur. Specifically, young and/or inexperienced farm workers will continue to face an increased risk of injury and death due to fatigue caused by the excessive workloads inherent in the agricultural industry.

The recent changes to Alberta's employment standards you proposed in Bill 17, *Fair and Family-friendly Workplaces Act*, deliberately excluded paid farm workers from both of these provisions. I believe this was a grave mistake, and one that I would strongly urge you to correct as soon as possible by repealing the exemptions for paid farm and ranch workers from the new employment standard provisions.

As Albertans await for you to finalize the Occupational Health and Safety (OHS) regulations on farm and ranch sites, I hope the lessons of this inquiry will be widely disseminated to agricultural worksites.

In particular, I would like to draw your attention to Justice Anne Brown's recommendation for mandatory farm safety education. This is something that I have also advocated for over a number of years. Again, I had hoped to see further progress on this issue in the Spring Sitting of the Legislature; however, it did not materialize.

Finally, I wonder if you have considered looking at Mr. Gibson's death through the lens of Bill C-45, *An Act to Amend the Criminal Code (Criminal Liability of Organizations - SI/2004-22)*, which is federal legislation that established new legal duties for workplace health and safety, and imposed serious penalties for violations that result in injuries or death. Have you considered pursuing criminal charges in this case? Minister Ganley spoke about applying C-45 as recently as April 28, 2017.

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I look forward to your prompt reply and action on this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Swann', with a long horizontal flourish extending to the right.

David Swann, MLA Calgary – Mountain View  
Leader, Alberta Liberal Opposition

CC: Honourable Kathleen Ganley, Minister of Justice  
Honourable Oneil Carlier, Minister of Agriculture and Forestry