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## Hearsay? Another Perspective on Farm and Ranch Work and the Alleged Flaws of Bill 6

By: Jennifer Koshan

**Matter Commented On:** United Conservative Party Proposal to Repeal [Bill 6](#), the *Enhanced Protection for Farm and Ranch Workers Act*; [Hearsay Podcast](#) of March 19, 2019

Even before the provincial election was called, the United Conservative Party (UCP) [announced](#) that it would “make good on a key promise to Alberta’s farm families and repeal Bill 6.” The announcement claims that the Alberta New Democratic Party (NDP) failed to consult farmers in enacting the Bill, resulting in a loss of “public trust with farm and ranch families.” The UCP promises to “immediately launch comprehensive consultations with farmers, ranchers, agriculture workers and others on how best to balance the unique economic pressures of farming with the need for a common sense, flexible farm safety regime.” These consultations are intended to “develop recommendations for the introduction of the Farm Freedom and Safety Act (FFSA), which will be passed into law in 2019.”

These themes – the alleged lack of consultation and unique needs of farmers – are echoed in the [Hearsay podcast](#) of Pro Bono Students Canada at the University of Calgary Faculty of Law, broadcast on CJSW 90.9 FM in March 2019. The podcast interviewed Laura MacRae, an Alberta lawyer and farm owner who was involved in the protests around Bill 6.

This post is an effort to put forward a different perspective on these issues. Readers may recall that ABlawg has published a series of posts on Bill 6 and the consultations that followed (see [here](#), [here](#) and [here](#)), leading to detailed regulations for labour and employment matters in the farm and ranch sector. ABlawg also published posts undertaking an analysis of the constitutional violations of farm and ranch workers’ rights that were embedded in the relevant Alberta legislation before Bill 6 amended the *Employment Standards Code*, [RSA 2000 c E-9](#), *Labour Relations Code*, [RSA 2000 cL-1](#), *Occupational Health and Safety Act*, [SA 2017, c O-2.1](#), and *Workers’ Compensation Act*, [RSA 2000, c W-15](#) (see [here](#), [here](#), [here](#) and [here](#)). In my view, Bill 6 and the regulations that supplement it achieve a constitutional balance that takes into account the needs of farm and ranch owners and their workers.

As noted, one of the key themes in the Hearsay podcast is the lack of consultation on Bill 6. Laura MacRae also argues that farmers and ranchers didn’t ask to be exempted from the relevant legislation prior to Bill 6, suggesting that this was simply the policy of the previous Progressive Conservative government.

However, it must be noted that the Notley government [appointed six technical working groups](#) (TWGs) to develop recommendations on the application of employment standards, occupational

health and safety, and labour relations requirements, taking into consideration “the unique needs of employers and employees in the agricultural sector.” These TWGs had representation from farm and ranch owners and producers’ associations as well as – despite what MacRae suggests – from farm and ranch workers themselves, in addition to unions and other interested parties (including the [Farmworkers Union of Alberta](#), which is not an actual union but has a worker-focused perspective on these issues). Albertans also had an opportunity to participate in the consultations by providing feedback on the recommendations of the TWGs. Most of the resulting legislative changes did not come into effect until 2018, belying the UCP argument that the Notley government forced the changes in these sectors through rapidly and without consultation. Indeed, Lynn Jacobson, president of the Alberta Federation of Agriculture, was recently quoted in an article in the [Lethbridge Herald](#) to say that:

We had a lot of input into the final result of Bill 6, and farmers have settled down since. It wasn’t what it was sort of portrayed like to begin with – like it was going to stop your children from working on the farm, and you weren’t going to be able to do this and this. And it was going to cost you thousands and thousands of dollars for insurance. All those things have really settled down.

For a similar perspective from a ranch owner, see Eileen Banks, [Opinion: Kenney's Bill 6 rhetoric at odds with actual farmers](#). She notes that:

Alberta was the last province without adequate farm safety legislation. That shouldn’t be a point of pride. Governments feared losing votes more than lost lives. Like it or not, the new rules have led to safer practices. Wanting loved ones to come home or have a safety net in the event of a workplace accident? There’s nothing ideological about that.

Banks’ piece also refutes MacRae’s argument that farmers and ranchers didn’t ask to be excluded from this legislation prior to Bill 6. As noted by Professor Bob Barnetson, farm and ranch owners lobbied the previous Progressive Conservative government to remain exempt from employment and labour legislation, based on the unique nature of “family farms” (Bob Barnetson, “The Regulatory Exclusion of Agricultural Workers in Alberta” (2009) 14 *Just Labour: A Canadian Journal of Work and Society* 50 at 63).

Banks’ point that Alberta was the last province in Canada to include farm and ranch workers in this legislation is also worth considering. Farming and ranching are as unique in other provinces as they are in Alberta, and these provinces have found a way to balance the interests of farm and ranch owners and workers in this context. The Alberta government chose to do so via exemptions for family members from the new requirements on employment standards, labour relations, occupational health and safety, and workers compensation legislation. It is true that those exemptions were not originally in Bill 6 and came by way of [amendment](#) to the Bill, but this shows that the government was listening. There may be other ways of achieving an appropriate balance between the needs of owners and workers – for example, the UCP has proposed to exempt small farms from employment legislation and to allow farm employers to choose between market-based insurance and WCB insurance. But to go back to the drawing board after farms and ranches have adapted to Bill 6 and subsequent regulatory changes may do owners more harm than good, as Banks and Jacobson argue.

It is telling that Jacobson reports the UCP did not consult the Alberta Federation of Agriculture in developing its agriculture platform. One is left to wonder what the point is of the proposed UCP repeal of Bill 6 and new rounds of consultations, beyond a catchy election slogan to “Kill Bill 6”.

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