

**Bill 6, the Enhanced Protection  
for Farm and Ranch Workers Act**

**Condemn the Climate of Violence  
Including Death Threats Against  
Premier Notley**



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Against Premier Notley**

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**Bill 6, the Enhanced Protection for Farm and Ranch Workers Act**

**Condemn the Climate of Violence Including  
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*Alberta Worker* condemns the death threats and hooligan activity against Premier Rachel Notley and threats against members of the cabinet and government and those in favour of including

farmworkers under Occupational Health and Safety and Workers' Compensation Board legislation. Many of the threats have been carried out against women, with abusive misogynist language and content.

The feigned outrage of the monopoly media and Wildrose cannot hide their role in tilling the ground for hate-mongering and calls to violence to intimidate and split the people. The *Edmonton Journal* printed a cartoon on December 3, entitled "another unfortunate farm accident" in which a farmer has driven a pitchfork into Premier Notley's back. Is this not a call to violence?

The actions of Wildrose both in the Legislature and outside have been intended to prevent, not foster calm discussion, and in particular create disunity between workers and farmers. MLA Derek Fildebrand who has led the charge against Bill 6 claims to be an advocate for democratic consultation. What a travesty! During the hearings into the former PC government Bills 9 and 10, which were aimed at gutting workers' pensions, Fildebrand engaged in the most disgraceful behaviour calling workers who came to give their views "union thugs" and "screaming unionistas," and falsely claiming he had been shoved by a "union boss."

The agricultural and energy monopolies are only too happy to have their front-men and mercenaries do their dirty work so as to set workers and farmers at each other's throats to obstruct solving problems in the people's favour and moving society forward. Workers and farmers alike are not going to permit such a split and allow violence and anarchy to become the new normal in Alberta.

Albertans are an experienced people. They can see that only the monopolies benefit when the people are set against each other in a violent atmosphere of might makes right. By standing as one against the monopolies in defence of the people's right to work in safe conditions and to compensation when injured, the people can rationally sort out the problems plaguing society and the economy, and make headway in a new pro-social direction.



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**Defend the Rights of All!**

## **The Need for Legislation to Protect Farm and Ranch Workers**

**- Dougal MacDonald -**

The Alberta Legislature passed legislation on December 10 that extends occupational health and safety requirements to Alberta's farms and ranches. Bill 6, the *Enhanced Protection for Farm and Ranch Workers Act*, also makes Workers' Compensation Board coverage mandatory in the agricultural sector. The Bill 6 changes, which will apply to all paid and unpaid farm and ranch workers, will begin to take effect on January 1, 2016.

Farming and ranching are major industries and sources of employment in Alberta. The family farms of early Alberta have increasingly been replaced by large industrial operations, which use paid farm workers.

The latest Alberta Official Statistics cover census years 1986 to 2011. That census counted 43,234 farms in Alberta in 2011 with an average size of 1,168 acres. Of those farms, 11,167 or 26 per cent were 1,120 acres or more. The total number of agricultural employees in 2011 was



**Monument to injured workers in Grant Notley Park, Edmonton. The lack of protection for farm workers has been highlighted at April 28 Day of Mourning ceremonies in Alberta.**

reporting farm and ranch fatalities in 2012.

One well-known example of an agriculture-related fatality in Alberta was the tragic death of farm worker Kevan Chandler. He died in 2006 near High River while cleaning out a grain silo when the grain collapsed and smothered him. While investigating Chandler's death in 2008, Justice Peter Barley recommended that the agriculture sector be included in the *Alberta Occupational Health and Safety Act*. The previous Conservative government completely ignored Justice Barley's recommendations.



**Kevan Chandler with his wife Lorna.**

Previous Alberta law excluded farm workers from occupational health and safety laws and from mandatory Workers' Compensation Board coverage, child labour standards, and legislation governing hours of work, overtime, statutory holidays, vacation pay, and the right to refuse unsafe work. The exclusion has meant that no automatic official investigations are conducted into any farm or ranch accidents and deaths, including illness or death from the use of dangerous chemicals.

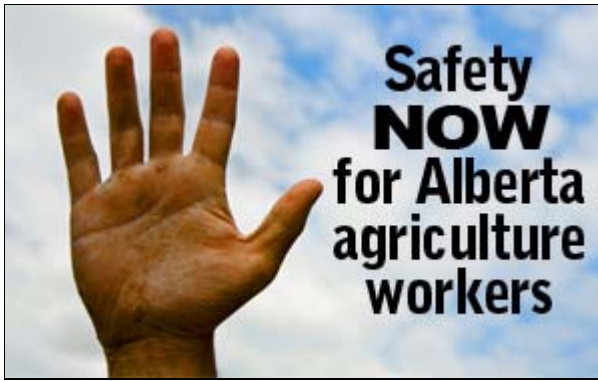
Federal government figures show that in 2011 more than 2,400 temporary foreign workers worked on the province's farms. The exclusion of these migrant farm workers from Canadian working standards and investigations into accidents and deaths makes them even more vulnerable to abuse.

Some groups have objected saying Bill 6 is an unnecessary intrusion into how to conduct oneself on one's own property and will "kill the family farm." This argument ignores the reality that family farms are a business where the owners and their families are also workers in their own employ and which employ non-family members from time to time especially during harvest or other busy periods. Owners and their family members working for themselves while possibly

37,852 of which 15,596 or 41 per cent were year round (full-time) employees.

Working on Alberta's farms and ranches is dangerous. Information from Alberta's Office of the Chief Medical Examiner, which is incomplete, reveals that it investigated 25 agriculture-related deaths in 2014. Farm owners or operators and owners' family members or employees accounted for 20 of the deaths. Three others were visitors and the other two were uninvolved. According to figures released in 2011 by the Farm Safety Advisory Council, 355 Albertans were killed and 678 seriously injured in farm accidents over the previous 30 years, while others put the total number of deaths at 477. Also, other sources report that in the 2001 and 2011 period, 160 farm workers died at work. The previous Conservative government stopped

employing others is a common practice amongst most small businesses in all sectors.



A modern country must have common standards and regulations governing conduct at workplaces without exclusion. Beyond protecting the rights of workers, these common standards and practices become learning experiences where the most advanced and safest techniques are extended throughout the sector.

Bill 6 is a progressive step that can protect and empower farm and ranch workers

including the most vulnerable. Occupational health and safety regulations, when followed and rigorously enforced, help prevent accidents and occupational diseases. Workers' compensation coverage when firmly administered recognizes the right of workers to compensation for workplace injury and to receive the best available medical care and rehabilitation.

A modern conception of rights declares that workers when injured must receive a Canadian standard of living for the duration of their incapacity and unemployment without harassment or stress. This includes the right of dependents to continue their lives as before at their standard including in the unfortunate occurrence of a workplace death.

(Photos: Alberta Worker, UFCW)



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## **Bill 6: Farmworkers Have the Right to Decide**

**- George Allen -**

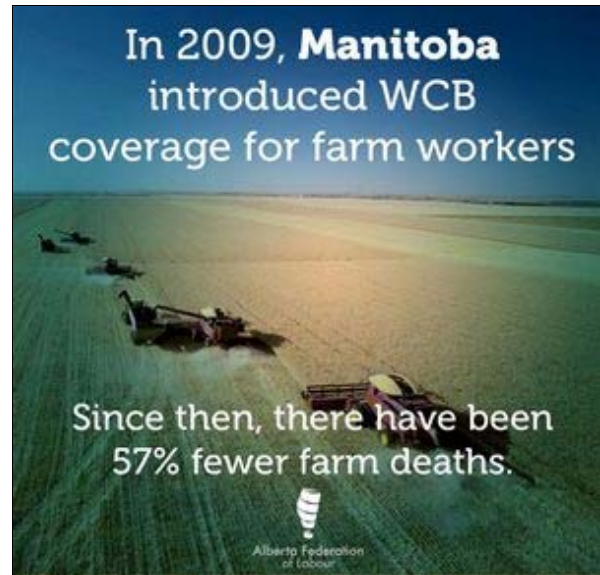
The Alberta provincial government released the first draft of Bill 6, the *Enhanced Protection for Farm and Ranch Workers Act* on November 17. On December 7, amendments were introduced to exclude family members, neighbours, and children from occupational health and safety legislation and mandatory Workers' Compensation Board (WCB) coverage. The bill was passed on December 10 and received royal assent on December 11. In explaining the aim of the amended bill, Minister of Labour Lori Sigurdson stated: "What we're doing is creating a culture of safety on farms and we're working with paid non-family workers."

Rallies protesting Bill 6 have recently been held at the Legislature in Edmonton as well as in centres such as Red Deer, Lethbridge, and Medicine Hat. Opposition is expressed in three main ways:

- criticism of the consultations leading up to the release of the bill;
- opposition to the content of the bill;
- and opposition to the government itself.

Events in support of the bill have also been held. The Alberta Federation of Labour (AFL) organized a press conference on December 7, at the Commonwealth Community Recreation Centre with representatives of member unions. AFL President Gil McGowan said, "This debate should be about a group of workers who have been denied their basic rights for far too long. This bill is about workers who have been forgotten."





**The Alberta Federation of Labour has produced a series of graphics highlighting the importance of protection for farm workers.**

Some opposition to Bill 6 asserts that consultation was inadequate during the drafting of the bill. Certainly genuine consultation before the fact is essential. Albertans have had their fill of arbitrary decisions and the pre-set agendas and phoney consultations of the former Conservative governments.

Regarding continuing consultations, Premier Rachel Notley released a letter on Facebook on December 6, stating: "This common sense framework [for Bill 6] will be the product of consultations that will occur before the regulations are developed and, then again, after they are drafted and before they are adopted. Family farmers, farmworkers, and other agricultural stakeholders will be invited to participate. Through this process, we will achieve the long overdue goal of protecting farmworkers while continuing the current goal of supporting our farmers."

One major opposition group acknowledges that much consultation was held. The Alberta Beef Producers (ABP), which represents 20,000 producers, states on its website, "We were expecting legislative changes this fall, but we are concerned that the many hours we spent consulting with senior government officials and elected officials have not had more influence on the direction of these legislative changes."

Clearly the ABP agrees that hours were spent consulting. Its real objection is that those consultations did not lead to the changes in the bill that the ABP desired. This attack on form to attack content may in the end turn out to be the real agenda of other groups who are also criticizing the consultation process.

In her December 6 statement, Premier Notley listed seven limitations of Bill 6, which she said should have been included in the first place. In essence, Notley declared the bill was not intended to cover children who help out on family farms or neighbours who volunteer services when things become busy, but was solely aimed at paid farmworker health and safety. Notley stated: "That is what this legislation was always intended to address. It is aimed at extending to agricultural employees and their employers -- and only employers and employees -- a right to work safely and a compensation system for those killed or injured at work, similar to other provinces."

The opposition Wildrose Party is actively attacking Bill 6. Leader Brian Jean published an open

letter opposing the legislation on November 26. Wildrose then sent automated phone calls to Albertans in ten rural ridings inviting them to a December 7 evening telephone town hall meeting. Over the December 5-6 weekend, Wildrose MLAs hosted seven different meetings in rural communities. While Wildrose claims to be criticizing Bill 6 in the interests of farmers, the real aim seems to be to use Bill 6 as a wedge issue to continue the party's ongoing campaign to raise funds, position itself to remove the NDP government from power and take its place. To this effect, Wildrose is using Bill 6 not for serious discussion on whether legislation is necessary to protect rights of farmworkers, but as a springboard to propose a recall bill suggesting 20 per cent of electors in any provincial riding should be able to force a by-election. The 20 per cent requirement is much lower than any previous recall proposals in Alberta, including by Wildrose in 2010, which called for 33 per cent.



While not much has been heard from the private agri-monopolies regarding Bill 6, it should be kept in mind that the Harper dictatorship's anti-farmer, anti-Wheat Board campaign was led by thinly-disguised monopoly front groups such as the federally and privately-funded Western Canadian Wheat Growers Association (WCWGA). Certainly WCWGA opposes Bill 6, just as it opposed the farmer-controlled Wheat Board. This is not surprising. The agri-monopolies, which have major interests in Alberta farming and ranching, consider health and safety on the job as just another "cost," which affects their profits. Recognizing the rights of farmworkers to modern standards of health

and safety, and compensation for workplace death and injury are not on their agenda. Future events may reveal what role, if any, the private monopolies have played in the anti-health and safety campaign to deny farmworkers their rights.

### Who Decides?

The key question regarding Bill 6 is, "Who decides?" The issue has brought forth contending interests with different views: farmworkers, farmers, and corporate farms. However, in the end, it must be recognized that health and safety is a right that must be guaranteed to all workers. Further, it is the right of the farmworkers to decide their working conditions to ensure their health and safety and no one else, which includes the right to refuse unsafe work without punishment or harassment from employers.

It is not the farmworkers who are opposing being covered by health and safety legislation; it is those who employ them. The essence of the matter is that the employers have given themselves the right to decide what constitutes best practices for farmworker safety when it is the farmworkers themselves who should have the last word on the matter, as in any other place of work. In the end, it is the workers' collectives and defence organizations that must play the key role in defending themselves, in bringing the human factor into play to sort out how to make all workplaces and industries safe and constantly to raise standards.





## Substantive Issues

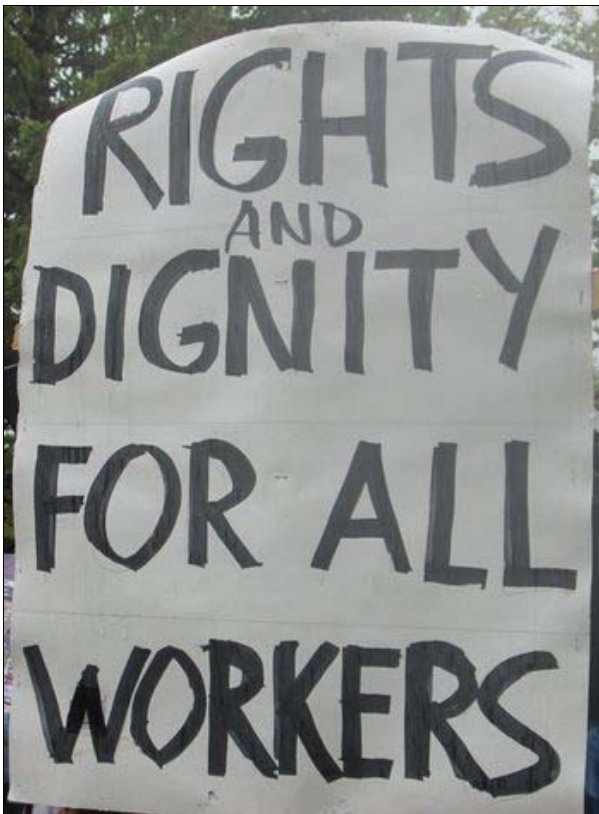
# The Significance of Protests Against Bill 6



Farmers expressed concerns with Bill 6 in government town halls throughout Alberta.

Bill 6, the *Enhanced Protection for Farm and Ranch Workers Act* passed Third Reading in the Alberta Legislature on December 10 and received royal assent on December 11. While such legislation has long been demanded by farm workers, temporary foreign workers and their advocates, labour unions and the Alberta Federation of Labour, amongst others, thousands of farmers have rallied across the province to show their anger at the introduction of the bill. What is the significance of the protests and the government's response?

In response to the opposition coming from farmers across the province, the NDP government introduced amendments to the Act on December 7, which will exclude farm and ranch owners and their families from Occupational Health and Safety legislation and mandatory Workers' Compensation Board (WCB) coverage, stating this was always the intention of Bill 6.



The government has taken the stand that it will not delay measures to include farm and ranch workers under occupational health and safety legislation and to provide WCB coverage when workers are injured on the job. It will continue to engage in consultations while regulations are developed, but invoked closure to ensure the passage of the bill during the current session.

An overriding theme of the actions carried out by farmers has been the question of *Who Decides?* Farmers called on the government to kill the bill and carry out broad consultations and study of the legislation in committee.

How the issue of *Who Decides?* poses itself requires serious discussion. Passage of Bill 6 affects farm workers, small and medium-sized farms, and large corporate farms. The question of *Who Decides?* is one of rights and

only has meaning in a modern society in terms of upholding the rights of all. Upholding rights requires that monopoly right be restricted, and the rights of working people defended. How to harmonize the rights of farm workers and small and medium-sized farmers who in most cases are their own working class is a serious issue.

Farm workers have been denied even the most minimum protections of a public authority. Alberta is the only province that excludes industrial feedlots, grain operations and other farm workplaces from occupational health and safety laws, including the right to refuse unsafe work. Alberta farm workers were excluded from mandatory WCB coverage. They were also excluded from employment standards regarding child labour, hours of work, overtime, statutory holidays, and vacation pay. Within this unjust situation, farm workers have been denied the right to organize themselves, such as in a union, to defend life and limb, wages, benefits and general working conditions. These medieval exclusions from civil society extend to migrant farm workers who are amongst the most vulnerable. Federal government figures show that in 2013 more than 3,000 temporary foreign workers worked on the province's farms.

As a sector, small and medium sized farmers are struggling to survive monopoly control and domination. The destruction of the Canadian Wheat Board giving control of grain marketing to the big grain monopolies and consolidation of meat packing in Canada under two global monopolies are examples of the extent of this developing stranglehold. This situation and the struggle of farmers and rural landowners over the monopoly right exercised by the energy monopolies must also be recognized while the rights of farm workers are upheld.

The protests to Bill 6 are a strong reminder that Albertans do not want business as usual when it comes to their right to participate in governance. The Wildrose Party is trying to make hay within this situation by presenting itself as the defender of democracy and genuine consultation. But the right to decide is a question of rights, and Wildrose does not acknowledge the rights of farm workers in any way -- neither their inclusion in workplace regulations established by the public authority, nor their right to decide. Wildrose speaks about the rights of family farmers but does not recognize that upholding the rights of small and medium-sized farmers requires restricting monopoly right. Refusal to restrict monopoly right means conciliating with it and refusing to stand boldly with the people and public right. The deliberate confusion-mongering on rights does not contribute to creating conditions for farmers and farm workers to participate in decision-making that affects their lives and to harmonize relations with one another in a spirit to find equilibrium and mutual benefit. On the contrary, the rancor and violent chatter and refusal to stand as one against monopoly right strengthens the dictate of private corporate interests and their monopolies.



The protests also bring to the fore the fact that even the old forms of parliamentary democracy have been destroyed and democratic renewal of governance and public institutions is urgently



needed. For example, in Alberta the Legislature has long functioned as a dictatorship of the party in power. Legislation is not examined in committee after second reading, a mechanism which gives the polity an opportunity to present briefs and appear before committee. Imposing closure to end debate in the legislation was at one time rarely used, but became routine under 44 years of Tory rule.

In the absence of mechanisms for real discussion to take place, disinformation, mischief-making and worse by Wildrose and their corporate backers are used to prevent discussion of the real issues and to set people at each other's throats for the benefit of the agricultural and energy monopolies, and to reinforce the dictate of monopoly right over public right.

New mechanisms are required to enable people to participate in decision-making. The new content of people's empowerment cannot flourish within the old political forms and their constitutional underpinning. The people must give rise to new forms of governance that vest sovereignty in the people, ensure the popular will becomes the legal will, and block the control of government by private interests and monopoly right.

(Photos: Alberta Farmer Express, Western Producer, J. McAllister)



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## **The Need to Renew the System of Workers' Compensation**

**- Peggy Morton -**

Amendments introduced to Bill 6, the *Enhanced Protection for Farm and Ranch Workers Act* on December 7, make it clear that Workers' Compensation Board (WCB) coverage will be voluntary for farmers (owner-operators) and their family members, whether paid or not.

It would seem advantageous and even a necessity not only for farm workers but also for farmers including family members to have coverage in case of work-related accidents and illnesses. Farm work is acknowledged to be very dangerous. Not only does it involve high rates of accidents for farm owner-operators and farm workers alike, but farmers and farm workers are at increased risk of occupational disease, including many cancers. Yet the rallies taking place across the province indicate widespread opposition to WCB coverage for farmers and their family members.

Small and medium-sized farmers often are their own working class, and may also hire farm workers on a limited basis. Frequently family members are paid wages to secure access to the Canada Pension Plan and also to various tax provisions such as tax deferrals with RRSPs. In this regard they have much in common with small contractors and businesses that are covered by the WCB.



The fact that farmers are resisting such coverage is one more indication that the current system of treating and caring for workers injured on the job needs renewal. Instead of concluding that farmers be excluded from compensation, the need for renewal and modernization of the system of workers' compensation should be addressed.

The current system of using payroll taxes to fund the care and treatment of injured workers does create a burden for small and medium-sized farmers as it does for all small businesses. Proposed rates range from \$1.70/\$100 of insurable earnings for greenhouse work to \$2.25 for grain farming and \$2.97 for beef producers, feed lots, livestock auctions and horse stables. Actual rates will likely be higher based on 2015 rates of \$2.71/\$100 of insurable earnings for farm work and \$4.25 for livestock auctions/stockyards. Rates can increase substantially depending on accident experience. The payroll tax automatically increases with wage increases, which becomes an argument of employers against farmworkers receiving Canadian standard wages.

A payroll tax also affects smaller farmers more dramatically, where productivity is generally less than on the big corporate farms. This means work-time and total wages for employees are usually greater per the same output on the larger farms. For smaller farms with regular paid employees in addition to the owner/operator, the payroll tax as a percentage of gross income is greater than on most corporate farms. This should be taken into consideration.

Also, because prices for most farm products are generally not now under any public or farmer authority, as certain important grain prices were with the authority of the Canadian Wheat Board, the payroll tax is regressive for smaller farms with paid employees. If the realized sale price the farmer receives goes down, it makes the payroll tax an even larger percentage of the total realized price compared with the corporate farms. The larger the farm the less a payroll tax may be in relation to the realized sale price of the product and gross income, which is another state advantage to the corporate big farms, accelerating the tendency of small family farms to disappear.

Approximately 86 per cent of Alberta workers are covered by workers' compensation, at least on paper. Self-employed workers and workers in non-standard employment relationships (e.g. contractors and temporary agency workers) are often not covered. It is not uncommon for small and medium-sized companies to hide employees, including members of their own families to avoid enrollment in the WCB and payment of payroll taxes.

Another serious problem with the current system is the pressure put on workers not to report injuries. This takes many forms. One method uses safety meetings to name and shame workers who are injured. Instead of the injury being used as a real learning experience, workers are made the target and blamed for accidents. Both the carrot and the stick are used to coerce workers into not reporting their accidents. The incentive approach is used to break worker solidarity and unity in action, for example by giving rewards for achieving a certain number of days without a lost-day accident reported to the WCB. This puts pressure on workers, including from peers, to remain silent about injuries or cover them up through deals. Not only does this put workers at risk if the injury turns out to be more serious than first appeared, but an opportunity is lost to correct a situation that could lead to further even more serious accidents in the future.

Claim denial is another huge problem. Many injured workers find themselves without any means of living because their claims have been denied. They are forced to defend themselves in a quasi-legal system, usually without expert representation causing extreme stress, which often hinders their rehabilitation, or worse, creates new mental and other problems for injured workers and their families.

The WCB has adopted corrupt practices to reduce claims, such as the practice of giving bonuses to case managers based on how quickly they end claims and declare workers ready to return to work. Workers not able to return to their occupation can be deemed fit to perform work in another occupation, whether such work is available or not, and benefits are reduced or cut off completely.

Consider how this will work for a farmer or a farm worker living in a farming community. After suffering an injury limiting their ability to return to farm work, the farmer or worker can be declared fit to return to work as a parking lot attendant, or shuttling cars in a car dealership, two favourites of the WCB. The fact that no such job exists does not deter the WCB from "deeming" the individual fit to do this work, leading to the loss of benefits. These corrupt practices must stop!

Workers readily recognize that the present WCB system does not lead to improved safety. It has led to employers obsessed with creating a paper trail to show they follow health and safety regulations, without actually focusing on improving working conditions and training. Fictitious safety meetings, pressure on workers not to report accidents, and employers fighting recognition of claims by the WCB are all commonplace.

Enhanced enforcement of regulations and inspections are required to identify practices that need to be upgraded and hazards in need of correction. Companies that refuse to comply and continue to put workers at risk should be subjected to severe penalties. All health and safety regulations as well as how injured workers are treated and cared for must be based on unity in action to defend the rights of all and modern definitions.



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## **The Rehabilitation and Compensation of Injured Workers Are Not a Cost to the Economy**

**- K.C. Adams -**

Alternative means of treating and assisting injured workers during unemployment and accounting for the value consumed are required. Payroll taxes are an obsolete and regressive method of accounting for the value consumed within the workers' compensation system. Payroll taxes essentially assume treatment and compensation for injured workers are costs, which is not the case. The value consumed while treating and caring for injured workers is a necessary, although unfortunate, part of the value of workers' capacity to work. The value of workers' capacity to work, which assumes an entire lifetime of average workers, includes the value consumed during periods of rehabilitation and unemployment due to workplace injury. The value of workers' capacity to work is reproduced when they work and is called reproduced-value.

The portion of reproduced-value that arises from the value consumed while treating and assisting injured workers forms part of socially reproduced-value and should be recognized as such. Workers reproduce the value of their capacity to work while working on a farm or anywhere within the socialized economy. Reproduced-value forms part of the price of production of goods and services and should be recognized as such for accounting and other purposes, including the sale price. The value of workers' capacity to work, which workers reproduce while working, is not a cost but a legitimate value added to the economy.

The amount of reproduced-value representing the value put into workers' capacity to work from



government administered workers' compensation for workplace injury and death forms part of the overall value of goods and services and their price of production. The amount can be identified and collected from the socialized economy and returned to the proper institutions, in this case the Workers' Compensation Board (WCB) and the health system. The claim for (social) reproduced-value, which is comparable to workers individual claim for reproduced-value in the form of wages and benefits, forms part of the total value of goods and services workers produce and their price of production. Wages and benefits, and social reproduced-value such as education, health care, pensions and compensation for injured workers are all part of reproduced-value and the price of production.

The social value reproduced when workers work needs to be recognized as necessary to the production process and returned to the institutions that put the value into workers' capacity to work. The means and methods to do so are scientific and completely knowable to all if the legal will exists to do so. They form part of modern definitions of work, production of value and prices of production, and should become automatic in the socialized economy and not remain a mystery or wrongly considered a cost to the government or to any part of the economy, or in the case of the WCB absurdly tied to reporting of injuries.

Workers reproduce the value of their capacity to work when they work. This forms part of the overall value of goods and services workers produce in the economy. Enforcement of workplace regulations should not be tied to any method of claiming reproduced-value. We have to start looking at the economy in a modern human-centred way if we are to sort out its problems and move forward.



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