



Ontario Federation of Agriculture

Ontario AgriCentre

100 Stone Road West, Suite 206, Guelph, Ontario N1G 5L3
Tel: (519) 821-8883 • Fax: (519) 821-8810 • www.ofa.on.ca

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Eric Rennie, Committee Clerk
Standing Committee on Finance and Economic Affairs
Room 1405, Whitney Block
Queen's Park
Toronto, ON
M7A 1A2

Dear Mr. Rennie,

Thank you for the opportunity to provide comments to the Standing Committee on Finance and Economic Affairs regarding Bill 148, Fair Workplaces, Better Jobs Act, 2017. The Ontario Federation of Agriculture (OFA) is a farmer-led organization, so we understand farm issues and how public policy affects the business of farming.

OFA believes that all farm workers, from both Canada and abroad, should be treated with dignity and respect, and be provided a safe, fair and rewarding work environment. We want people who choose to work in the agricultural sector to earn a fair wage and enjoy their jobs.

However, the increasing impact of public policy on the costs to food production threatens our ability to provide valuable jobs and to produce food. For the agricultural sector to continue providing jobs and food to the people of Ontario we require legislation that recognizes our workplaces are different. A farming business does not operate like the factory floor. We work with biological organisms that have their own schedule. Our schedules and, to a great degree, our success, is completely at the mercy of the weather and we do not command the market price for our products - it is set for us.

Agricultural workplaces are different.

The nature of farming presents a host of workplace circumstances that are not seen in the manufacturing or service sectors. The application of a universal approach to labour legislation is impractical in the context of agricultural production.

At its core, farming involves the management of biological processes and living organisms that are subject to the vagaries of climatic and environmental conditions. Farming, attempts to control the growth of plants and animals under conditions that are rarely under a farmers' control. And to do this successfully, it requires a very flexible approach to managing people, and a flexible approach to matching human resources with the demands of food production.

Every year, climate and related soil conditions offer a very short window of opportunity to start a crop for optimum production. This situation does not lend itself to a standard eight hour day. Sometimes the days there is no work because of rain and some days are 14 or 16 hours long to get seeds in the ground before the next rain. This situation is certainly not by choice or

management style, but by necessity. Similarly, the length and intensity of harvest varies, driven by a number of climatic or environmental conditions.

In addition to issues of seasonality and climate, the agriculture sector trades in a highly perishable product. Many of the good things grown in Ontario have a narrow window between emergence and harvest – the speed at which various commodities can begin to lose value before, during and after harvest creates a unique labour management situation.

These realities of agricultural production and work has not changed, and will not likely change in the future. Some of the agriculture commodities have experienced an increasing degree of mechanization in the last decade. A rush of new technologies has allowed a farm owner/operator to significantly decrease or remove the demand for outside labour while maintaining production levels. While the trend towards mechanization of the agricultural sector will continue, the distinctive characteristics of agricultural production have remained largely unchanged and there is still a need in many sectors for the gentle touch and discerning mind of a person. This is, and has always been, a fundamental condition of agricultural production.

Mushrooms, greenhouse flowers, greenhouse vegetables, and field vegetable and fruit cannot be fully mechanized and require a significant labour force to carefully harvest, pack, and transport to market.

Even with mechanization, skilled workers will always be required to work the tractors, the planters, the sprayers and the combines and the handling systems. The vagaries of farming conditions will dictate the need for a flexible and adaptive workforce regardless of the farm product.

Ontario farms produce hundreds of different kinds of agricultural products. For the majority of these, we compete in a global marketplace – meaning, we must compete against imported products from producers in other countries that do not necessarily operate under the same high standard environmental and social legislation that we have here in Ontario. The Ontario government understands the complexities of trade but must now demonstrate that public policy respects the trade exposure of the agricultural sector.

Section 23.1 (Determination of Minimum Wage)

As we have stated on numerous occasions, the OFA does not believe that government can legislate wealth, and that using drastic increases to the provincial minimum wage in an attempt to achieve poverty alleviation is poor public policy, and ultimately ineffective. Given the range of options available to government to provide for the most vulnerable in our society, and the mounting evidence that it is not an effective tool, it is troubling that minimum wage continues to be seen as an instrument for poverty alleviation.

The OFA was actively engaged in the Ontario Government's Minimum Wage Review in 2014. With the promise of a de-politicized and predictable approach to changes in the minimum wage rate, OFA compromised and supported the concept of planned, incremental increases to the minimum wage by coupling it to the provincial Consumer Price Index. This appeared to be a reasonable approach, allowing our farm employers to plan for future labour costs and steadily grow their operations in a stable business environment. It is in this context that the reversal to a policy of drastic changes in the provincial minimum wage as proposed in Bill 148 came as a shock to employers both in the amount of the increase and the speed at which the increase will come into effect.

Section 23.1 (Determination of minimum wage) in Bill 148 proposes a minimum wage rate and timeframe that is unworkable for our farm businesses; it is simply too much, too fast. A change of this magnitude completely disregards the business context in which our farmers exist, leaving them uncompetitive in a global marketplace. Ultimately, when arbitrary legislated increases to labour and energy reach a breaking point, farm businesses will respond by decreasing the number of employees, changing from horticultural crops to less labour intensive, more automated crops, or simply move or expand their operations to more favourable jurisdictions. The inevitable effects of these changes on employment will be multiplied throughout the agri-food value chain, drastically reducing employment opportunities in one of Ontario's most valuable sectors.

Our goal is to produce and provide food and other agricultural products that Ontarians and global markets need and want, and we do that under a regulatory burden not faced by our competitors in other countries. When legislated costs decrease the competitiveness of food grown by Ontario farmers, it is replaced by products from other jurisdictions. By eroding domestic agricultural production, the Ontario government can only be perceived as supporting the inferior labour and environmental standards of our competing jurisdictions.

Section 23.1 in Bill 148 must be amended to include options that will reduce the impact on farm employers so that we may be able to continue to provide Ontarians with the wide variety of safe and secure foods we currently enjoy. Bill 148 needs, at least, to extend the transition period to \$15 minimum wage to 2023 in recognition of the very real and very serious negative consequences of this drastic increase will cause. Alternatively, programming that provides transitional funding to farm employers affected by these changes must be made available by government to ensure their continued viability in a highly competitive industry.

Remaining Amendments in Bill 148

Since the inception of the Employment Standards Act (ESA), agriculture has functioned under a number of exemptions and special rules as is the case in a number of other jurisdictions in both Canada and the United States. The current exemptions and special rules for each of the four job categories found in agriculture reflect the differences between the farm workplace and the manufacturing workplace.

These exemptions and special rules are directly linked to the fact that:

- For the most part, farming is a seasonal occupation;
- Farming frequently requires a large number of workers for a relatively short period of time;
- We work with biological organisms with their own schedules and their own demands, and;
- We work with perishable products that very quickly can become unacceptable for human consumption.

The exemptions and special rules recognize the importance to society of our ability to produce food for our own needs, and that we have sovereignty of our food supply.


Farm employers not only compete on a global market, but we must compete in the local labour market to attract and retain workers. Many of our farm employers find alternative ways to compensate for the irregular work hours and break periods we find in agricultural employment. The flexibility granted to farm employers in the Act to be able to produce food for Ontario is returned to workers with a flexibility in work conditions, and is a significant driver for why people choose to work on Ontario's farms.

The agriculture sector is prepared to justify and defend the current exemptions under the ESA during the upcoming review process conducted by the Ministry of Labour in the fall. The current exemptions reflect how critical a variety of conditions dictate the timing and size of the workforce. The application of labour standards oriented towards the manufacturing or service sectors is simply impractical in the context of agricultural production. The concept of a 40 hour work week for 50 weeks leading to 2000 hours per year does not lend itself to farming and food production.

OFA agrees that workplaces have changed in a number of sectors and labour standards should be updated to reflect those changes. While there has been great advancements in agricultural technologies, the process of agricultural production remains the same, as does our sector's need for a practical approach to labour legislation and human resource management.

OFA appreciates the opportunity to provide comments on Bill 148 to the Standing Committee on Finance and Economic Affairs. We trust that our concerns will be given the weight that they deserve.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Keith Currie', written in a cursive style.

Keith Currie
President