



Ontario Federation of Agriculture

Ontario AgriCentre

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OFA Position Statement on Farm Labour

The Ontario Federation of Agriculture represents the interests of Ontario's farm businesses – the employers of farm labour. In that role, we take our obligations to farm workers seriously and believe that all farm workers, from both Canada and abroad, should be treated with dignity and respect, and be provided with a safe, fair and rewarding work environment.

Agricultural workplaces may involve close interactions with livestock, large and complex equipment and dangerous chemicals. It can be hazardous for farm operators, employees, family members and visitors. However, each Ontario farm operation is unique and requires a flexible and suited approach to ensuring employee health and safety and to matching human resources with the demands of farming.

OFA believes that legislated workplace standards must be sufficiently flexible to balance the challenges of agricultural production with the needs of farm workers. Farm workplaces are different due to:

- Work with living organisms
- The seasonal nature of agricultural (food) production
- High dependence on accommodating weather
- Working with fragile and perishable product

The current application of workplace legislation to the agricultural sector provides the necessary flexibility to accommodate these factors and must be maintained.

While the OFA supports the principle of providing jobs to Canadians first, foreign labour is also required to fill a significant and ever increasing shortfall in farm labour. OFA supports access to foreign agricultural labour, provided there is a shortage of Canadian workers seeking agricultural employment.

Background: The Nature of Farming and Work in Agriculture

Agricultural workplaces are different. The nature of farming presents a whole host of workplace circumstances that are not seen in the manufacturing or service sector.

At its core, farming involves the management of biological processes and living organisms that are more often than not 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 type of situation does not lend itself to a standard eight hour day. Sometimes the days are four hours long, some days are 14 or 16 hours long. This situation is certainly not by desire, but by necessity. Similarly, the length and intensity of harvest varies, driven by a number of climatic or environmental conditions.



This reality of agricultural production and work has not changed, and will not likely change in the future. While some of our agricultural products lend themselves to mechanization – for example much of our grains and oil seeds is mechanized and increasingly dairy, poultry, and swine have seen mechanization - others products absolutely require the gentle touch of a human hand and the judgment of a discerning mind.

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

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.

Employment Standards Act (ESA)

Since the inception of the Employment Standards Act, agriculture has functioned under a number of exemptions and special rules as do 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 worthless and 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. 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.

Occupational Health and Safety Act (OHSA)

Under the Occupational Health and Safety Act, Ontario's farm employers are responsible to take every precaution reasonable in the circumstances to protect the health and safety of workers. Agricultural operations function under a set of guidelines that parallel the prescriptive regulations for industrial workplaces. Operating under guidelines rather than prescriptive regulation does not in any way lessen an employers' responsibility to protect the health and safety of a worker. This arrangement simply recognizes that farm workplaces are not the same as industrial or manufacturing workplaces and that they need a flexible approach in to achieve health and safety objectives.



Labour Issues Coordinating Committee

In its role as an advocate for Ontario's farm employers, the OFA works closely with the Labour Issues Coordinating Committee (LICC). LICC is a farmer-driven coalition group representing the interests of Ontario employers in the agriculture and horticulture sector. It was formed in May 1991 in order to develop consensus among the farm employer community on employment and labour issues, and to represent their collective position to government. The focus of LICC is on policy, legislative, regulatory, and program developments related to labour relations, employment standards, workplace safety and insurance (workers' compensation), occupational health and safety, and other related labour legislation.

Last Reviewed – January 2016