

January 6, 2020

Mr. Walid Abou-Hamde
Senior Manager of Stakeholder Relations
Room 281 Premier's Office
Main Legislative Building
Toronto, ON
M7A 1A1

Dear Mr. Abou-Hamde,

On behalf of the Ontario Federation of Agriculture (OFA), I would like to express our sincere appreciation for the time you spent with us last month at Queen's Park and allowing us to share with you the priorities for Ontario's agriculture and food sector. With strong support and investments in our rural communities, we can unlock continued economic growth opportunities and drive a healthy economy that benefits all Ontarians.

Ontario's diverse and innovative agri-food industry feeds our population, fuels our rural communities and drives the provincial economy, generating more than 837,000 jobs and contributing more than \$47 billion to Ontario's annual GDP. From farmers to our diverse food processing industry, our agri-food sector is a powerhouse of possibilities.

OFA is Canada's largest general farm organization, representing more than 38,000 farm family businesses across Ontario. Ontario's agricultural and agri-food sector is among the most diverse agriculture sectors in North America. With over 200 different agricultural commodities grown and raised right here in Ontario, that's more than any other Canadian province and most U.S. states.

OFA represents the interests of Ontario's farm employers. 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 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 increasingly variable climatic and environmental conditions. And to do this successfully, it requires a *flexible* approach to managing people, and a *flexible* approach to matching human resources with the demands of food production. We believe that the current application of labour legislation to farm workplaces in Ontario strikes an appropriate balance between the needs of workers and the realities of agricultural production.

Farm workers in Ontario are covered by three principal Acts and regulations: the Employment Standards Act (ESA); the Occupational Health and Safety Act (OHSA); and the Workplace Safety and Insurance Act (WSIA). These Acts apply to farm workers regardless of their relationship to the employer; the length of their employment; the size of the farm operation or number of employees. As a rule, if a worker is provided a wage (money) for work on the farm, they are considered an employee and are covered by these Acts. This generally provides for a more straightforward understanding and application of labour legislation.

In contrast, Alberta's new *Bill 26: The Farm Freedom and Safety Act* contains a number of exemptions to labour legislation depending on the number of employees on the farm, the familial relationship of the worker to the employer, and the amount of time the worker has been employed by that farm. Bill 26 exempts workers from Employment standards on farms and ranches with five or fewer non-family employees, and if they work less than six consecutive months. The Act also exempts farms and ranches with five or fewer waged, non-family employees from providing workers' compensation coverage. Farm employers that have more than five waged, non-family employees may choose between workers compensation insurance or a private insurance provider. This is quite different from the way labour legislation is structured in Ontario and has the potential to cause considerable uncertainty and liability for Alberta employers.

While farm workers are excluded from the Labour Relations Act (LRA), they are covered by Ontario's Agricultural Employees Protection Act (AEPA) which performs a similar function as the LRA by enabling workers to express workplace issues to their employer. Though the AEPA does not allow for exclusive representation by a union or contain a strike provision found in the LRA, the AEPA effectively protects the rights of workers to assemble while respecting the unique characteristics of agriculture production such as, seasonal cycles, sensitivity to time and climate, perishability of agricultural products, and the need to protect animal and plant life.

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 representing the collective interests of Ontario employers in the agriculture and horticulture sector. It was formed in May 1991 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, occupational health and safety, and other related labour legislation. Ken Forth is the current Chair of LICC, and Stefan Larrass is their Senior Policy Advisor (licc.slarrass@gmail.com).

OFA looks forward to continuing the conversation with you and working together to strengthen Ontario's agri-food sector and rural communities.

Sincerely,



Keith Currie
President