

September 18, 2023

Poor Outdoor Air Quality and Workplace Health and Safety Consultation  
Health, Safety and Insurance Policy Branch  
Ministry of Labour, Immigration, Training and Skills Development  
400 University Avenue, 14th Floor  
Toronto, ON M7A 1T7

Submitted online through Ontario's Regulatory Registry website and by email to  
[WebHSpolicy@ontario.ca](mailto:WebHSpolicy@ontario.ca)

Dear Ministry of Labour, Immigration, Training and Skills Development Officials:

**RE: 23-MLITSD004 - Poor Outdoor Air Quality and Workplace Health and Safety Consultation**

The Ontario Federation of Agriculture (OFA) is pleased to provide comments to the Ministry of Labour, Immigration, Training and Skills Development (MLITSD) regarding the Poor Outdoor Air Quality and Workplace Health and Safety Consultation. OFA is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

OFA takes the health and safety of farmers and farm workers seriously. We believe that all farm workers, from both Canada and abroad, should be treated with dignity and respect, and be provided with a physically and psychologically safe, fair and rewarding work environment. The majority of agricultural employment involves workers engaged in primary production outside throughout the growing season. Our comments are primarily directed towards the application of a heat stress regulation in outdoor workplaces.

When the Ontario agricultural sector was first brought under OHSA, it was agreed amongst agricultural stakeholders, the Ministry of Agriculture, Food, And Rural Affairs (OMAFRA), and MLITSD that a 'guideline approach' was the best course of action to protect the health and safety of farm workers. Mutually agreed upon guidelines for common work-related hazards were developed to provide flexibility to accommodate the diversity of farm workplaces in Ontario, while being an effective approach to preventing workplace accidents and injuries. OFA maintains that a guideline approach rather than prescriptive regulations is a preferred way to address farm workplace health and safety issues.

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When a regulatory approach is sought to resolve an issue, OFA advocates for regulations to be practical, flexible, and present the lowest possible burden on employers to achieve the intended outcomes. **OFA believes that poor outdoor air quality is currently best addressed through the general duty clause of the *Occupational Health and Safety Act (OHSA)* – Section 25 (2)(h) [employers must] take every precaution reasonable in the circumstances for the protection of a worker.**

The nature of agricultural production typically requires farm employees to work outdoors in a range of weather conditions that can often change quickly. While we recognize that outdoor air quality will be an increasing concern in the future, we believe 25 (2)(h) general duty clause provides the flexibility that will allow employers to manage the workplace and respond to instances of poor air quality in the best interests of workers.

Within the context of 25(2)(h), we believe MLITSD should work with Ontario’s Health and Safety Associations (HSA) to develop a guideline approach to properly respond to instances of poor air quality and protect the health and safety of workers. The focus of the Ministry and HSAs should be on raising awareness and educating employers on the health and safety concerns of poor outdoor air quality. Guidelines could include how to monitor poor air quality, how to develop a response plan for poor air quality events, the appropriate use of personal protective equipment (PPE), and additional best practices to remove potential harm and protect workers.

We appreciate that MLITSD is raising this issue and proactively seeking to address a potential threat to worker health and safety. **At this time, we believe that a regulatory approach is not necessary or would be any more effective to protect workers than providing employers with information, tools, and advice.**

Thank you for the opportunity to provide these comments to the Poor Outdoor Air Quality and Workplace Health and Safety Consultation.

Sincerely,



Peggy Brekveld  
President

cc: OFA Board of Directors