

The AgCoalition in Review

An Update from the Alberta Agriculture Farm and Ranch Safety Coalition

This Update: The Labour Relations Consultation Table Reports Back

The AgCoalition and the Government Table Consultation Process

As introduced in the previous update, an immediate focus area for the newly formed AgCoalition was responding to the announced Bill 6 government table consultation process. After the government invited submissions for nominees to participate in the table consultation process, the AgCoalition coordinated a process to identify nominees that were part of the agricultural sector producer organizations. As stated earlier, these nominees were in turn supported by the AgCoalition with representative sector information and expert inputs as required.

Supporting AgCoalition Nominees at the Labour Relations Consultation Table

While Bill 6 has been described as legislation supporting agricultural safety, the published consultation table topics include elements of labour and employment standards that are also under consideration in the new legislation for the agricultural sector. As these particular standards did not previously apply to agricultural, there was no reason to be expert in these areas in the recent past. Table nominees representing the agricultural industry were then somewhat disadvantaged when discussing these topics with other table participants that have a long history associated with these particular subject areas.

The AgCoalition Strategy Committee worked to balance this situation. Legal advisors from the firm McLennan Ross were brought on, and they in turn provided valuable expertise and insight on issues related to the various elements of labor relations discussed at this table. Nominees associated with the AgCoalition now had the benefit of this feedback to guide conversations and positions that are important to the agricultural industry. Conference calls were also held with the nominees to address any questions with additional information.

Feedback from the Agricultural Sector

Both the inaugural meeting of the AgCoalition and subsequent Industry Leadership Advisory Committee (ILAC) meetings provided feedback for nominees representing Agriculture at the government sponsored consultation table activity. To do this, the AgCoalition Technical Support group compiled Technical Briefings for nominees specific to the topic at their table, in this case for labour relations. Feedback from agriculture folks across Alberta is shown in the following summary.

Labour relations was by far the most challenging topic, as most producers felt that it had nothing to do with safety and so did not belong in the safety bill. As well, the crossover between work and family life,

the unique nature of the sector, and the fact that farmers and ranchers are responsible for the care of living organisms means that labour actions could have a disastrous impact on the sector, and on the welfare of producers and the organisms under their care.

- The Ontario model was found to be preferable by all AgCoalition participants. (Legal experts in the field have since confirmed that the model is legally sound, despite the attempts of some to indicate otherwise).
- Agricultural workers should be considered essential workers, due to their role in food safety and animal/crop welfare.
 - the labour code should include “irreversible damage to the welfare of crops and/or livestock” so that this situation is recognized as an emergency and labour actions can be suspended accordingly.
- Strikes and other similar labour actions were identified as unacceptable by any reasonable measure.
 - Animal and crop welfare would be at stake, potentially resulting in widespread disease, illnesses, and pests, or even death of organisms.
 - The skills that are required to work safely on a farm or ranch are hard to come by. Thus replacement workers would be nearly impossible to find, or those that were hired on short notice to support compelling situations would actually make farms and ranches more dangerous places to work.
 - Food safety requires constant on farm monitoring and intervention, which would not be achievable in the event of a strike. Thus human health could be at stake if tainted food were

Did You Know.....

The AgCoalition Strategy Committee

The AgCoalition enjoys leadership from the following representatives in the Agricultural sector. Some of the committee members played key roles in the Industry Leadership Advisory Committee (ILAC) sessions, others sit as nominees on the government consultation tables, some lead as advisors to various consultation table nominees, and the group as a whole provided feedback when setting direction for the many AgCoalition activities. Joel Beatson led the AgCoalition Technical Support Group that helped provide information to nominees in the government table consultations.

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|---------------------|----------------------------|
| ▪ Joel Beatson | Landscape Alberta |
| ▪ Darcy Fitzgerald | Alberta Pork |
| ▪ Leanne Fischbuch | Alberta Pulse Growers |
| ▪ Terence Hochstein | Potato Growers of Alberta |
| ▪ Karen Kirkwood | Alberta Chicken Producers |
| ▪ Mike Slomp | Alberta Milk |
| ▪ Rich Smith | Alberta Beef |
| ▪ Tom Steve | Alberta Wheat |
| ▪ Ward Toma | Alberta Canola Producers |
| ▪ Bryan Walton | Alberta Cattle Feeders |
| ▪ Kent Erickson | AgCoalition Co-Chair |
| ▪ Page Stuart | AgCoalition Co-Chair |
| ▪ Gord Winkel | Interim Executive Director |

allowed to enter the supply chain.

- Environmental maintenance also requires constant monitoring, meaning that environmental degradation, including water pollution, land erosion, and lagoon failure, could become widespread problems if labour actions prevent proper care.
- There was concern that the presence of unions would spoil what are currently amenable relationships between employers and employees.
- The fact that a farm is a home and a business was pointed out many times, and it was agreed that labour actions should not be allowed to occur at a family home.
- There were outstanding questions about how seasonal, contractual, casual, and temporary workers will be handled, important details overlooked by the current approaches.

Very importantly, producers conveyed their care and concern for the fine employees that support them, and that current relationships are valued and healthy.

Feedback from the Labour Relations Consultation Table

A Word About the Consultation Process for this Table.

It should be noted that before the consultation process was fully initiated, concerns were brought forward with respect to both representation and process at these particular table proceedings.

On the representation aspect, it was identified that considerable union oriented expertise had been brought in to confer on subject matter that the agricultural sector has no real experience in. One can appreciate that an agriculturally oriented culture founded on hard work, togetherness and mutually respectful employment relationships would have considerable difficulty dealing with the nuances of conflicts, disputes, strikes and picket lines as they relate to labour relations and associated codes.

From a process perspective, open dialogue was difficult owing to restrictions in mandate that somewhat controlled and narrowed the focus to prevent a more balanced consideration of the total subject scope under consideration. A request for commensurate legal representation to join agricultural nominees was denied, however, a legal briefing was accepted for review by table participants to inform the subsequent discussions. This is duly noted and was constructive.

While again these particular aspects of the consultation did prove challenging, the AgCoalition's commitment to meaningful participation in the government consultation process was maintained, and the majority of topics under consideration were worked to conclusion.

How Are the Results From a Consultation Table Reported?

For each Consultation Table or Working Group, a Record of Decision is compiled at the conclusion of a meeting. This is a summary level description of a particular recommendation/decision or a strategic option that the table participants are asked to consider. In addition there is an upfront declaration on whether the participants reached consensus during ensuing discussions or not. In the case of a consensus decision, supporting details are shared. When consensus is not reached, the "rationale for" and the "rationale against" are recorded.

#1

Recommendation/
Decision

Strategic Option

Add the Agriculture Exemption back in to the Labour Relations Code

This is not a consensus of the group

Rationale in favor: We have culture in agriculture where we cultivate strong and healthy relationships with our workers. We more often see them as colleagues rather than employees. We feel adopting the code will jeopardize that relationship.

Rationale against: Worker rights should be enhanced in the Labour Code and the rights of organizing is a right that should be conveyed upon workers. It is the constitutional right of all workers in Canada to join a trade union and to collectively bargain in their work place. This right has consistently been applied across Canada in all other industries and is part of the international rights of workers that Canada has accepted in signing international treaties. The labour code is well equipped to deal with the particular needs and circumstances of the agricultural industry.

#2

Recommendation/
Decision

Strategic Option

Adopt the *Ontario Agriculture Employees Protection Act* (OAEPA) model in Alberta

This is not a consensus of the group

Rational for: We find the Ontario model is a favourable model to pursue. The model is not under constitutional challenge and is operating. This means that failure to consider this option violates agricultural producer's constitutional rights. It previously has been challenged by the Supreme Court and it has survived the challenge. It is a constitutional right to organize but not unionize.

Rationale against: We find the Ontario model an unfavourable model to pursue. The Ontario model is the only provincial model that excludes farm workers from joining a union and being involved in the collection bargaining process. Other provinces include agricultural workers in their labour codes without difficulty in the agriculture industry. For example: B.C., Sask., Man. Removing an employee's right to join a union could be discriminatory. We believe that the Ontario model will not continue in Ontario in the long run. In the long run it will be struck down by the courts as unconstitutional or the government will change the model in the current review they are undertaking of workplace laws.

#3

Recommendation/
Decision

Strategic Option

Remove the right to strike / lock-out for
Agriculture workers

This is not a consensus of the group

Rationale in favor: Strike action during critical times will adversely affect the health and welfare of livestock, crops and other agriculture products. Agricultural producers have a mandate to never compromise food security, animal welfare, food safety and food waste/spoilage. Ag Producers would prefer to develop distinct legislation relating to labour in agriculture.

Rationale against: The right to strike is a constitutional right and there is no basis for these workers to have fewer rights than others. The concerns of the industry can be addressed in a manner that is far less intrusive of the rights of agricultural workers. There already exists mechanisms within the code to address the concerns of the industry and further we are prepared to discuss specific additional protections that would address industry concerns.

#4

Recommendation/
Decision

Strategic Option

Add to the code that the minimum
number of employees it takes to unionize
in the agriculture industry would be 5.

This is not a consensus of the group

Rationale in favor: Smaller farm operations have a different relationship than larger farm operations with their employees. The relationship is more of a co-worker/family relationship than an employer/employee relationship. In other provinces they have minimum numbers for unionization. Smaller operations do not have the knowledge or the resources to deal with Labour Relations code.

Rationale against: Under the current Alberta labour code the minimum requirement is 2 employees and there is no reason presented in the Agriculture industry to deviate from that requirement.

#5

Recommendation/
Decision

Exclude Immediate family

Strategic Option

This is a consensus of the group

Rationale: The inclusion of family members in the bargaining unit would adversely affect family relationships.

#6

Recommendation/
Decision

Representation of Agriculture Industry
should be reflected in the composition of
the Labour Relations Board

Strategic Option

This is a consensus of the group

Rationale: The agriculture industry is complex and unique and the board would benefit from the knowledge and experience that industry players would bring to the board.

#7

Recommendation/
Decision

The Alberta Labour Relations Board
should meet with the agriculture
industry to become educated about all
aspects of agriculture in Alberta.

Strategic Option

This is a consensus of the group

Rationale: The Board will benefit from this educational process just as it has benefited from education in other industries such as it has in the oil industry

#8



Recommendation/
Decision



Strategic Option

Add criteria to the Public Emergency Tribunal (PET) provisions to allow for a PET when there is imminent and irreversible damage to crops and/or livestock welfare in primary agriculture.

And consideration should be given to where else this concept may suggest changes to any other provision in the Code.

This is a consensus of the group

Details: Livestock welfare cannot be compromised, imminent and irreversible damage to crops and/or livestock cannot occur in primary agriculture.

Welfare is as defined by The National Farm Animal Care Council.

Irreversible damage to crops would include consideration of food safety, and food spoilage directly resulting from a labour disruption.

#9



Recommendation/
Decision



Strategic Option

GoA to provide educational seminars and educational materials directed to affected individuals and groups (example – industry associations, Association of Alberta Municipal Districts and Counties, etc.) across the province at multiple locations.

This is a consensus of the group

- **Details:**
- Electronic and paper educational materials, ministerial support within the department.
- Work with industry associations and stakeholders to determine appropriate venues, timing, communities.
- With appropriate advertising including in local newspapers and industry newsletters
- Chair willing to be part of rollout, if appropriate.
- Rollout to be funded appropriately, and planned carefully to promote understanding.
- This education should be proactive to ensure the community understands the changes without inappropriate assumptions and rhetoric.
- Be ready to answer questions
- It is important that government communicate that the industry was consulted but it was the government that made the final decisions about what would be included in the Labour Relations Code.

#10	<input type="checkbox"/> Recommendation/ Decision	First contract legislation that allows for an independent arbitrator to impose the first collective agreement when the parties reach an impasse.
	<input checked="" type="checkbox"/> Strategic Option	
This is not a consensus of the group		
Rationale in favor: It allows for a working relationship to develop between the employer, the union and the workers. Given that this industry is new to collective bargaining it avoids the possibility of bitter and harmful labour disputes at the beginning of the collective bargaining relationship.		Rationale against: It will remove decision making between the employer and employee in an industry that values strong relationships between the employer and employee. The agricultural industry has a long history of negotiating and collaborating directly with its employees; it has all the tools to reach consensus.

Recognizing Our AgCoalition Nominees

As you can see from the previous summary of results, the consultation sessions comprehensively covered a lot of territory. One can also gather from the summaries that the associated discussions required hard work from the AgCoalition Nominees to bring a much-needed perspective on the strengths and characteristics of the agricultural industry into the deliberations. Our Nominees also contributed to this overall effort during busy periods in the agricultural cycle. We all take this opportunity to once again express our sincere thanks for the personal time and effort taken by these folks to represent the agricultural industry.

Next Update: The Employment Standards Consultation Table Reports Back

