

Judge's proposition reasonable

Sunday, 25 January 2009

Farming is a dangerous business. The industry itself tells us every year in March with a full week of events and reminders and educational materials intended to reduce the grim statistics. How grim? In 2002, an average of two Albertans a month died in farm-related "accidents." The average is 18 deaths a year in the province.

Meanwhile, Alberta Occupational Health and Safety issued a news release boasting record penalties were levied in 2008 against unsafe workplaces as courts dished out \$5 million in fines to employers who broke safety laws.

Those rules don't apply to farm operations, no matter how large, leaving legions of farm workers with no protections at all.

If they want safe working conditions, the onus falls on them to insist. And that may well mean there will be repercussions to their future employment. This isn't to suggest farm employers intentionally put their employees in peril or that they're uncaring or callous to their basic needs.

But even some of the worst offenders in other industries for safety would argue they're not showing a callous disregard for their employees either. Instead, they were just doing their best to make their businesses cost-effective, maybe trimming a corner here or there on training or safety gear, doing the best they can while short workers. No one was supposed to get hurt. Those who are hurt, in other occupations, can at least receive workers' compensation for the injuries they suffer on the job. For the farm worker, there's none of that. Alberta will soon be the last province in Canada that still fails to protect farm workers. It's all about protecting the family farm.

But in a Supreme Court decision in 2001 relating to whether Ontario farm workers could be denied the right to unionize (and be covered by other labour relations law), the court said worries about the family farm aren't enough to justify a denial of workers' freedom of association. "It is reasonable to speculate that unionization will threaten the flexibility and co-operation that is characteristic of the family farm," the court determined. "Yet this concern is only as great as the extent of the family farm structure in Ontario and does not necessarily apply to the right to form an agricultural association. . . . Reliance on the family farm justification ignores an increasing trend in Canada towards corporate farming and complex agribusiness and does not justify the unqualified and total exclusion of all agricultural workers from Ontario labour relations regimes." Yet Alberta continues to drag its feet, and even in Ontario, the government continues to use the courts to fight the possibility of unionized farm workers.

Collective bargaining rights aside, the extension of occupational health and safety protections to farm workers and the implementation of training requirements to all paid farm workers, as recommended by an Alberta judge following a recent fatality inquiry, are reasonable steps. The family farm, where all members of all ages contribute to the operation, wouldn't have to be subjected to corporate-style regulations. But any farm that hires and pays outside help would have to make safety a greater priority.

Farming is a dangerous industry. Everyone knows it. It's time Alberta did the right thing by addressing the safety issue and offering some protection to the sector's workers.