

January 13, 2006

Employment Standards Code Review

614-401 York Avenue

Winnipeg MB R3C 0P8

Dear Secretary:

Keystone Agricultural Producers (KAP) is a democratic and farmer-directed policy organization that works to protect and promote the economic, social and overall well-being on behalf of the province's farm families. It is from this perspective that we submit our comments on "*Employment Standards for Modern Workplaces and Modern Families*" as part of Minister Allan's review of Manitoba's *Employment Standards Code*.

The original intent of agricultural exclusions, as noted in the document, was to reflect the distinct operational requirements of the family farm. Family farms continue to be a unique workplace and we continue to believe that this nature continues to merit an exemption. Today's farm workplace ranges from the very small to very large and includes both crop and livestock production and 97% of all farms in Manitoba continue to owned and operated by families.

Farm employees are often family members, so workplace health and safety must continue to be a combined family and business responsibility that is handled by the individuals who are most familiar with the specific needs and issues of the farm. We believe that it would be exceedingly difficult and inefficient to try to design a program that would cover all farm owners, operators, and employees.

The financial and market structure of Manitoba's family farms is also unsuitable for the removal of this exemption. Farmers must compete in an industry where margins are extremely slim and they have little to no control over decreasing crop and livestock prices or continually increasing costs of doing business. As a result, net farm incomes continue to hover around historic lows. In such an unpredictable industry, the addition of another cost would effectively counter the province's position of protecting the viability of farm families because they have no mechanism to counter the increased costs of implementing the *Employment Standards Code*.

KAP would also like to provide comments on other sections of the review guide, to clearly illustrate how existing guidelines would not suit today's farm operations. For

example, the standard work week of 40 hours, including a work day of 8 hours and subsequent overtime pay, is simply unacceptable to Manitoba farmers. Averaging weeks is a necessity, however, because the labour needs of farms vary greatly depending on the time of year. Most farmers and their employees have already come to individualized agreements on wages and how the busy and slow periods of the farming cycle will be handled. In light of these arrangements, there is a no practical application of the standard work week measure on today's farm operations. At the same token, livestock do not recognize holidays and neither does the weather. The same chores and farm duties must be performed regardless of the date and therefore agricultural workers must be exempt from any statutory holiday regulations.

In closing, I would like to note our appreciation for the opportunity to provide our comments. Manitoba's farms continue to exist as a unique family business, and one that is due special consideration under the *Employment Standards Code*.

Sincerely,

David Rolfe

President