

IMPROVING OCCUPATIONAL HEALTH AND SAFETY ON FARMS

Working closely with stakeholders from the agricultural community, including workers, the Ontario government has put in place a regulation that makes the Occupational Health and Safety Act (OHSA) apply to farming operations in a workable way, recognizing the unique nature of farming. The regulation comes into effect on June 30, 2006.

It is widely recognized that working on a farm can be hazardous. While fatality and injury rates in the farming sector have come down in recent years, the time lost due to workplace injuries remains high by comparison to the rates in other high-risk sectors such as forestry, mining and construction.

Under the new regulation, paid farm workers, both domestic and foreign, now have the same basic health and safety rights that are already given to other Ontario workers employed in provincially-regulated workplaces.

Farms operated by self-employed individuals without paid workers will continue to be exempt from the OHSA.

Expected outcomes

Extending coverage under the OHSA to farming operations will help ensure safer working conditions and better protection for farm workers, both domestic and foreign. The resulting reduction in workplace injury and fatality rates in the farming sector will reduce costs and help the sector to further contribute to a stronger economy for the province as a whole.

In addition, the new regulation will raise awareness of the importance of health and safety on farms operated by self-employed individuals without paid workers. While these farms are exempt from the application of the OHSA, it is expected this action will help to prevent injuries and fatalities on these farms too.

Occupational Health and Safety Act

The OHSA is enforced by the Ministry of Labour. The main purpose of the act is to protect workers from health and safety hazards on the job. It sets out the rights and duties of all parties in the workplace. The act establishes procedures for dealing with workplace hazards, and it provides for enforcement of the law where compliance has not been achieved voluntarily.

Under the OHSA, workers, supervisors and employers share the responsibility for occupational health and safety. This concept of an internal responsibility system is based on the principle that

the workplace parties themselves are in the best position to identify health and safety problems and to develop solutions. Ideally, the internal responsibility system involves everyone, from the company chief executive officer to the worker.

A core group of experienced Ministry of Labour health and safety inspectors has been given in-depth training on farming operations. The training included:

- A profile of the agricultural sector
- Hazards associated with farm work
- Specific bio-security protocols to follow to prevent any cross-contamination between farms.

In addition, all Ministry of Labour inspectors who may respond after hours to farming-related events have also received training on bio-security protocols.

Rights and responsibilities

As a result of the regulation extending coverage of the OHS Act to farming operations, certain rights and responsibilities apply to both employers and farm workers.

For example, employers have the duty to:

- Take every reasonable precaution to protect workers
- Provide information, instruction and supervision to workers
- Notify workers and supervisors about hazards in the workplace
- Notify the Ministry of Labour of workplace fatalities and critical injuries
- Co-operate with the workplace joint health and safety committee or the worker health and safety representative and respond to recommendations.

Paid farm workers have the duty to work safely, in accordance with the act and regulations. They also have basic rights, including the right to:

- Participate in decisions about workplace health and safety
- Know about workplace hazards to which they are exposed
- Refuse unsafe work.

In addition, where required, specially trained and certified members of a joint health and safety committee (see below) have the right to stop work in dangerous circumstances.

Health and safety worker representatives

All farm workplaces with six to 19 regularly employed workers are required to have a worker health and safety representative selected by the workers.

Farms with 20 or more paid workers that are not operations named below under the section on joint health and safety committees are required to have a worker health and safety representative selected by the workers.

Joint health and safety committees

A joint health and safety committee is an advisory group of worker and management representatives. It meets regularly to discuss health and safety concerns, review progress and make recommendations.

A joint health and safety committee is required in farming operations with 20 or more regularly employed workers in the following types of commodities: mushroom farming, greenhouse farming, dairy farming, beef farming, hog farming and poultry farming. These types of farming operations typically hire workers on a year-round or extended basis. Where 50 or more workers are regularly employed on these operations, a worker and an employer member of the joint health and safety committee must receive special certification training.

Application of regulations under OHS

The following existing regulations under the OHS will apply to farming operations:

- **Critical Injury – Defined.** This regulation defines the term “critical injury.”
- **Training Programs.** This regulation clarifies that the employer is required to pay for the training of certified members of a joint health and safety committee.
- **Training Requirements for Certain Skill Sets and Trades.** This regulation gives Ministry of Labour inspectors the authority to enforce requirements established by the Ministry of Training, Colleges and Universities, that workers performing certain restricted trades (for example, an electrician or steamfitter) must be appropriately qualified/certified.

Transition period

The regulation extending coverage under the OHS to farming operations comes into effect on June 30, 2006.

Over the past year, the Ministry of Agriculture, Food and Rural Affairs has led an awareness and education campaign. The Ministry of Labour and the Farm Safety Association provided assistance. This campaign will continue.

Information for farm employers and workers is available through the Farm Safety Association and the Ministry of Labour.

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Media contacts:

Belinda Sutton
Ministry of Labour
416-326-7405

Gail Gimpelj
Ministry of Agriculture, Food and Rural Affairs
519-826-3234

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www.omafr.gov.on.ca