

Alberta Compliance Alert: Bill 26 Restores Farm Worker Employment Law Exemptions



In contrast to many provinces, Alberta has historically exempted farm and ranch workers from its employment and labour laws. But in 2016, Alberta's then Liberal government enacted a law called Bill 6, aka, the *Enhanced Protection of Farm Workers Act*, eliminating those exemptions and making farm and ranch workers part of the province's regulatory scheme. That didn't set well with many groups and regulation of farm workers became a major issue in the 2019 provincial elections with the United Conservative Party (UCP) promising to revoke Bill 6. Of course, the UCP won the election and on December 5, 2019, kept its promise by securing the enactment of Bill 26, the *Farm Freedom and Safety Act*. Here's a quick overview of the 3 key parts of Bill 26.

1. Employment Standards Changes

Previous Law: Bill 6 extended the requirements of the *Employment Standards Code* (ESC) to workers at farming and ranching operations (other than family members) with the exception of certain overtime and hours of work rules.

New Law: Bill 26 exempts farm and ranch employers with more than 5 employees (not including family members and employees employed for less than 6 months) from having to comply with any part of the ESC, effective January 31, 2020.

2. Labour Relations Changes

Previous Law: Alberta's *Labour Relations Code*, which ensures employees' rights to unionize and bargain collectively, used to exclude employees of farming and ranching operations. But Bill 6 eliminated that exclusion.

New Law: The pendulum has now swung back with Bill 26 restoring the exemption for farming or ranching employees. There's also a revised definition of those employees as those whose employment is directly related to:

- Primary production of eggs, milk, grain, seeds, fruit, vegetables, honey, livestock, diversified livestock animals, poultry or bees (but not greenhouses, mushroom farms, nurseries and sod farms);
- An operation that produces cultured fish; and
- Any other primary agricultural operation specified in the regulations.

3. Workers' Comp Changes

Previous Law: Bill 6 also brought farm and ranch workers into the province's workers' comp system by requiring employers to secure coverage of those workers from the Alberta Workers' Compensation Board (WCB).

New Law: Under newly enacted Bill 26, farm and ranch employers with more than 5 employees (not including family members and employees employed for less than 6 months) must ensure workers have *either* public coverage through the Alberta Workers Comp Act *or* private insurance. Employers with fewer than 5 employees remain exempt from mandatory workers comp, effective January 31, 2020.