

OHS Requirements for Farming & Ranching Operations



Occupational Health and Safety (OHS) laws generally apply to all companies and operations that carry out business in the particular province, other than government agencies and sectors subject to their own particular workplace safety laws. One notable exception is farming and ranching operations.

The starting point is that farming and ranching are subject to provincial/territorial, rather than federal OHS laws. Within the provincial/territorial realm, the rules vary:

- **Full Coverage:** In New Brunswick, Newfoundland & Labrador, Nova Scotia, and the three territories, farming and ranching operations are fully subject to OHS laws just like any other sector.
- **Exemption:** In Prince Edward Island, none of the OHS laws apply to a workplace that's deemed an "agricultural operation" carried out on "farmland."
- **Limited Exceptions:** In Manitoba and Saskatchewan, farming and ranching operations must comply with all OHS laws except certain requirements for powered mobile equipment.
- **Limited Coverage:** Alberta and Ontario take the mirror-image approach of exempting qualified farms and ranches from all OHS requirements except for designated provisions:
 - **Alberta:** JHSC requirements other than JHSC training;
 - **Ontario:** Requirements pertaining to injury and incident

reporting, OHS awareness training, noise, washrooms, and naloxone.

- **Special Requirements for Farms:** British Columbia takes a hybrid approach dedicating an entire provision of its *OHS Regulation* (Part 28) to farming operations.

Here's a summary of the current OHS coverage rules for farming and ranching operations in each part of Canada.

FEDERAL

1. *Canada Labour Code* and *Canadian OHS Regulations* don't apply to agricultural operations, ranching, or farm work.
2. Agricultural, ranching, and farming operations are subject to the OHS laws of the province or territory in which the work is carried out.

ALBERTA

1. *OHS Act* and *OHS Code* don't apply to the following farming and ranching operations:
 1. the production of crops, including fruits and vegetables, through the cultivation of land;
 2. the raising and maintenance of animals or birds;
 3. the keeping of bees (*OHS Code*, Sec. 1.1(1)).
2. *OHS Code* clarifies that the following are **not** farming and ranching operations deemed exempt:
 1. the processing of food or other products from the operations referred to in Item #1 above;
 2. the operation of greenhouses, mushroom farms, nurseries, or sod farms;
 3. landscaping;
 4. the raising or boarding of pets (*OHS Code*, Sec. 1.1(2)).
3. OHS rules only apply to an operation if a waged, non-family worker is present on the farm or ranch, and then only to those individuals (Govt. Guidelines).

4. OHS rules do not apply:
 1. to **family members** of the owner of a farm or ranch operation;
 2. to the private residence, which includes areas around the home like the lawn area, backyard, or garden;
 3. when people are doing non-work related activities on their land, such as recreational activities like horseback riding or hunting (*Agricultural Operation Practices Act*).
5. Agricultural and ranching operations that are exempt from the OHS Act and OHS Code must meet the safety requirements of the *Agricultural Operation Practices Act* and regulations.
6. **Exception:** Part 13 of the OHS Code pertaining to Joint Health and Safety Committees (JHSC) **does** apply to otherwise exempt farming and ranching operations (*OHS Code*, Sec. 1.1(4)).
7. However, [Section 201](#) requiring JHSC training applies only to the training of co-chairs of JHSCs and health and safety representatives of farming and ranching operations (*OHS Code*, Sec. 1.1(5)).

BRITISH COLUMBIA

1. "Agricultural operations on farm lands" are subject to Part 28 of the *OHS Regulation* (*OHS Reg*, Sec. 28.2).
2. **"Agricultural operations"** include the production activities related to:
 1. apiculture,
 2. berry farming,
 3. Christmas tree culture,
 4. composting,
 5. dairy farming,
 6. egg farming,
 7. forest seedling and seed production,
 8. grain and oilseed production,

9. greenhouse operations,
10. herb production,
11. horticulture, including floriculture, tree nurseries and ornamental nurseries,
12. insects raised for biological pest control,
13. orchards,
14. poultry farming,
15. a riding academy, or the boarding or breeding of horses,
16. seed production,
17. sod or turf production,
18. vegetable farming,
19. wool, hide, feather or fur production, and
20. (t) the raising of crops or animals for human or animal consumption,

but do **not** include:

- (u) the production of agricultural byproducts or of manufactured derivatives from agricultural raw material,
- (v) the breeding or raising of pets other than horses, or
- (w) aquaculture (*OHS Reg*, Sec. 28.1).

3. **"Farm land"** means land used for agricultural operations (*OHS Reg*, Sec. 28.1).

MANITOBA

1. Agricultural and ranching operations in Manitoba **are** subject to the *Workplace Safety and Health Act* and *WSH Regulations*.
2. Limited exceptions to powered mobile equipment regulations apply to tractors used solely for agricultural operations.

NEW BRUNSWICK

1. Agricultural and ranching operations in New Brunswick

are subject to the *OHS Act* and regulations.

2. The *OHS Act* doesn't apply to a place of employment that is a private home unless the work that is carried on has been contracted to the employer of one or more persons employed at that private home (*OHS Act*, Sec. 3(1)).

NEWFOUNDLAND & LABRADOR

No exemptions—Agricultural and ranching operations in Newfoundland and Labrador are subject to the *OHS Act* and *OHS Regulations*.

NOVA SCOTIA

No exemptions—Agricultural and ranching operations in Nova Scotia are subject to the *OHS Act* and regulations.

NORTHWEST TERRITORIES

No exemptions—Agricultural and ranching operations in Northwest Territories are subject to the *Safety Act* and *OHS Regulations*.

NUNAVUT

No exemptions—Agricultural and ranching operations in Nunavut are subject to the *Safety Act* and *OHS Regulations*.

ONTARIO

1. The *OHS Act* applies to farming operations subject to the exceptions and limitations set out in the regulations (*Farming Operations Regs*, Sec. 1).
2. The *OHS Act* does **not** apply to a farming operation operated by a self-employed person without any workers (*Farming Operations Regs*, Sec. 1).
3. Section 9(2) of the *OHS Act* (which requires employers to establish a workplace JHSC) applies only to farming operations where 20 or more workers are regularly employed and have duties that include performing work

related to one or more of the following operations:

- Mushroom farming
 - Greenhouse farming
 - Dairy farming
 - Hog farming
 - Cattle farming, and
 - Poultry farming (*Farming Operations Regs*, Secs. 3(1) + (2)).
4. Where a JHSC is required at a farming operation, the requirement for certified members (set out in Section 9(12) of the *OHS Act*) applies to that farming operation only if 50 or more workers are regularly employed at it (*Farming Operations Regs*, Sec. 3(3)).
5. The OHS regulations made under the *OHS Act* do **not** apply to farming operations other than the following:
- [Ontario Regulation 420/21](#) (Notices and Reports Under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents)
 - [Ontario Regulation 297/13](#) (Occupational Health and Safety Awareness and Training)
 - [Ontario Regulation 381/15](#) (Noise)
 - [Ontario Regulation 559/22](#) (Naloxone Kits), and
 - [Ontario Regulation 480/24](#) (Washroom Facilities – Records of Cleaning) (*Farming Operations Regs*, Sec. 4).

PRINCE EDWARD ISLAND

1. OHS regulations don't apply to a workplace that is an agricultural operation conducted on farmland (*OHS Act General Regs*, Sec. 1.7(1)).
2. **"Agricultural operation"** is defined as including the production activity conducted, or service provided, by a bona fide farmer in relation to:
 1. berry farming,
 2. Christmas tree culture,
 3. dairy farming,

4. egg farming,
5. grain and oilseed production,
6. orchards,
7. poultry farming,
8. a riding academy or the boarding or breeding of horses,
9. seed production,
10. sod or turf production,
11. vegetable farming,
12. wool, hide, feather, or fur production, and
13. the raising of crops or animals for human or animal consumption,

but **does not** include:

1. the production of agricultural byproducts or of manufactured derivatives from agricultural raw material,
2. the breeding or raising of pets other than horses, or
3. aquaculture (*OHS Act General Regs*, Sec. 1.7(3)(a)).

3. **“Bona fide farmer”** means:

1. an individual who owns a farm and
 1. is actively engaged in farming, and
 2. earns at least 25% of the individual’s gross annual income from farming,
2. a corporation who owns a farm and
 1. is registered in the province,
 2. is actively engaged in farming, and
 3. earns at least 25% of the corporation’s gross annual income from farming, or
1. a partnership that owns a farm and
 1. is registered in the province,
 2. is actively engaged in farming, and
 - earns at least 25% of the partnership’s gross annual income from farming (*OHS Act General Regs*, Sec. 1.7(3)(b)).

4. **“Farmland”** means land used for an agricultural operation (*OHS Act General Regs*, Sec. 1.7(3)(c)).

QUÉBEC

No exemptions—Agricultural and ranching operations in Québec are subject to the *OHS Act* and OHS regulations.

SASKATCHEWAN

1. Agricultural and ranching operations in Saskatchewan are subject to the *Saskatchewan Employment Act* and *OHS Regulations*.
2. **Exception:** OHS regulations (Section 11-2) governing training for operators of powered mobile equipment do **not** apply to persons directly engaged in a “farming or ranching operation,” defined as including any of the following operations:
 1. the production of crops, including fruits and vegetables, seeds, and animal feed, through the cultivation of land;
 2. the drying, cleaning, handling, and transporting of grain by the original producer of that grain;
 3. feedlot and intensive livestock operations;
 4. the production of raw milk;
 5. the operation of greenhouses;
 6. the operation of herb or mushroom farms;
 7. the raising of animals used in the production of food, including horses;
 8. the keeping of bees;
 9. the operation of sod farms;
 10. the operation of tree nurseries (*OHS Regs*, Sec. 11-2).

YUKON TERRITORY

No exemptions—Agricultural and ranching operations in Yukon are subject to the *Workers’ Safety & Compensation Act* and *WSC Regulations*.