BILL 6

ENHANCED PROTECTION FOR
FARM AND RANCH WORKERS ACT

THE MINISTER OF JOBS, SKILLS, TRAINING AND LABOUR

First Reading .................................................................
Second Reading ............................................................
Committee of the Whole ..................................................
Third Reading .............................................................
Royal Assent ...............................................................
BILL 6

2015

ENHANCED PROTECTION FOR FARM AND RANCH WORKERS ACT

(Assented to , 2015)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Part 1
Employment Standards Code

Amends RSA 2000 cE-9
1(1) The Employment Standards Code is amended by this section.

(2) Section 2(3) and (4) are repealed.
Explanatory Notes

Part 1
Employment Standards Code


(2) Section 2(3) and (4) presently read:

(3) The following Divisions and regulations do not apply to employees and employers specified in subsection (4):

(a) Part 2, Division 3, Hours of Work;
(b) Part 2, Division 4, Overtime and Overtime Pay;
(c) Part 2, Division 5, General Holidays and General Holiday Pay;
(d) Part 2, Division 6, Vacations and Vacation Pay;
(e) Part 2, Division 9, Restriction on Employment of Children and regulations made under section 138(1)(e), prohibiting or regulating the employment of individuals under 18 years of age;
(3) Section 138(1)(l) is repealed.

2 The Employment Standards Regulation (AR 14/97) is amended by repealing section 1.1.

3 This Part comes into force on Proclamation.

Part 2
Labour Relations Code

Amends RSA 2000 cL-1

4(1) The Labour Relations Code is amended by this Part.
(f) regulations under section 138(1)(d) respecting vacations, vacation pay, general holidays and general holiday pay;

(g) regulations under section 138(1)(f) respecting the minimum wage.

(4) The Divisions and regulations specified in subsection (3) do not apply to employees employed on a farm or ranch whose employment is directly related to

(a) the primary production of eggs, milk, grain, seeds, fruit, vegetables, honey, livestock, diversified livestock animals within the meaning of the Livestock Industry Diversification Act, poultry or bees, or

(b) any other primary agricultural operation specified in the regulations,

or to their employer while acting in the capacity as employer.

(3) Section 138(1)(l) presently reads:

138(1) The Lieutenant Governor in Council may make regulations

(l) specifying an operation to be a "primary agricultural operation" for the purpose of section 2.

2 Amends Alberta Regulation 14/97. Section 1.1 presently reads:

1.1 An operation that produces cultured fish within the meaning of the Fisheries (Alberta) Act is specified as a primary agricultural operation for the purpose of section 2(3)(i) of the Act.

3 Coming into force.

Part 2
Labour Relations Code

(2) Section 4(2)(e) is repealed.

(3) This section comes into force on Proclamation.

Part 3
Occupational Health and Safety Act

Amends RSA 2000 cO-2
5(1) The Occupational Health and Safety Act is amended by this section.

(2) Section 1(s)(i) is repealed.

6 The Farming and Ranch Exemption Regulation (AR 27/95) is repealed.
(2) Section 4(2) presently reads in part:

(2) This Act does not apply to

(e) employees employed on a farm or ranch whose employment is directly related to

(i) the primary production of eggs, milk, grain, seeds, fruit, vegetables, honey, livestock, diversified livestock animals within the meaning of the Livestock Industry Diversification Act, poultry or bees, or

(ii) any other primary agricultural operation specified in the regulations under the Employment Standards Code

or to their employer while the employer is acting in the capacity of their employer;

(3) Coming into force.

Part 3
Occupational Health and Safety Act


(2) Section 1(s) presently reads:

1 In this Act,

(s) “occupation” means every occupation, employment, business, calling or pursuit over which the Legislature has jurisdiction, except

(i) farming or ranching operations specified in the regulations, and

(ii) work in, to or around a private dwelling or any land used in connection with the dwelling that is performed by an occupant or owner who lives in the private dwelling or a household servant of the occupant or owner;

6 Repeals Alberta Regulation 27/95.

(2) The following is added after section 1:

Farming and ranching operations

1.1(1) Subject to subsection (2) and except as expressly provided in this Code, this Code does not apply to the following farming and ranching operations:

(a) the production of crops, including fruits and vegetables, through the cultivation of land;

(b) the raising and maintenance of animals or birds;

(c) the keeping of bees.

(2) For greater certainty, the following are not farming and ranching operations:

(a) the processing of food or other products from the operations referred to in subsection (1);

(b) the operations of greenhouses, mushroom farms, nurseries or sod farms;

(c) landscaping;

(d) the raising or boarding of pets.

8 This Part comes into force on January 1, 2016.

Part 4
Workers’ Compensation Regulation

Amends AR 325/2002

9 The Workers’ Compensation Regulation (AR 325/2002) is amended in Schedule A by striking out

“agrology and agronomy services, provision of;”,
“apiary, operation of;”,
“artificial breeding services, provision of;”,
“breeding of animals, birds, fish or reptiles;”,

Coming into force.

Part 4
Workers’ Compensation Regulation

“collection of urine from pregnant mares;”,
“dude ranch, operation of;”,
“egg producer, commercial, carrying on business as;”,
“farming, carrying on business of;”,
“farming contracting, including haying and threshing, carrying on business of;”,
“feed lot, commercial, operation of;”,
“fertilizer spreading services, provision of;”,
“fruit grower, commercial, carrying on business as;”,
“game farm, operation of;”,
“horse exercising, training or racing, carrying on business of;”,
“poultry producer, commercial, carrying on business as;”,
“rabbit producer, commercial, carrying on business as;”,
“ranching;”,
“riding academy or horse stable, operation of;” and
“vegetable grower, commercial, carrying on business as;”.

Coming into force

10 This Part comes into force on January 1, 2016.
10 Coming into force.
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Title: 2015 (29th, 1st) Enhanced Protection for Farm and Ranch Workers Act