

2015 Bill 6

---

First Session, 29th Legislature, 64 Elizabeth II

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **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*

## **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**(2) Section 2(3) and (4) are repealed.**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

1(1) Amends chapter E-9 of the Revised Statutes of Alberta 2000.

(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**(3) Section 138(1)(l) is repealed.**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**

**4(1)** Amends chapter L-1 of the Revised Statutes of Alberta 2000.

**(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**

**5(1)** Amends chapter O-2 of the Revised Statutes of Alberta 2000.

(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.

**7(1) The *Occupational Health and Safety Code 2009* as adopted by the *Occupational Health and Safety Code 2009 Order* (AR 87/2009) is amended by this section.**

**(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;”,



**7** Amends Occupational Health and Safety Code 2009.

**8** Coming into force.

**Part 4**  
**Workers' Compensation Regulation**

**9** Amends Alberta Regulation 325/2002.

“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.

