

Farm and Ranch Workplace Legislation

Recommendations Report

Report to Ministers

**Technical Working Group: Review of Existing Safety
Related Requirements in the Occupational Health and
Safety Code**

Submitted to:
Minister Carlier
Agriculture and Forestry

Minister Gray
Labour

March 31, 2017

Letter to Ministers

Dear Minister Carlier and Minister Gray,

March 31, 2017

It has been my pleasure to mediate/facilitate the discussions of Technical Working Group #4 (TWG 4) whose topic for discussion was the Safety provisions of the Occupational Health and Safety Code. The Group also reviewed and attempted consensus on some key concepts jointly with TWG 3.

TWG 4 membership crossed a number of health, safety and farm disciplines and brought a wealth of knowledge, expertise and deep convictions to the table. The discussions were frank and honest but also respectful. We delved into many of the underlying concerns and interests upon which the members' opinions were based. We also examined the subject Code Parts on a section by section basis attempting to determine whether the particular sections were applicable to farms and ranches and if so, whether they were workable on a day to day basis. If our members determined that, as written, the sections were problematic by reason of the characteristics of the farming industry, or the propensities of farmers or the economics of farms or the workability or practicality of the sections, they strove to find solutions by way of recommendations, conditions, variations or exclusions. The members were successful in reaching consensus among the members in the vast majority of their deliberations. For those where consensus could not be reached we have provided to you the options discussed and the considerations associated with those options.

The attached report details our discussions, recommendations and options in lieu of recommendations.

The Review of Existing Safety Related Requirements in the Occupational Health and Safety Code Technical Working Group (#4) participants listed below agree to, and support, the report's content.

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Sincerely,



Donald P. Mallon Q.C.

Chair, Review of Existing Safety Related Requirements in the Occupational Health and Safety Code Technical Working Group 4

Contents

Letter to Ministers	i
Executive Summary	3
Consultation Process	4
Working Group Mandate	5
Recommendations	5
Part 20 Radiation Exposure	5
Part 13 Joint Work Site Health and Safety Committee	5
Part 8 Walkways, Stairs, Entrances, Fixed and Portable Ladders	6
Part 15 Control of Hazardous Energy	8
Part 19 Mobile Equipment	9
Part 22 Safeguards	15
Part 25 Tools, Equipment and Machinery	17
Part 21 Rigging	18
Part 6 Cranes, Hoists and Lifting Devices	19
Part 23 Scaffolding	22
Part 9 Fall Protection	24
Part 12 General Safety Procedures	26
Part 24 Toilets and Washing Facilities	27
Additional Items Discussed by the TWG	29
Summary	29
APPENDICES	31
A. Technical Working Group Participants	31
B. Technical Working Group Terms and Conditions	32
APPENDIX C: Joint TWG 3 and TWG 4 Report	36
APPENDIX D: Technical Working Groups 3 & 4 SUBGROUP REPORT	50
APPENDIX E: Consensus/Non-Consensus	55

Executive Summary

The Alberta Government formed six Technical Working Groups (TWG's) for the purpose of consultation on specific implementation of the objectives of Bill 6. Each of the TWG's consisted of 12 members of the public including farming, ranching and OHS experts and were facilitated by a neutral mediator. The mandate for each TWG was:

Offer experience and sector-specific perspective to provide advice, suggestions and recommendations to inform the development of technical rules for Alberta's farm and ranch sector.

TWG #4's specific task was to attempt to reach consensus in respect of the application of the 13 Safety provisions of the OHS Code to farms and ranches. Those were Parts 6, 8, 9, 12, 13, 15, 19, 20, 21, 22, 23, 24, and 25. Generally three options were considered and occasionally a fourth. Those options were:

- Farms and Ranches should be exempt from this Part.
- This Part can be applied to Farms and Ranches without variation or conditions.
- This Part can be applied to Farms and Ranches with some conditions, variations and/or clarifications.
- Some portions of the Part fall into each of the above categories.

Consensus was defined as:

“A decision or direction that every TWG participant agrees to actively support. The group has gone through a decision-making process where the discussion is heard by all and the decision is an expression of the wisdom of the group.”

Meetings were held In June, July, August, October and November of 2016 and January of 2017 on these issues. Consensus was reached in respect of Parts 20, 13, 8, 15, and 24 and most of 19, 22, 25, 6, 21, 23, 12 and 9.

In addition, TWG met with its OHS Code counterpart, TWG #3 to review five policy considerations some of which were contained in Code Parts 1, 2, and 3:

1. Definition of “Farm and Ranch”
2. Part 2: Hazard Assessment
3. Part 3 Specifications and Certifications, and the
4. Definition of “Worker Competency”
5. Definitions of Worker and Employer in the OHS Act

The recommendations arising from the joint TWG meetings are in Appendix C and D to this report.

TWG 4 also made some general recommendations along the way. Those are detailed later in this report. They include a suggestion of creating a Part of the Code specifically for Farms and Ranches.

Consultation Process

Prior to the TWG meetings all participants were provided with background information which informed participants of some of the issues and considerations associated with the current code provisions and parallel regulations elsewhere. All meetings of the group were in person excepting meetings of a joint sub-group reviewing the dividing lines between exempt and non-exempt farms and a teleconference to enable four members unable to attend the last two day meeting in person. That teleconference enabled input from those members on the Parts under discussion. The discussion on each Part was prefaced by a presentation from technical support from Alberta Labour which restated the previously circulated information and added to it.

The first day of meetings was spent developing operating principles and guidelines for discussions and to inform and educate the members on the process of reaching consensus. This proved invaluable throughout the deliberations as the members and Chair referred back to those principles from time to time to re-orient the discussions.

Many of the Parts under discussion contain an exceeding large amount of content and touch upon critical parts of farming and ranching. The Part that exemplified this was Part 19 Mobile Equipment. As stated by one of the members "this is our office". While initially it was thought we might be able to navigate some Parts at a high level and not discuss many of the detailed sections that idea proved unworkable. The farming experts on TWG 4 sought, rightly, to interpret the Part sections as they would be applied day to day on farms and ranches. This mandated reviewing each Part on a section by section basis, discerning those sections which may prove problematic, then considering how to deal with the impediments to application of the problem sections on working farms and ranches. The technical support informed the group as to the application of the Parts in general, in other industries and in other Provinces. The farming and ranching experts on the group informed the other group members of current farm processes and the health and safety experts in the group provided background for application and interpretation of the sections.

All members worked towards understanding others' perspectives and actively sought to find acceptable compromises that respected the interests of all parties. As facilitator, I organized the discussions as efficiently as I could, helped the group members understand each other and kept the focus clearly on the mandated tasks.

Working Group Mandate

The Technical Working Group will assist with the review of existing OHS Code requirements, including definitions associated with the requirements by offering experience and a sector-specific perspective to provide advice, suggestions and recommendations to inform the development of technical rules for Alberta's farm and ranch sector.

Recommendations

The recommendations provided herein are in the order in which the Parts were considered by TWG 4. The group first classified the various parts in respect of anticipated difficulty to attain consensus and the Chair determined the order overall. While not chronological, this may provide a sense of the "journey" taken by TWG 4. Appendix "E" contains a chronological listing of the treatment of the sections. The group was clear that they wish for the Ministers to know the content of their discussions and the rationale for their recommendations. Therefore, rather than attempting to summarize the recommendations, I have copied into this report the entire text of the Records of Decision (RODs) respecting each finalized Code Part.

Part 20 Radiation Exposure

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations
OHS Safety Code Part 20 can be applied to Farms and Ranches without variation or conditions.
Rationale/Discussion
<i>Following a presentation by OHS technical support of the details and intent of the Part and of similar Parts in other jurisdictions a discussion was had as to the potential for Farm workers to be exposed to ionizing radiation at the worksite. It was agreed that the number of instances would be few and likely restricted to x-ray exposure due to veterinary x-ray equipment, non-destructive analysis of welds and x-ray inspection of loads being transported. In all of these cases the actual work would likely be carried out by persons other than the workers themselves and in most cases this would be off site. Future unforeseen applications are possible. Due to the rarity of these events, the Group considered whether this Part had any applicability at all but after considerable discussion reached consensus that Part 20 can be applied to Farms and Ranches without variation or conditions.</i>

Part 13 Joint Work Site Health and Safety Committee

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations

OHS Safety Code Part 13 can be applied to Farms and Ranches with the following condition:

- Provision should be made for the withdrawal of a Ministerial Order after a period of 5 years of compliance

Rationale/Discussion

An OHS technical support provided a detailed review of the Part, discussed similar Code provisions in other Provinces and provided a list of the Companies currently under Ministerial Order. He advised the last Ministerial Order under this Part was issued in 2004. Currently Director's Orders appear to be more regularly in use. However, it is a potentially useful tool as it allows employers and workers to develop processes to reach Code compliance together. Its use has been restricted to Employers with ongoing compliance issues and/or poor injury records.

After discussion the Group agreed that a remedy to deal with "bad actors" was necessary. They noted that other jurisdictions limited the application of this part to Employers with many employees and that there would only be one or two farms in the Province that approached the size of the Companies that have been the subject of Orders under this Part. They were of the view that for a farm to be added to the list of offenders subject to a Ministerial order would be a significant black mark and that such a designation could significantly hamper marketing of the products of that farm. For that reason, they agreed that after a substantial period of compliance there should be a mechanism for removal of the Order. The Code as presently written does not appear to envision such removal. Whether the Minister has that inherent jurisdiction is unknown but if so it apparently has not been exercised. For clarity sake such provision should be in the Code. It was agreed 5 years was a substantial time period.

Part 8 Walkways, Stairs, Entrances, Fixed and Portable Ladders

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations

OHS Safety Code Part 8 can be applied to Farms and Ranches with the following conditions:

- Legacy buildings and equipment should be grandfathered. (recognizing an ongoing obligation to conduct hazard assessments)
- Revisions should account for present practices which are considered at least as safe as Part 8 codified practices after a hazard assessment.
- Fixed wooden ladders meeting the requirements of Section 134(1) are exempted from the requirements of Section 130.

"Legacy" is defined "as in existence prior to the expiration of 1 year after implementation of the Code revisions".

The order of Sections 133 to 136 is suggested to be changed to the following order to reflect their relative importance:

- Prohibition
- Securing and positioning

- Manufactured
- Constructed

It is recommended the education committee/government consider communications to inform Farmers and Ranchers of the Part 8 requirements and to encourage Farmers and Ranchers when modifying legacy buildings and equipment to come as close as reasonably practicable to Code standards.

Rationale/Discussion

The group considered the Part in three separate "divisions":

- *Walkways, Stairs and Entrances*
- *Fixed Ladders*
- *Portable Ladders*

And in each instance the entire group detailed numerous examples where the Code provisions were either impractical, would not work, would create undue hardship and thus foster non-compliance or provided a less safe alternative to current practices. (ie Flat bottom bins, long buildings, unused doors, tractor cabs, floors affected by weather or plant or animal products, barn loft stairs, legacy buildings, procedures to change lights, fence ladders, homemade ladders, bin and building repairs, harvesting fruit, unsecured ladder tops, altered ladders (manuf. specs), cisterns, feed yard drainage, silos, granaries, wood barns, self-feeders)

Sub groups assigned to examine the divisions then considered solutions to the issues

The entire group then considered the solutions and looked for common issues and principles and arrived at consensus both on the commonalities between the subgroup solutions and the instances in which specific conditions would be required for the specific issue. This included a specific discussion around Section 130(3), its impracticality in many instances and the fact that in particular in commodity storage containers which require the commodity (such as potatoes) to only be in contact with food safe materials, wooden fixed ladders is the norm. The Group felt that so long as wooden fixed ladders met the same requirements as wooden portable ladders there should be no reason for engineering certification.

Part 15 Control of Hazardous Energy

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation

OHS Safety Code Part 15 can be applied to Farms and Ranches without variation or conditions

Rationale/Discussion

- *The Group listened to a description by OHS Technical support of the intent of the Part, its application in other industries and similar provisions in other Provinces. The Group reviewed the circumstances of two instances where the Part provisions were not complied with, resulting in negative consequences.*
- *The Group grappled with an issue unique to the Farming and Ranching industry namely that farm machinery manufacturers supply machinery with keys that are not unique allowing a single key to start several pieces of equipment and allowing persons with keys for their own equipment to be utilized in other equipment. This renders lockout more difficult.*
- *Ultimately the Group determined that notwithstanding this difficulty, compliance by Farmers and Ranchers with this Part was likely as 212(1)(a) and 212(1)(b) were alternative not joint requirements.*

One member initially abstained from the consensus vote in order to seek background information regarding solutions to a recent farm incident arising from non-compliance with the procedures prescribed in Part 15 or equipment inadequacies leading to non-compliance and a resulting accident. The member was seeking to determine if those solutions would meet compliance or if safety has been achieved through an alternate process/mechanism that should be recognized in the Part. The member's investigations led to the conclusion that the Code provisions would not impede current practices associated with pipeline pigging operations. However, on follow up the member remained concerned that the wording of the Part is not clear enough to be easily applied to farmers and ranchers across the Province and wished to discuss the issue at the next meeting. Subsequent discussions resulted in a general recommendation.

Part 19 Mobile Equipment

OHS Safety Code Part 19 is an extremely important Part in relation to Farming and Ranching in that the operation and maintenance of Mobile Equipment is to a large degree the essence Farming and Ranching. Part 19 is broad and varied in its scope and cannot be treated as a whole. A high level categorization of the Part is not possible. Certain Sections can be applied to Farms and Ranches without variation or conditions. Certain Sections can be applied with conditions variations and/or clarifications. Certain Sections are inapplicable and therefore Farms and Ranches should be exempt from those Sections. Finally, for certain Sections it has been deemed consensus is not possible among the group members.

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration:

Recommendations

Farms and Ranches should be exempt from Sections 285-290 as pile driving is not a farming or ranching activity

Farms and Ranches should be exempt from Sections 290.2 – 290.2(5) as concrete pump trucks are not farm equipment and the operation of same is not a farming or ranching activity

The following Sections can be applied to Farming and Ranching without variation or conditions:

256 Operator responsibilities (excepting 256(3))

258 (1) & 258 (2) Dangerous movement can be applied to Farming and Ranching without variation or conditions:

259 Pedestrian traffic can be applied to Farming and Ranching without variation or conditions:

260 (1) – 260(4) Inspection and maintenance can be applied to Farming and Ranching without variation or conditions:

262 Starting engines (note: while the Section is deemed applicable, the wording should be more clear – see the discussion below)

265 Windows and Windshields

266 Other Safety Equipment (note: 266(d) is applicable without variation if it is intended to mean in a general sense a secondary method of hitch securement. Farming equipment includes ball hitches, pintle hitches, fifth wheel hitches, draw bars and three point hitches some of which operate without pins. Clarification may be required in the wording of the section)

268 Bulkheads

269 Guards and screens

270(3) Rollover protective structures

271 Equipment with rollover protection

274 Fuel tank in a cab

277 Hazardous Loads:

279 Refueling (except 279(1)(c) and 279(2)(c))

280 Three-wheeled all-terrain cycles

281 Operators manual

282 Load and slope limitations

283-284 Forklift trucks

290.1 Personal Vehicle for Work Purposes

The following conditions or variations are required for the noted sections to be made applicable to Farms and Ranches.

a) Sections 270 (1) & (2) and 272 below are generally applicable subject to the qualification that legacy equipment that is not in compliance is exempted from the requirements of the Section. (Note: the qualification does not exempt workers and employers from conducting hazard assessments):

270 (1) and 270(2) Rollover protective structures

272 Falling object protective structures

b) If, following a hazard assessment, it is determined compliance with the Section is not reasonably practicable, safe alternative practices/mechanisms may be utilized or manufacturers specifications may be relied upon:

258(3) Dangerous movements

261 Maintenance on elevated parts

263 Unattended equipment

264 Lights (recognizing the provisions of Section 186(1))

267 Warning signal (recognizing the danger such signals may cause to workers among livestock or to livestock generally)

275 Worker transportation

276. Riding on Loads: It is recommended the wording of s. 276 be modified so as to mirror Section 28.50 of the B.C. OHS Regulation namely:

“(1) Despite section 276, a worker may be transported on farm land, on mobile equipment not designed for the transportation of workers, if

(a) the worker is safely positioned, and

(b) the equipment is not operated at more than 10 km/h

(2) A worker must not ride on

(a) a tongue or drawbar connected to equipment in tandem, or

(b) a bucket, forks or other equipment that pose a risk of injury to the worker.

278. The Section should read: “The operator must ensure that a tank truck containing flammable, combustible or explosive materials is bonded or grounded.

279(1)(c) and 279(2)(c) It is recommended these sections do not apply to refueling diesel powered mobile equipment.

Rationale/Discussion

Following a review by OHS Technical Support of the details and intent of the Part and of similar Parts in other jurisdictions and a review of the observations of the subgroups formed to look at those sections focused on Employer vs. Operator responsibilities from our previous meeting three subgroups were asked to consider both obstacles to adoption of the Sections and solutions. Those possibilities were then summarized for the purposes of finding common ground. After some exploration the group determined that given the breadth and variety of Sections and their importance to the farming community, Part 19 could simply not be treated as a whole and required examination and resolution on a section by section basis. The Sections were reviewed to identify those for which there was consensus and those which required further exploration. The following is a summary of some of the discussion around the Part 19 Sections:

- 256 – see discussion under Recommendations – Non consensus
- 258 (1) and (2) - adopted without controversy;
- 258(3) provides that workers are required to maintain a clearance distance of at least 600 millimeters between the power global equipment and the object. It was noted that for some types of hitches, alignment cannot be seen except from a very close distance, and in those very limited circumstances, with a proper training and hazard assessment, the distance could be shortened;
- 259 - Minimal discussion
- 261 - It was noted that on some pieces of equipment repairs cannot be made with blocked or non-elevated parts, and in those instances, using the appropriate hazard assessment and relying upon manufacturers' specifications, would be appropriate;
- 262 – The group are agreed the engine should be disengaged from the transmission but felt the wording around engagement/disengagement of the clutch was confusing;
- 263 - The Group felt that there were certain circumstances where equipment could be left suspended or elevated following an appropriate hazard assessment;
- 264 - Many found this Section confusing, with some of the view that the Section required lights that illuminated at least 150 meters. Consensus was reached for the adoption of the Section;
- 265 - Some within the group felt that the requirement of 265(2) was that all farmers must now know the ANSI standards and be able to determine whether glass installed on equipment met those standards. They considered this a significant burden, and that they should be able to rely upon certified installers. Others felt that the reliance upon such installers discharged that burden. The section was adopted.
- 266 - All agreed that a secondary measure of securing a trailer was appropriate. Subsection (d) did not adequately describe those secondary securing processes on some types of hitches. The group agreed to the adoption of this section with the suggestion that it be expanded to include wording appropriate for those types of hitches.
- 267 - It was pointed out by some that backup warning systems often caused the livestock to panic, creating new hazards for both the workers in the vicinity of livestock and the livestock itself. The Group agreed that whether such equipment warning systems should be utilized, should depend upon the circumstances of the farm and the usage of a hazard assessment;
- 268 - The group agreed with the principal enunciated in this section.
- 269 - The group agreed with the principal enunciated in this section.
- 270 - The group agreed with the principals enunciated in this section, subject only to grandfathering legacy equipment which might not be in compliance.
- 273 – See discussions under – Recommendations – Non consensus
- 274 - The group agreed with the principals enunciated in this section.
- 275 - The Group agreed with the principals enunciated in this Section;

- 276 – *It was noted that some types of equipment are designed specifically for this purpose, and that provincial traffic laws in this province allow transportations in the back of pickup trucks on farms;*
- 278 – *Members pointed out that safety could be maintained by bounding or grounding as opposed to both, and that current practice did not usually involve grounding;*
- 279 – *It was agreed that the principals enunciated in this Section were applicable to farms except that it was felt that in certain circumstances it may be appropriate to “hot fuel” where it was not reasonably practicable to do a complete shutdown. It was noted that in some equipment, with interconnected navigation systems, and sophisticated computers, that the shutdown of the engine also shutdown those systems and could cause work delays that were very significant. In such instances, it was felt that hot fueling should be permitted provided safe work practices are used.*

The following mandate items were not agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. The options are recommended to the government for consideration.

Recommendations – Non Consensus

256(3) mandatory use of seatbelts

OPTIONS

- Require mandatory seatbelt use
- Recommend Seatbelt use
- Mandate use on Roadways and on terrain where equipment is susceptible to rollover
- Do not require seatbelt use.

CONSIDERATIONS

- The use of seatbelts generally has been shown to save lives. Compliance in automobiles is now over 90% a generation after legislated compliance. Manufacturers recommend use of seatbelts. Use of seatbelts is mandatory in most Provinces. The best practice manual of one Province “recommends” seatbelt use. Rollover fatalities occur on farms.
- The non-use of seatbelts in tractors pulling equipment in open fields is almost universal in this Province. The reason for this is that farm equipment in open fields is travelling very slowly and farmers are multitasking – primarily monitoring equipment that is being pulled behind tractors. Up to 80% of the time the farmer is turned in the seat facing backwards. It is not uncommon for farmers to be operating equipment in this way many hours at a time. Wearing a seatbelt that contracts is considered impractical, inconvenient, uncomfortable and unwarranted having regard to the risk of collision or rollover in these conditions.
- A variance for seat belts needs could explicitly detail that a task specific hazard assessment and training is completed and thus be a deliberate considered choice.
- This is considered by the farm and ranch community to be a bellwether issue. Some consider that if Code provisions do not take into account the ability of farmers and ranchers to make appropriate risk assessments and act accordingly those provisions will spur non-compliance overall as opposed to changing farm practices for the better. A counter-consideration is that if seatbelts are mandated, demand by farmers and ranchers for safe and practical, comfortable restraints will force innovation. There are obviously no guarantees in this regard.

257 mandatory visual inspection prior to startup

OPTIONS

- Require mandatory visual inspection in all cases
- Allow for startup without visual inspection
- Consider specific procedures for various types of equipment that is started remotely.

CONSIDERATIONS

- The obvious reason for visual inspections is to prevent harm to workers who may be in harms way of moving equipment. Requiring visual in person inspections prior to starting mobile equipment should save such workers from harm.
- Some mobile equipment that is started remotely is very slow ie. Irrigation equipment. It is thought that the spraying of water will provide ample warning long before movement creates a hazard in that instance.
- Robotic or driverless equipment is trending in farming and it is thought that such equipment will become more prevalent as time goes on. The very nature of the equipment is that it is intended to be operated either remotely or without human assistance thus more efficiently. The Group members are not aware of the sensory capacities of such equipment or whether those capacities offer as good or better protection to nearby workers as a visual inspection. They recognize that future Code provisions must tackle this issue having regard to these new technologies.

260(5) mandatory maintenance records

OPTIONS

- Require mandatory maintenance records
- Require mandatory records of equipment failure and repair only establish a threshold of farm size/employee numbers for application of this part
- Create categories of maintenance according to their connection with safety

CONSIDERATIONS

- A written record allows a worker to determine the relative safety of a piece of equipment. Records not only assist in protection of the worker but also provide evidence of the safety record of the employer.
- Today's small farms are operating on thin margins and are on the decrease. All additional tasks imposed upon farmer's impact those margins. If the maintenance performed on a small farm is not related to safety then how is it sensible to require documentation?
- How does one determine which maintenance or maintenance failure leads or doesn't lead to unsafe equipment?

273 Recertification after modification

OPTIONS

- Require engineer re-certification
- Allow modifications without re-certification
- Consider options that are something less than engineering certification either private or government operated

CONSIDERATIONS

- Rollover protective devices are designed specifically to withstand weights and forces in a rollover that keep workers within the device safe. The concern is that modification of such devices alters the design and without engineering certification it is unknown whether the device has been compromised.
- Many farms are operated in communities without engineers capable of certifying modifications. The requirement in that regard is not practical. Where such engineers can be found, the cost of such certification is thought to likely be high. This is a potential burden on small farms.
- The most likely modification is to shorten the cage so that it will fit through low doorways. In such instance, so long as the welding is proper, it would seem from a mathematical common sense perspective that the rollover device would not be compromised
- The issue of modification of equipment and subsequent requirement of engineering certification with the lack of available engineers and the cost of certification is a theme likely to repeat itself and something that should be addressed generally.

Rationale/Discussion

The following is a summary of some of the discussion around the Part 19 Sections:

256 – The provisions were in general considered acceptable and applicable to farming. There was some discussion around the meaning and application of 256(3)(f). Historically farmers carry tools, lunchboxes and other materials in their cabs, all of which “could,” under adverse circumstances, cause interference with operation of the equipment. The provision was found acceptable on the assumption of application of reasonableness in its interpretation. No consensus was reached on 256(3)(d) requiring mandatory use of seatbelts. Some were in favor of adoption of the Subsection without condition or alteration. Others favored use of hazard assessment as a tool to guide seatbelt usage. The arguments in favor of adoption of the Subsection centered on statistical analyses showing that seatbelts save lives in virtually all circumstances, most other jurisdictions had mandatory seatbelt provisions and the extent that usage caused inconvenience could be a motivating factor to manufacturers to alter design to allow for both comfort and safety. Those supporting conditional adoption pointed to the low level of risk associated with operation of equipment in open flat fields at slow speeds while the operator was viewing the trailing equipment 80% of the time. They pointed out that travelling 3 km per hour in an open field for many hours of the day was a different risk than taking equipment on the highway or working on uneven terrain where there was a rollover possibility. The risk associated with working in the open field did not warrant the discomfort of having to wear the belt while turned sideways in the seat for hours on end. They further stated the adoption of mandatory seatbelt use at all times would be seen in the community as unwarranted and heavy handed and would spur on rejection of many other parts of the Code. Ultimately each side saw and respected the other viewpoint but no middle ground could be found;

257 - While the concept of a visual inspection before operating powered mobile equipment was generally accepted as safe practice, there were circumstances where mobile equipment is now operated remotely. For instance, irrigation equipment and robotic machinery. Some thought operation in accordance with manufacturers’ specifications and setting up warning systems and protocols would be enough in certain circumstances to obviate the need for visual inspection. Others saw that there was virtually a need for visual inspection in all cases and that is subject to robotics and their operation was not something that could be easily exempted from this provision and was likely to be a Code topic all of its own. No consensus was reached;

260 -The only difficulties with this Section are those out of the application of 260(5) and the requirement that an employer insure a record of maintenance is made and kept available. Those favoring adoption of the Subsection without qualification reasoned that workers are entitled to be

able to review such records in order to ensure the safety of mobile equipment, and thus their own safety. Those opposed to mandatory application without exception, stated their view that the safety of equipment is rarely assessed to determine through maintenance records, which would be different than instant records or repair records. Therefore, the risk did not outweigh the inconvenience and time required to produce and maintain such records, particularly in small, low-margin farms. They also pointed out that in small operations with minimal numbers of employees, such maintenance would likely be known without those records. The concept of thresholds (meaning minimum number of employees) was discussed in relation to this and other Sections. No consensus was reached in regards to 260(5);

273 - Some members of the Group felt that the strict application of this Section was both impractical and may cause hardship. It was noted that in several of the Sections which required certification by a professional engineer or by the equipment manufacturer that such certification may be impossible to get due to the location of the farm vis-à-vis engineers, or may be prohibitively costly. Those concerns remain.

Part 22 Safeguards

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations

Part 22 can be applied to Farms and Ranches but with the following conditions, variations and clarifications:

- 310(4) should be modified as follows: if an employer determines that an effective safeguard cannot reasonably practicably be provided in the circumstances the employer must ensure that an alternative mechanism or system or a change in work procedure is put into place to protect workers from being exposed to hazards that exist if there is no safeguard.
- 312(2) should include provision for administrative procedures that equal or greater protection and are appropriate to the hazard.
- 315 (3) requires better wording to reflect the intention to protect workers from falling hazard as opposed to eliminating non-hazardous flexing of guardrail.
- 316 While the Section can be applied, it is noted that this industry has wide and varied bin types, designs and manufacturers. In light of this the employers' obligations should be the reasonably practicable standard.
- 317 should apply except in those circumstances where the proper operation of the machinery according to manufacturer's specifications does not allow for such safeguards

Note: there is a general concern regarding the cost of upgrading machinery into compliance and the impacts of that cost particularly on small farming operations. This is an issue which prevails over much of the changes arising from Bill 6 implementation and must be addressed as part of that implementation.

Rationale/Discussion

October 15, 2016

The meeting was divided into two subgroups one of which reviewed the Object contact hazard sections and the other which reviewed the Falling hazard sections. The topic was not further explored as the discussions on Part 19 occupied the TWG #4's remaining time. The subgroups' review produced the following observations which were shared with the group but discussion was limited by time. Note: the responses are not the conclusions of the overall group and subject to discussion by the group.

Object contact hazard sections:

310 safeguards - (1) OK (2) issue with legacy equipment (3) legacy (4) legacy (6) legacy.

Administrative control re anhydrous ammonia

311 tampering with safeguards – OK

312 no safeguards - OK

317 machine failure – OK

318 protection from falling objects – OK. Education component

319 push stick or block - OK

320 safety nets - OK

322 wire mesh – OK where mesh is required

Falling hazard sections

313 building shafts – not issue for farms. OK as is

314 covering openings – falling in would apply, falling out would not apply

315 guardrails – if no movement in any direction is allowed...wording? Intent to protect worker.

Needs clarity

316 hoppers, bins, chutes – practicality of guards? (eg. Top of bins)

320 safety nets – not applicable to farm operations

321 toe boards – not applicable to farm operations - rare occurrence? Option: Recommended if applicable. Administrative control (signs, supervision, alternate method)

November 18, 2016

The classifications and observations of the subgroups from the October sessions were reviewed and the Sections of Part 22 were addressed on an individual basis. The common issues that arose in the discussions were legacy equipment, pre-existing modifications, and the costs, convenience and practicality of bringing equipment into compliance verses the level of hazard. Utilizing the "reasonably practicable" standard in Section 310 allows for prioritization based on hazard assessments.

A much discussed issue was guards on augers and the tendency for them to cause augers to plug up. Many considered the act of clearing plugged up machinery a significantly hazardous task. The modification to Section 312 would allow farmers to set boundaries, fences and administrative procedures when those guards were not utilized. When the machinery does not plug up there is no reason for farmers to be near that machinery to perform their farming activities.

The proposed changes to Section 316 are meant to address a very practical issue namely: The numbers, kinds, ages, and types of bins on Alberta farms is massive. The problems and workarounds associated with using those bins and the equipment to load and unload them is equally varied. While agreeing with the principle of the Section the members felt the immediate enforcement of the Section across the entire industry was not practical and seek to have some flexibility regarding implementation and/or enforcement while noting assessed hazards must be addressed.

The proposed changes to 317 reflect the practical issues associated with Power Take Offs (PTO's). They must operate over a significant range of motion therefore providing the level of protection required by 317 is difficult. Farmers rely upon the manufacturers to design machinery to be as safe as possible while performing the tasks for which they are built properly and efficiently.

Part 25 Tools, Equipment and Machinery

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations

Part 25 can be applied to Farms and Ranches but with the following conditions, variations and clarifications:

- 362 (3) should be amended to account for medical alert identifiers other than bracelets
- 364 While it is generally accepted that equipment used to raise or lower workers should be specifically designed for that purpose, it is appropriate that for short term repairs (ie. Changing corral light bulbs) of an intermittent basis that workers be raised and lowered in loader buckets provided an hazard assessment is done and appropriate fall protection is provided the workers.
- 365 While the intention of warning workers of moving machines or machine parts is appropriate, warning lights and sounds can have harmful health and safety impacts to animals or to workers among animals who are startled by such warnings. Flexibility should be built into the Section to allow for this circumstance
- 366 Assuming "positive means to prevent activation of equipment" includes mechanically or electronically disengaging the motor from the processing equipment, this Section can be applied to Farms and Ranches
- 370 Can be applied subject only to those instances where proper operation of machinery in accordance with manufacturer's specifications requires shifting of drive belts while the machine or motor is energized and such shifting can be done safely.
- 384 Robotics is a rapidly changing area particularly as it applies to Farms and Ranches. While it is agreed safety standards should exist the group members do not have the expertise to make specific recommendations other than that this portion of the Code, if developed, must be done so in consultation with operators and manufacturers of that robotic machinery.

Rationale/Discussion

- *The group examined Part 25 on a section-by-section basis. It was noted that some Sections dealt with general principles and guidelines and others dealt with specific pieces of equipment. Those applying to specific pieces of equipment were found to be applicable to that equipment on farms.*
- *The change to 362 arose out of the simple observation that due to safety concerns alerts other than bracelets are sometimes used – for example breakaway necklaces*

- *Section 364 caused the greatest amount of discussion. Upon clarification that this Section applied to mobile equipment the issue of utilizing loader buckets arose. Several circumstances in which it might be preferable on the farm to use a tractor/loader as opposed to some other method of elevating a worker were discussed. One typical scenario was changing lights in barns/corrals in which animals were housed. Ladders are clearly inappropriate in that circumstance. Many other forms of elevation such as scissor lifts are either simply not available on farms or inappropriate for travel over dirt/manure etc. Consensus was reached that in situations where the work was of short duration and intermittent and the use of ladders or other means was unsafe then so long as the hazard was assessed and fall protection was utilized that the use of loaders may be appropriate.*
- *Warning lights and sounds can have significant impacts on livestock from reduction of milk production on dairies to impeding egg production or chicken growth on chicken farms to startling and panicking cattle. The concerns relate both to health and to safety of animals and those working around them. It was thought by the group that the application of Section 365 should be subject to both a hazard and animal health assessment. Saying that, the members recognized that equipment must be reversed safely.*
- *On some equipment the motor must be kept running. The group understands that a positive means may be to disengage the drive from the apparatus. On that basis the group agrees with the Section.*
- *The group assumes that Section 370 is meant to apply to machinery in which the shifting of a drive belt is a manual task. Some pieces of equipment are equipped with levers and variable shifting which require the operator to "shift" the belt through the use of the lever while the motor or mechanism is in operation. In such cases it is appropriate to rely upon the manufacturer's specifications.*
- *On today's farm there is a thin line between "automation" and robotics. Even after having the terms "Robot" and "Robotic systems" defined there was not consensus as to whether certain pieces were or were not robotic. It was agreed, however, that robotics including things like driverless tractors, milking apparatus, were likely to become the norm in the industry in the near future. However, the group felt that in order to develop principles for the safe operation of this new and emerging technology both the manufacturers and the operators of that technology must be at the table. The group members themselves do not have the requisite expertise or experience to develop those principles.*

Part 21 Rigging

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations

Part 21 can be applied to Farms and Ranches but with the following conditions, variations and clarifications:

- There is no definition in the safety Code of the verb "Hoist". Part 21 should apply to "Hoisting" weights over 2000 kg or lifting over workers or at heights with potential negative impacts on property or persons.
- Section 293(2) principles should also apply to Slings (Section 298). Therefore, so long

as the Employer can identify to the worker the load rating of the sling, compliance is met.

Rationale/Discussion

The group examined the Part on a Section by Section basis and noted that Part 3 Section 12 provides a general principle which must be met regardless of the specifics of Part 21. They acknowledge that very strict technical requirements are necessary to safely lift industrial loads. Farmers lift everything from animal carcasses to small pieces of equipment or machinery parts to entire heavy machines. They believe Part 21 was drafted for the purposes of industrial lifting of heavy weights and that the strict technical requirements of the Part should apply for such heavy lifting but that compliance with Part 3 Section 12 (equipment must be of sufficient size, strength and design and made of suitable materials to withstand the stresses imposed on it during its operation and to perform the function for which it is intended or was designed.) should be sufficient guidance for lifting of smaller weights at relatively low heights. With regards the heavy lifting they suggest that knowing and being able to identify a load rating on a sling for a worker should suffice for compliance with Section 298. They note that B.C. appears to have a similar provision

Part 6 Cranes, Hoists and Lifting Devices

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations

The following Sections of Part 6 can be applied without condition or variation:

- 59, 61, 63, 64, 66, 67, 68, 68.1, 69, 70, 71, 72, 74, 75, 75.1, 76, 80, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 92.1, 92.2, 93, 94, 95, 95.1, 96, 112, 113, 114
- The following sections are in respect of lift equipment not found on farms and are therefore inapplicable to farms 77-79, 97-111
- Practical and economic concerns are raised by those portions of Sections 60, 62 and 73 to the extent that an engineer is required to certify a non-commercially made crane, hoist or lift or one that is repaired or modified. Recognizing that lifting loads over 2000 kg is an activity that raises safety concerns the group is prepared to recommend application of Sections 60, 62 and 73 to Farms and Ranches provided there exists a process whereby farmers could call upon Alberta to provide appropriate and timely engineer inspection and certification services as well as education and support.
- Section 62(1) should be varied to allow an Employer to document and identify through alternate means the load capacity of a lifting device.
- Recognizing that many types of farm machinery and equipment have lifting capabilities and the application of a strict definition of "lifting device" to farming equipment may place unwarranted burdens on farmers and ranchers, it is recommended that farm machinery and equipment, the primary function of which is to perform as other than a lifting device, should be exempt from the application of Sections 65 and 73. Regardless of the exempt status, the machinery and equipment must be fit and suitable for the uses to which it is put in accordance with Section 12 of Part 3.
- Section 89- Mobile cranes are not used frequently on farms and ranches, even those that own such equipment. It is recommended that Alberta develop guidelines/checklists for nondestructive testing of mobile cranes on farms that take into consideration the frequency

or lack thereof of use of such equipment. The TWG Group leaves the specifics of those guidelines to the drafters of the revised OHS Code.

Rationale/Discussion

November 18, 2016

- *The group examined the Part on a Section by Section basis. Some farmers do lift weights in excess of 2000 kg. The Group was again mindful of Section 12 in Part 3.*
- *Two familiar themes emerged: (a) The requirement for certification of non-commercially made equipment by an engineer and (b) the requirement for logging all lifts. The pro and con arguments in relation to these requirements have been previously documented in the Part 19 discussions in October. With respect to lifting equipment, however, there was consensus that equipment failure was likely to have significant consequences and therefore the arguments for engineering certification were strong. However, the practical considerations of time, location and expense remain.*
- *A suggestion the group favored given these different factors was conditional application of the certification requirements in Sections 60, 62 and 73 provided there was a way in which farmers could easily and at no or little cost get their equipment inspected and certified. They thought it appropriate that Alberta should provide those services along with education and support services that would assist Farmers and Ranchers to understand and achieve compliance with the Code.*
- *The group were unable to find a similarly innovative solution to the logging requirements under Section 65. Various threshold options were considered including equipment size (ie require logging of lifts over 4000 kg), lift types (ie do not include lifts from the ground up (vehicle type hoists)) and the number of persons who might operate the lift equipment. It was noted that the logging applied to equipment rated greater than 2000 kg and not to the size of the lift. Therefore lifts of under 2000 kg by lesser equipment did not have to be logged but the same lifts by equipment rated over 2000kg did have to be logged. One suggestion was that lifts under 2000 kg did not need to be recorded. Another suggestion was to allow equipment to be downrated. This suggestion would also apply to the recertification requirements under Section 89. If it were possible to downrate equipment and that equipment were recertified for lifts less than 2000 kg then the Part would not apply.*

January 9, 2017

- *Sections 65 and 73 -
As stated previously there are practical and economical barriers to professional engineering certification following repairs or modifications. Many of Alberta's farms are remote from centers with such engineers. Alberta farmers have a long history of creative ingenuity and many are capable of repair of equipment to a safe and reasonable standard. Often, breakdowns occur and repairs are made during critical time periods and even if engineering certification were possible, it is postulated that it would not be done in a timely fashion. Finally, there is a concern that if the new Code provisions are too burdensome, they will be honored in breach more than observance. Having said this, the group understands that the underlying principle of third party verification of repairs to an objective standard is a goal of the Code. The group agrees this standard should be applied to machinery and equipment that are primarily used as lifting devices. However, on farms and ranches equipment such as tractors with three point hitches, skid steers, front end loaders, backhoes have many uses. On most farms these pieces of equipment are used as lifting devices on an infrequent basis. Therefore the duties placed upon*

farmers and ranchers by Sections 65 and 73 are thought to be unwarranted for those pieces of equipment. The exemption provides for a pragmatic approach to this issue. It is thought that implementation of the exemption in a separate Farming and Ranching Part to the revised OHS Code makes the most sense.

Section 89

- *Much of the previous discussion above in respect of engineering certification barriers is also applicable to this section. The Group considered the different variables upon which frequency of NDT could be based including: (a) time (i.e. simply lowering frequency), (b) logged or otherwise tracked hours of use of the crane, (c) number of lifts, (d) amount of lifts, and (e) some combination of the above. It was determined that members of the group did not have the expertise to assess the best method but thought recognition should be given to the concept that infrequent use likely lowers the amount of wear, tear and stress on such equipment and frequency of inspection should be tied to that wear, tear and stress rather than a set number of days on a calendar.*

Section 112

- *The basis for adoption of this section without modification or variation was the opinion provided by OHS Technical Support that the requirements of the section could potentially be met by self-inspections.*

Also discussed were other concepts and options that might lower the burdens placed upon farmers while keeping farm workers safe. Those options included: downsizing lift capabilities of such equipment, down rating the lift ratings of such equipment, amending the application of the Part to cranes and hoists above 2000 Kgs (different options were discussed including 5,000 kgs, 10,000 kgs and 20,000 kgs). The recommendation above made represents the final consensus.

Decisions

The following mandate items were not agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations – Non Consensus

Section 65 Log Books

OPTIONS

- Require compliance
- Exempt Farmers and Ranchers from compliance
- Create a lift weight or device type threshold over which log books must be kept and exempt all other equipment.
- Create a farm size threshold under which logging would not be required.

CONSIDERATIONS

- A log book logs the use of a piece of equipment and therefore gives the worker a level of competence in the safety/viability of the equipment.
- Farms, particularly small farms run on low margins and the creation of additional work or costs thought to be unwarranted could either drive non-compliance or make farms unprofitable thereby driving some in the industry out of business

- On most small operations the worker who last used the lifting equipment will be the next one to also do so.
- There exist in other industries exemptions to logging work, for instance in the trucking industry those workers travelling less than 100 km from a center are exempted from logging daily stats.

Part 23 Scaffolding

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations

Excepting Sections 326, 328 and 349(2) The Part is applicable to Farms and Ranches without variation.

It is recommended Sections 326 and 328 be modified as they pertain to farms and ranches as follows:

- The tagging requirements of Section 326 are not required in the event the only persons having access to the scaffold are those persons who have erected it or are in the process of erecting it.
- Notwithstanding Section 328, work can be performed on a portable ladder which is utilized for accessing a scaffold provided
 - There is compliance with the portable ladder provisions of the Code;
 - The base of the portable ladder is on the ground;
 - No other worker is on the scaffold or alternative access and egress (other than the ladder from which such work is being performed) is available to any worker or workers on the scaffold.

Rationale/Discussion

(326) The group recognizes the need for warning workers of the hazard created by partially completed or unsecured scaffolding. On small farms where the persons performing the work from the scaffolds are the same persons erecting such scaffolds and no others have access to those scaffolds, it is thought the tagging requirements may be overly bureaucratic.

(328) It is thought the intent of the Section is to ensure workers on scaffolding have at all times a method of access and egress. While 327 envisions a vertical ladder attached to the scaffolding for access purposes only, there is no reason a portable ladder cannot be utilized for its intended purposes in accordance with Part 8 and also provide access to scaffolding provided either it is not the only means of access to or egress from the scaffold or the scaffold is not in use by other workers.

Decisions

The following mandate items were not agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are

recommended to the government for consideration.

Recommendations – Non Consensus

Section 349(2) - No consensus was reached respecting the application to Farms and ranches. However, please reference the discussion. While there was agreement to a concept for variation of the Section, the members could not agree upon the conditions for application of that variance.

OPTIONS

Apply the following variation to Farms and Ranches without condition:

Certification by a professional engineer pursuant to Section 349(2) is not required for non-commercially manufactured fork mounted platforms on farms provided:

- a) The platform is soundly built of adequate materials to a minimum capacity of 115 kgs per worker for the number of workers it is designed to carry;
- b) It is so designed and constructed that it is securely attached to the lifting carriage or forks of the powered mobile equipment so that the platform cannot accidentally move laterally or vertically and so the mobile equipment cannot tip;
- c) It has guardrails and toe boards and a screen or similar barrier that prevents a worker from touching any drive mechanism;
- d) It provides for an anchor point in substantial compliance with 156(1)(a)(ii)

2. Apply the above variation but add the words: *Where not reasonably practicable*” at the beginning.

CONSIDERATIONS

Consensus could not be reached respecting whether the phrase “Where not reasonably practicable” should preface the variation. Those opposed to adding the preface were of the view that farmers with the capability to create safe fork mounted platforms ought not to be discouraged from doing so. Farmers ought to be encouraged to utilize their resources and energies to make farms safer and so long as the standard is met there is no reason they should be discouraged from doing so. Those in favor of the modifier were of the view that the phrase provided objective criteria for variation of practice from the normal requirements of S. 349(2). Given expert engineering review of variation from manufacturers’ specifications and of custom built equipment provides workers an objective measure upon which they can rely those in favor of the modifier believed that demonstrating reasonably practicable justifications for variation from the norm was not an unreasonable burden. The Group encourages the drafters of the new Code to consider the proposed exemption to 349(2) and leaves it in their hands as to the conditions under which the exemption is applied. The options are to apply the exemption conditionally or unconditionally.

Rationale/Discussion

(349) The discussions again centered on the need for third party professional verification of soundness of design and construction versus the practicality and economics of that requirement. Setting an objective prescriptive minimum standard of design and build was thought by the group to be a reasonable approach and consistent with many of the other Code provisions.

Much work was done to define that prescriptive standard and the following was generated:

The Chair was directed to provide the Secretariat with the following comments:

- The phrase minimum standard was earlier used in the discussion about this alternative to S. 349(2). Some members felt the word “minimum” is perceived negatively by their community. It is thought to mean “just good enough” and leaves open the door for application of higher standards later or as a best practice. While acknowledging farmers are not prohibited from building to higher standards the negative connotation remains. Other members of the group disagreed and felt the term “minimum” was descriptive and added to the clarity of the discussion.*
- Some members observed that there might be other prescriptive elements the Code drafters may determine appropriate to add to the 349(2) exemption and that the list of features described in the exemption may not be exhaustive.*

Part 9 Fall Protection

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations

TWG 4 members reached consensus respecting the application of Part 9 to Farms and Ranches with the exception of Sections 140, and 159 (2)(b). It was agreed that with the exception of those Sections, this Part can be applied to farms and ranches subject to the following conditions and variations:

1. The application of the Part as it applies to storage bins is problematic in that there are tens of thousands storage bins to which no guards or fall arrest systems are attached and it is questionable whether the material from which the bins and bin ladders are made and fastened together are capable of withstanding impact forces of 16 kilonewtons. Therefore Section 159(1)(b) should be expanded to include “situations in which a worker must perform light duty work or inspections at the top of a storage bin”
2. Education and training be made available to the farm and ranch community which makes the Code provisions accessible and understandable.

It is recognized that there may be a potential conflict arising out of the recommendation to allow personnel to conduct light duty work from front end loader buckets and the technical requirements of 156(1)(a)(ii) in that such an anchor may not be possible in some circumstances. The Group recommends the revised Code drafters deal with this issue in a manner that accommodates the previous recommendation.

Rationale/Discussion

1. *Storage bins are prevalent across the Province. Most do not have guard rails or any fall arrest system. They are also made of a variety of materials. While it may be possible to retrofit some bins there are numerous problems with that concept. First it would be very*

costly. Second, it is the view of the group members that most storage bins are not made of materials that would withstand the loads prescribed for anchor strength in this Part. Third, the work done at the top of bins is generally light duty (opening and closing hatches and inspecting bin contents and conditions being the most common reasons to climb storage bins). Given those facts and the short time period spent at the top of bins versus the time and trouble of equipping and putting on and off harnesses and related gear and the hazards of wearing loose attachments near equipment such as power takeoffs and that newer larger bins are now being equipped with railed staircases it was thought by the members that exempting bins from the application of Part 9 was appropriate.

2. This Part uses language that, while precise and technical (ie. kilonewtons of force), is not understandable by most laypersons. Many in the Group thought farmers who will be bound by these rules should be provided some mechanisms to understand them.
3. (154) The Group members wished to point out their previous recommendation that equipment in existence up to 1 year post revision of the Code be grandfathered.
4. (156(1)(a)(ii)) This subsection requires all anchors to meet a CSA standard. It was thought that installing anchors in compliance with that standard both on homemade fork mounted platforms and on front end loader buckets used for lifting workers for temporary light duty work may be problematic. The issue on fork mounted platforms was dealt with in the draft proposal under Section 349 for which consensus was not met. The group felt that the issue in respect of Front end loader buckets should be resolved by the drafters of the revised Code thus the recommendation above.

Those in favor of application of Sections 140 and 159(2) without amendment or condition were of the view that the burden of documenting potential fall hazards was not a great one. Others disagreed. No consensus was reached.

Decisions

The following mandate items were not agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations – Non Consensus

159(2)(b) and 140

OPTIONS

- exempt the Farms and ranches from these sections
- apply these sections to Farms and Ranches without modification
- Apply the variation “*Fall Protection Plans are not required in respect of normal day to day fall hazards that are consistently and permanently or semi-permanently present on farms and with which workers are familiar. This includes farm mobile equipment. This exemption does not relieve the employer or worker of undertaking hazard assessments prior to commencement of work tasks.*”

CONSIDERATIONS

As in other parts of the Code reviewed by the Group, some members felt the imposition of requirements for documenting in writing potential fall hazards (159(2)(b)) and Fall Protection Plans (140) added yet another unnecessary burden and cost to farmers and ranchers that likely would not increase safety. It was felt by those members that in the overwhelming majority of

cases such documents would sit on shelves to be ignored by workers. Others were of the view that such documentation should be available to workers, even if it was at times unused. Their view was having such plans in writing afforded workers the opportunity to inform themselves and was an essential element of the safety Code.

Recognizing the logic of a plan in instances where new hazards came into existence but acknowledging most hazards on farms are fairly constant and consistent (i.e. climbing on equipment) some members sought the following as a solution:

Fall Protection Plans are not required in respect of normal day to day fall hazards that are consistently and permanently or semi-permanently present on farms and with which workers are familiar. This includes farm mobile equipment. This exemption does not relieve the employer or worker of undertaking hazard assessments prior to commencement of work tasks.

Those in favor of application of Sections 140 and 159(2) without amendment or condition were of the view that the burden of documenting potential fall hazards was not a great one. Others disagreed. No consensus was reached.

Part 12 General Safety Procedures

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations

Consensus was reached with respect to all sections excepting 194.

This Part can be applied to farms and ranches subject to the following conditions and variations:

(185) requires rewording in order to clarify the intent that workers do not create undue hazards.

(186) requires updating for clarification of some terms (i.e. emergency lighting – is a phone with flashlight or other portable light sufficient?) and to recognize new technology (i.e. LED lights).

190(1) -190(3) This Section as written includes buildings and structures as small as three sided cattle sheds and in many instances is inconsistent with the Building Code and municipal regulatory requirements for farm buildings. It is recommended that the engineering requirements under 190 (1)-190(3) be applied to farms and ranches only where those requirements exist under the provincial Building Code or Municipal planning and building bylaws.

Rationale/Discussion

- (185) A number of scenarios were discussed where normal day to day conditions on farms are messy and “could” cause workers to trip (i.e. manure in corrals, bumpy fields). The members agreed with the intent that workers should clean up after themselves and not create undue hazards for fellow workers and others on the farm. It was felt the wording of the section could be improved to reflect that interpretation and avoid the potential for enforcement beyond normal farming standards.

- (188) Technical clarified that an “injury” was reportable to OHS under certain conditions including those requiring hospital stays of 48 hours or more. On the understanding that “injury” meant a serious injury (ie reportable to OHS) the group agreed this section could be applied to farms and ranches
- (190) This section was interpreted to include wooden skeletons. The requirement for engineered stamped plans and designs does not make sense for uncomplicated structures. Municipal bylaws across the Province are inconsistent regarding building design and planning documents. The trend is towards more regulation but this section’s requirements are not warranted in regards the construction of many farm buildings. It was therefore recommended that the application of the Section be made consistent with the requirements of Provincial and municipal legislation, codes and bylaws.
- (193) This Section is confusing in that there is no distinction made between “inflation” and adding a small amount of air or gas to restore a tire to normal pressure. It could be read that even topping up the air in a tire would require removal from the vehicle and utilization of a safety cage. The group agreed better wording is possible.

Decisions

The following mandate items were not agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendation – Non Consensus

Section 194

OPTIONS

- Apply this Section to Farms and Ranches
- Exempt Farms and Ranches from this Section

CONSIDERATIONS

- While most agreed the use of reflective materials was a good idea, some members of the committee were of the view the use of those materials should be recommended, not mandated. Concerns were expressed around cost, compliance and comfort while performing tasks in different weather conditions as well as the issue of over regulation. The Group did not reach consensus on this item.

Part 24 Toilets and Washing Facilities

Decisions

The following mandate items were agreed to by all working group members as an appropriate balance between worker needs and employer responsibilities. They are recommended to the government for consideration.

Recommendations

This Part can be applied on Farms and Ranches with the following clarifications and variations:

(355) Given many farm workers spend large amounts of time on their own and unsupervised, attention should be directed to the duties of workers under Part 2 to take reasonable steps to protect their own health by carrying and drinking adequate fluids in addition to employers' duties under this section.

(357) It is a fact of farm life that workers may be at times working lengthy hours in locations remote from any toilet facilities. The norm in such instances is to perform functions otherwise appropriate for toilet facilities in the great outdoors. The revised section should be written to accommodate that norm.

(360) On many small farms the worker's washroom is a shared bathroom in the employer's house. The norm in residences is to use cloth towels as opposed to paper towels. The revised section should be written to accommodate that norm.

Rationale/Discussion

In addition to the points above, the discussion consisted of a series of bad puns, a particularly low brand of humor.

Additional Items Discussed by the TWG

The TWG have benefited from lengthy discussions regarding the Code provisions and some of the same considerations emerged on a regular basis. This resulted in some general recommendations. They have been included above but are repeated here:

1. When considering grandfathering buildings, equipment and machinery, which the TWG termed “legacy”, that term should be defined “as in existence prior to the expiration of 1 year after implementation of the Code revisions”.
2. There is a general concern regarding the cost of upgrading machinery into compliance and the impacts of that cost particularly on small farming operations. This is an issue which prevails over much of the changes arising from Bill 6 implementation and must be addressed as part of that implementation.
3. Education and training be made available to the farm and ranch community which makes the Code provisions accessible and understandable.
4. Those provisions of the Code specific to Farming and Ranching should be placed in a separate Part.

One item that persistently generated non-consensus was the requirement for independent engineering certification of equipment and machinery. The concerns of the farm members of TWG 4 in respect of this and other aspects of the Code included some very practical impediments to compliance. Resolution of the concerns will require some practical solutions.

Summary

A recurring topic of discussion was “What will be done with these recommendations?”. To that end the TWG members requested that their terms of reference be expanded to allow for further input after review of the revised draft Code provisions. No definitive response to that question has been provided to the Group by Alberta. My observation as Chair is that the members are satisfied so far with the consultation process and appreciate the opportunity to provide detailed input. Some have reported that satisfaction to their organizations’ constituents and the public. However, that satisfaction may evaporate if in the end they perceive their views have been ignored or concerns minimized. The next step in this consultation process is as important as the last one.

It has been my pleasure to facilitate the discussions among the talented individuals of TWGs 3 and 4 on this important topic.

Don Mallon QC

APPENDICES

A. Technical Working Group Participants

Participants were selected against a range of criteria to ensure appropriate representation from a representative group of parties. Parameters included, but were not limited to, geography, agricultural sector, farm and ranch employers, farm and ranch employees, gender, expertise, and experience.

Technical Working Group Participants:

- Justin Knol, Lethbridge, mixed grain and specialty seed worker
- Gerald Finster, Valleyview, producer (grain)
- Gregory Sears, Sexsmith, producer, (grain, pulse and oilseed) and Alberta Canola Producers board chair
- Jason Foster, Edmonton, assistant professor of human resources and labour relations with Athabasca University
- Fred Niehoff, Camrose, farm worker and producer
- Erna Ference, Black Diamond, Alberta Chicken Producer
- Rients Palsma, Duchess, dairy farmer, former farm worker and agricultural instructor
- Al Kemmere, Olds, former Reeve and current councilor of Mountain View County and President of AAMDC
- Kari Bergerud, Edmonton, nurse
- Connie Seutter, Edmonton, elk rancher and chair of the Alberta Elk Commission
- Russel Pickett, Bassano, producer (cattle, hay, and irrigated cereals)
- Vincent Geerligs, Welling, farm employee, mixed crops and feedlot

B. Technical Working Group Terms and Conditions

Technical Working Group Overview

Each technical working group (TWG) has up to 12 representatives from the farming and ranching sector including both employees and employers, labour groups and technical experts, representing a broad and diverse range of voices.

Each working group will be chaired by an independent and impartial individual with demonstrated mediation, consensus and board governance experience.

Farm and Ranch Secretariat

The Secretariat is comprised of Agriculture and Forestry staff who provide project management, process design and facilitation, research, logistics/administrative, information gathering and packaging support.

Technical Working Group Support

Agriculture and Forestry and Labour will provide facilitation, coordination, Farm and Ranch Secretariat support, and technical expertise as required to all TWGs.

Expectations

Participants of TWGs will be involved in one of the following: a review of Employment Standards Regulation; Labour Relations; a review of Existing Health and Safety Related Requirements in the Occupational Health and Safety Code (two TWGs); a review of Best Practices for Health and Safety on Alberta's Farm and Ranch Operations; or Education, Training Resources and Certification.

Participants will share their knowledge, advice and input on how employment standards regulation, labour relations, existing health and safety related requirements in the occupational health and safety code, best practices for health and safety on Alberta's farm and ranch operations, or education, training resources and certification should be applied given the unique needs of employers and employees in the agriculture sector.

Participants will participate from May 12, 2016, until March 31, 2017, or earlier as determined by Her Majesty the Queen as represented by the Minister of Agriculture and Forestry.

Participants agree to:

- a) work cooperatively and collaboratively with other TWG participants to achieve the tasks set out in the TWG Mandate;
- b) establish mutually agreed upon operating principles for the TWG;
- c) uphold the mutually agreed upon operating principles for the TWG;
- d) attend and actively participate in all TWG meetings and teleconferences.

Agreements are individual participation agreements, therefore substitutes or

- delegates may not attend. Because the timelines for this process are ambitious, significant progress will need to be made at each meeting;
- e) prepare in advance of all meetings to ensure timely progress of the mandate;
 - f) provide input into the preparation of “key communication points” for delivery to the Minister;
 - g) provide input toward the advancement and accomplishment of the TWG Mandate, including Recommendation Development and Technical Working Group Communication described below;
 - h) respond to emails in a timely manner, as required.

Meeting Schedule

Technical Working Group participants will meet:

- Between June 13 and 30, 2016, for one, possibly two, two-day meetings, depending on requirements;
- In late July or August, for either a one- or two-day meeting;
- Additional meetings or conference calls may be required at the discretion of the Chair in consultation with and approval of the Secretariat;
- With the exception of the first meeting, the Chair and TWG participants will determine the schedule for in-person meetings and conference calls.

Recommendation Development

TWG participants will provide input on content and format of the recommendations, and critically review draft recommendations for submission to the Minister of Agriculture and Forestry and Minister of Labour.

TWG decisions are reached through consensus. For the purposes of the TWGs consensus means:

“A decision or direction that every TWG participant agrees to actively support. The group has gone through a decision-making process where the discussion is heard by all and the decision is an expression of the wisdom of the group.”

It is at the Chair’s discretion to decide when the group has put in sufficient effort to reach consensus. When consensus cannot be achieved, strategic options will be presented to the Ministers.

Technical Working Group Communication

Ministers

TWG Chairs, with input from participants, will formulate “key communication points” at the end of each meeting and deliver this information to Valerie Gilpin, designated Minister Representative with the Farm and Ranch Secretariat.

External

TWG participants are expected to act as ambassadors for their respective stakeholder groups. They will facilitate the exchange of relevant information to improve understanding of diverse interests and strengthen outcomes.

Participants can share the key communication points with the public.

Each TWG's Chair serves as the official spokesperson for the group. TWG participants will direct all media inquiries to the Chair.

Internal

TWG decisions and actions will be recorded in a Record of Decisions.

The Secretariat, with Direction from the Chair, will ensure agendas are shared with participants prior to meetings and Record of Decisions are shared after each meeting.

The process and tools for sharing and storing relevant information will be agreed to by the Chair and participants.

Participant Contributions and Personal Information

Participant Contributions

Participants understand any written documents and quotations ("Material") provided to the Government of Alberta, its employees, agents, representatives and sub-contractors can be used together with their name by the government for matters related to achieving the TWG Mandate. The Material may be made publicly available. All government communications where this Material appears is the property of the Government of Alberta, solely and completely.

Participants understand their consent is not required for the Government of Alberta to make use of the Material if it is not associated with their name or any other identifying information.

Participants understand they have no intellectual property rights in the Material.

The Government of Alberta shall not be liable to a participant for any claim arising from the use of the Material.

Participants understand that they may withdraw their consent in writing at any time. The withdrawal of their consent will only apply to the use of the Material in new communications or publications.

Personal Information

Participants understand personal information about them is collected pursuant to section 33(c) of the *Freedom of Information and Protection of Privacy Act* as it relates directly to

and is necessary to develop recommendations for consideration by the Minister of Agriculture and Forestry and the Minister of Labour on how employment standards, occupational health and safety, and labour relations requirements should be applied given the unique needs of employers and employees in the agriculture sector. Questions about the collection of this information may be directed to Diane McCann-Hiltz, Director Farm and Ranch Safety 7000-113 Street Edmonton, AB T9G 1Y5 780-422-6081.

APPENDIX C: Joint TWG 3 and TWG 4 Report

The following outlines the Joint recommendations of TWG 3 and 4

Definition of "Farm and Ranch Operations"

Consensus Recommendation:

(1) Subject to subsection (2) and except as expressly provided in this Code, this Code applies 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 and birds*
- c) the keeping of bees*
- d) the operations of greenhouses, mushroom farms, nurseries or sod farms and riding academies*
- e) farm-raising finfish, shellfish or other aquatic animals within a confined space and under controlled feeding and harvesting conditions*
- f) Operation and maintenance of equipment and facilities associated with - a, through e*
- g) Transportation, Application and Conditioning of "own use" materials associated with a, through e*

(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) landscaping*
- c) the raising or boarding of pets*

Note: Key Principals in developing the definition were not to negatively impact the protections employees currently have by including them as part of the agriculture industry, and that this definition must be subject to further consultation with groups that may be effected.

Considerations:

- The examination of what constitutes farming and ranching is an important policy consideration and an important foundation for the review of many parts of the Code.
- The group used the OHS Code exemption definition of farming as a basis to develop a recommended definition.
- A key principal adopted by the group in determining\applying the definition to point out to government in developing the Code, is not to negatively impact the protections employees currently have by including them as part of the agriculture industry. Some

parts of the industry are covered under the Code currently.

- A working definition was developed in July 2016 and it was agreed that after both groups were nearing the end of their work, TWG 3 and 4 would finalize the definition.
- While one set of rules to be applied to all agriculture industries is more practical, the intent of the TWG's recommendation would be for it not to negatively impact municipal tax advantages the industry currently enjoys.
- The Government was consulted and has no definitive answer on whether aquaculture, riding academies, or insects should be part of farm and ranch and asked for TWG recommendations.

Details: Interpretation, Options and Analysis:

The examination of what is farming and ranching was an important foundation for the review of many parts of the Code and was the first part of the Code tackled, together, by both groups.

The group first discussed different farming scenarios and explored a number of questions including:

- Herding, loading and transportation of animals, produce and equipment. Does this differ if the activity is performed by farm employees versus contractor employee's vs processor employees?
- Is construction of infrastructure on a farm part of farming and ranching operations? Does the purpose of the infrastructure matter, or whether contractor or farm employees are doing some of the work?
- Is the drying of grain for others a 'farm and ranch operation'? Would that change if the drying operation moved off the farm yard on to a separate property in a rural industrial subdivision?
- Is the repair and sale of used equipment in the farm yard a 'farm and ranch operation'? What if the business involved repair and sale of other non-farm equipment?
- Does "keeping of bees" include harvesting honey, include extraction of honey from the wax combs; include processing wax into candles and selling them; include resale of honey locally?
- What happens if you hire a custom combiner who operates a family farm (no employees)?

¹BRAINSTORMED IDEAS: What might be some factors to consider to help interpret the "Gray" areas (Creating a possible checklist):

- Looking at the size of the operation (farm receipts or fuel Number for example) (Note: The OHS legislation does not currently make any distinctions around farm size.)

¹ Brainstorm Process – Individuals volunteered ideas. It was agreed there were no bad ideas. Some were considered more than others.

- ²Determining who is the “Prime Contractor” impacts responsibility for the work\employees
- Consideration of Revenue Canada Status
 - Who is profiting from the activity?
- Looking at the “purpose” of the “activity” – is it farming?
- “Activity” is more important than “location”.
- What is a “practical” approach?
- Who is the Employer? If it is the farm’s employee or the service provider’s employee? (e.g. John Deere)

Preliminary Draft: definition of farming and ranching operations

The group used the OHS Code exemption definition of farming as a basis to develop a definition and found general consensus on the following changes as a preliminary draft for future work:

1.1(1) Subject to subsection (2) and except as expressly provided in this Code, this Code applies 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 and birds
- c. the keeping of bees
- d. the operations of greenhouses, mushroom farms, nurseries or sod farms
[Consider moving this into the definition from (2) below. A number of group members thought this should be a part of the farming industry however some group members felt that these sectors would need to be consulted regarding this change before agreeing to do so].
- e. Operation and maintenance of equipment and facilities associated with a, b, c, and d (*New*—to clarify some of the application questions explored)
- f. Conditioning and “Own” transporting of a, b, c, and d
(New—to clarify some of the application questions explored) *Suggested Alternative wording:* Transportation, Application and Conditioning of “own use” materials associated with a, b, c and d.

(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. landscaping
- c. the raising or boarding of pets

² It was noted that if the Farm Employer hired a prime contractor – the Farm Employer would still need to verify that the Prime Contractor had appropriate certifications\coverages to conduct the work. (WCB, clearance letters, etc.) and ensure the Farm property where the work was being performed was safe

TWG Analysis regarding Specific Elements of the Definition:

Greenhouses, Mushroom Farms, Nurseries or Sod Farms

The **operations of greenhouses, mushroom farms, nurseries or sod farms** were subject to the OHS Code prior to the changes for farms and ranches. The following are some of the reasons the group recommends including as part of farm and ranch operations:

- Because it is agriculture – commonality with the industry: operate same equipment
- Currently have no resources and will allow access to expertise and resources if they are part of this industry: safety management systems, information\education, etc.
- One set of rules for all in the industry is more practical.

Aquaculture

TWG 3 received confirmation from the Alberta Aquaculture Association that they supported their inclusion in the Farm and Ranch Definition.

Riding Academies:

- Technical support from Alberta Labour could not provide definitive interpretations regarding inclusion or exclusion of riding academies\boarding of horses. TWG 3 and 4 were asked for their recommendation.
- It is likely that if these operations are engaged in care and maintenance of animals, they would be deemed to be farm and ranch.
- B.C. includes riding academies under their Farm and Ranch definition.
- We may have businesses that are solely riding academies (e.g. students bring their own horses) and other businesses that do both: Teach riding and care for and maintain horses used. Employees may work in one area or in both. Currently businesses may have some employees covered by OHS and others not.
- Do riding academies have the same interests as those defined as farm and ranch? If they are “solely” training and not caring for animals this may not make sense.
- Businesses operating in both areas should be under the same provisions (farm and ranch)
- It was noted that being placed under farm and ranch would mean that the “family farm” exemption may apply to some groups which are currently under the Code.
- Consultation with the Alberta Equestrian Association indicated their preference for being included in the farm and ranch definition.

Operation and maintenance of equipment and facilities associated with farms and ranches

The following is the OHS response\research about custom operation – e.g. manure management as a resource (custom application vs. custom transportation).

Currently, farm and ranch exemption applies to operations that are reasonably

connected to the operations listed in section 2(1) of the Farming and Ranching Exemption Regulation namely, the production of crops, raising and maintenance of animals or birds, and the keeping of bees.

Collection and spreading of manure likely considered reasonably connected to these operations.

It is within the mandate of the working group to consider the various aspects of farm and ranch operations and recommend what should be considered reasonably connected going forward.

At the TWG 3 and 4 meeting on November 30, to further examine this question, OHS Tech support was asked to look into how government previously treated operations (as exempt or not). This is important for the following reasons:

- TWG 3 & 4 have adopted a key principle not to negatively impact the protections employees currently have by including them as part of the agriculture industry. Understanding if some of these operations are currently governed by the OHS Code will assist in making this determination. For example, if included in the farm and ranch definition, the exemption applicable to farm and ranch family members would apply.
- It is important to identify these industry groups for government to consult with them regarding their inclusion within the farm and ranch definition.

Alberta Labour asked TWG 3 at their December 14\15 meetings to provide a list of areas **which they believe may fall within the Definition of Farm and Ranch** to assist them in responding to TWG 3 and 4 request. TWG 4 was consulted on this list.

Conclusion

TWG 3 and 4 recommend custom agricultural operations should be provided the opportunity to be covered under the OHS Code provisions specified for farms and ranches as opposed to the non-specific Code provisions exclusively. The following list of operations for potential inclusion was generated through brainstorming by TWG 3. TWG 4 did not consider a specific list.

- Custom agricultural applicators: Supporting production of crops (note that environmental legislation also regulates pesticide applicators)
- Manure spreaders: Supporting raising of crops (fertilizing) or maintenance of animals and removal of waste from farm
- Custom combining, custom hauling Supporting production of crops
- Farriers – custom hoof trimmers
- Chicken catchers
- Custom haying, silage: supporting production of crops or raising of animals (feed for cattle)
- Custom land cultivation, breaking, tillage, raking (for purposes of opening farmland/pasture)

- Custom tree diggers (nursery harvest): Considered part of a nursery operation (these would be already covered by OHS legislation)
- Custom fencing: (Supporting farm/ranchland)

PART 2 Hazard Assessment, Elimination and Control (HAEC)

Consensus Recommendations

It is recommended that the present Code provisions can be applied to farm and ranch industry *if the following provisions are implemented*

- **Simple\easy to use, practical, tools, templates\ best practice manual are created and made available to farm employers to support them in efficiently implementing hazard assessments, elimination and control provisions.** Some areas to consider:
 - Mobile apps in the field and on-line.
 - Using current templates, industry standards, peer standards. (Don't reinvent the wheel.)
 - Practice toolkits (through the Best Practices TWG)
 - Look at other industry successes to help shape these.
 - Hazard Identification education model (through the Education TWG).
 - Managing risks well is the cornerstone of a successful safety program.
- **An appropriately funded Industry led safety association\structure is created to:**
 - Define what is the norm or standard needed. (which could be modified over time)
 - Create tools and resources. (Standardized Hazard Assessment tools).
 - Do audits and provide peer review.
- **Government provides Incentives and financial supports to help the industry engage in the process, as well as provide assistance and resources – some ideas:**
 - Similar to Alberta Environmental Farm Plan supports\incentives.
 - Target small producers who not doing Hazard assessment currently.
 - Have different levels of programs: Under 5 workers, 6-20 workers, 20+ workers, etc.
 - Transitional supports.
 - Early education \promotion of HAEC is essential to promote adoption
- **Approach control and elimination on incremental\staged basis starting with highest risks.** (Stage so farmers not have to do everything all at once.)
 - A suitable timeline should be created for all the farm and ranch community to provide them with time to catch up.
- **Provide Clarity for the Industry in the following areas:**
 - Document what “reasonably practicable” is.
 - What is required level of detail to satisfy due diligence.
 - Base on peer and industry determined standards (existing standards).
 - What are the minimum reporting requirements?

- Assurance about the application of global assessments (Requirements should not be onerous. For example, number of assessments for every brand of combine).

Suggestion for Consideration:

Expand education to those currently exempt (and best practices family farms).

Worker Competency

Consensus Recommendations

The definition of “Competent” as found in Part 1 namely: “*in relation to a person, means adequately qualified, suitably trained and with sufficient experience to safely perform work without supervision or with only a minimal degree of supervision;*” can be applied to farms and ranches without modification.

Considerations

The definition of Worker Competency is one of the key elements to application of the Code and hazard assessment elimination and control. The group considered whether the definition of “competent” as found in Part 1 was applicable with or without modification.

The group agreed the industry will need assistance in relation to the application of the definition through the development of tools that are easily used, as well as training and support.

Part 3- Specifications and Certifications

(Definition of MANUFACTURERS SPECIFICATIONS)

Recommendations:

Consensus recommendations were achieved on the following

- Legacy Equipment must be grandfathered
- 12(a) can be applied to farm and ranch
- The legislation needs to be updated to reflect technological and other changes

While options and ideas were explored, **consensus was not reached** on application of the remaining sections of Part 3. ***See Details below***

Considerations:

The ability of farmers to continue to be innovative and adapt and maintain equipment is integral to the nature of farming and critical to its viability.

Any Alternatives to application of Part 3 need to be credible and protect worker safety

Details: Interpretation, Options and Analysis:

July 2016 Discussions:

In July, the group determined that the ability of farmers to continue to be innovative and adapt and maintain equipment is integral to the nature of farming and critical to its viability. Eight different circumstances in which modification was likely necessary were determined:

1. Legacy equipment
2. Home built equipment
3. Home modified equipment (e.g. augers)
4. Emergency repairs
5. Equipment without manufacturers specifications
6. Certain aspects of 12 (d) (i.e. operation, storage, handling)
7. Third party aftermarket modifications
8. Practical considerations regarding equipment use given limitations on most farms (i.e. lack of equipment to measure actual v. design capacity)

Four small groups worked on two circumstances each and brainstormed possible Code modification options to deal with the competing needs of adoption of the Code (ensuring workplace safety) and farming realities. The following were ideas developed at each of the tables:

Circumstance	Small group ideas
(5) Equipment without manufacturers specifications (7) 3rd party aftermarket modifications	<p>These two provisions were dealt with together. The Group determined that Part 3 Section 12 (a) should apply to the farming community. Exceptions could be dealt with for the majority of equipment that doesn't have manufacturers specifications or with aftermarket modifications through the general application of the Code regarding:</p> <ul style="list-style-type: none"> • Risk assessment before operation and mitigations • Proper instruction of equipment use • If/Where there is high risk, this may need engineering certification
(1) Legacy equipment	<ul style="list-style-type: none"> • There is a need to recognize legacy equipment and apply the Code on a go forward basis from a specific date – likely the date of implementation of the new Regulations. Legacy equipment must still be maintained and used correctly. • Through risk assessment farmers should identify the items of equipment or aspects of equipment which don't comply with manufacturer specifications.
(4) Emergency repairs	<p>The Group is of the belief this is already adequately dealt with in the Code. (NOTE: Technical Support advised that it is unknown if the specific issue of modification of equipment outside of manufacturers' specifications to deal with emergency situations is considered in the Code. <i>A legal opinion is being sought</i>)</p>
(2) Home built	<p>The group explored the possibility of the farmer becoming the "Manufacturer" for the purpose of 12 b, c, and d. This option was discarded given potential liability concerns.</p> <p>The group explored other ideas and landed on the following option: Apply Part 3 Section 12 (a) ONLY and exempt 12 (b), (c), and (d) for FARM AND RANCH; but ensure safety through other provisions written</p>

Circumstance	Small group ideas
	<p>into the Code that would require:</p> <ul style="list-style-type: none"> • A specific Hazard Assessment for each piece of Home Built equipment • Development of a Rating system to assist in this assessment process: Low – Medium – High (e.g. equipment transporting people, or moving at high speeds could be a greater risk) • Applying different hazard control/elimination criteria based on the equipment rating
(3) Home modified	<p>Time didn't allow full examination of this issue but many of the same considerations as for Home Built equipment would apply. A thought was if modifications exceed the manufacturers specs, a hazard assessment would be called for.</p>
(6) Operation, storage etc. under 12 (d) (8) Practical Considerations	<p>This Group determined that the issues associated with application of 12(d) on the farm could be solved by alteration of the Code in respect of farming by applying only Section 12 (a) to the farm and ranch community modified to include the issue of maintenance. Subsections (c) through (d) would not apply. The specific equipment issues will likely be dealt with in other parts of the Code i.e. Power Mobile Equipment, Lift Rigging, Fall Protection, Scaffolding, Tools. In addition, a specific Farm Code Section could deal with farm equipment based on industry norms. In addition, the shared employer/employee requirement for hazard assessment would apply.</p> <p>For the Practical considerations issue, the group recognized that such issues were common in other industries as well and that utilization of practicality as part of the Hazard Assessment process would adequately deal with this issue.</p>

In a full group discussion that followed, **three themes emerged which provided a broad framework for addressing this Part:** (The object is to create a safe working environment while not stifling the innovation and entrepreneurship vital to a viable industry. NOTE – there was not consensus on these directions – they were identified for further exploration.)

1. **General Agreement for creation of a specific part in the Code for farm and ranch equipment** to deal with the specific unique circumstances of farming. *(Requirements Applicable to Specific industries like mining or Forestry)*
2. **Elimination of Subsections 12 (b), (c), and (d)** as they apply to farming. The group was not unanimous on this point. Details of the specific Farm Code Part (1 above) may take us to unanimity. Time did not allow for much more than a preliminary discussion on the issue.
3. **Application of the Hazard Assessment, Elimination and Control provisions** as conditionally approved should be a **cornerstone of equipment safety** in addressing modifications\exceptions

Information provided by Alberta Labour indicated the OHS Code only provides very specific variances from requirements in an emergency and none of these apply to the application of the manufacturer specifications.

November Discussions: Outlining the various group member views:

- Many manufacturers specifications are designed to avoid liability and therefore contain impractical requirements rather than focus on needs related to safe operation and maintenance of equipment
- A blanket exemption is too sweeping a solution to a problem related to a minority of situations.
- It is not reasonable or practical to require a professional engineer to certify every equipment modification made in farming and ranching. There are very few engineers available, they don't really work on these types of things and may provide a less effective inspection than the farmer could have.
- In the OHS Code, manufacturer's specifications or certification from an engineer serve an important principle, namely ensuring there is a knowledgeable third party who can confirm that a piece of equipment continues to be safe to use- this principle should be continued for farm and ranch.
- Internal hazard assessment processes are still prone to subjective evaluations of risk.
- Some manufacturers' specifications may be unsafe in a farm situation. For example, auditory warnings when backing up equipment may cause a stampede of horses\cows.
- Some equipment safe guards designed to protect the worker may not permit equipment function\use for farm and ranch (e.g. grain augers)
- Different types of equipment would have different OHS risk levels – for example, equipment that is lifted over a worker may be very high risk.
- Existing wording of Part 3 (e.g., 12(c): "...that may affect the structural integrity or stability..."; 13(1) "If this Code requires...") is sufficiently flexible to permit continued innovation with equipment that does not adversely affect worker safety.
- If your modified equipment was used in a worker accident; you take on the risk because you are at higher risk for due diligence. If you contact the manufacturer and they authorize the modification you should keep this correspondence as it will be key to document in the case of an accident on the farm. (OHS Tech support)
- Grandfathering legacy equipment, addresses the concerns regarding existing equipment, no other variance is needed.
- No other jurisdiction provides an exemption from these requirements. There are no observed negative impacts on innovation in agricultural workplaces as a result.
- There is insufficient information regarding farm modified equipment being a significant cause of incidence or injury in the farm and ranch industry.

Options\Ideas generated to alter or modify Part 3 to address safety:

- A. Consider a **qualified person** other than an engineer certify equipment. (3rd party review?)
- B. Ask the **government to provide “Engineers”** to the Industry to be available and provide services when needed.
- C. **Ask the Government to pay for this**
- D. **Update the code to reflect technology**; consider that innovative alterations to equipment happens.
- E. Adopt the **July (“homebuilt approach” (Above)** as follows:

Apply Part 3 Section 12 (a) ONLY and exempt 12 (b), (c), and (d) for farm and ranch; but ensure safety through other provisions written into the Code that would require:

- A specific Hazard Assessment for each piece of Home Built equipment
- Development of a Rating system to assist in this assessment process: Low – Medium – High (e.g. equipment transporting people, or moving at high speeds could be a greater risk)
- Applying different hazard control/elimination criteria based on the equipment rating
- Create a Decision Tree to help farmers to conduct this assessment

There was considerable discussion of option E

Summary:

Consensus could not be reached. The group remained conflicted over the practicalities of applying Section 12 versus the principle of third party verification.

ONE-OFF “CASUAL” FARM HELP. (EXEMPT FARM)

Consensus Recommendation:

Request Government to address this matter as it is very important to the Industry and in examining solutions, adopt the following principles:

- Strive for clarity for the farm community about whether the Code applies to them and how.
- Create a strong culture of workplace safety in farm and ranch for everyone in the farm and ranch industry (employers, workers and families)
- Support a “level” playing field and not inadvertently creating inequities or unfair advantages for some farms\ranches over others.
- Consult with exempt farms and ranches to ensure their interests \needs are understood and considered.

It is hoped that the options and ideas generated by the group in their attempt to explore possible solutions may provide some food for thought as government addresses this question. It is important to note the group was unable (for a number of reasons, including

time needed) to develop solutions that could gain the support of all group members.

Government should make any necessary changes to clarify application of the Code to volunteer activities on Farms and Ranches. In particular, that neighbours helping neighbours will not be included in the definition of worker and the provisions of the Act\Regulations\Code would not apply.

CONSIDERATIONS

As part of the group's review of the hazard assessment significant discussion was undertaken regarding the following concerns:

- Hiring employees for very short periods of time. For example, a farmer pays a neighbor to look after his livestock for two weeks while he goes on vacation. Is that farmer an employer for purposes of the code during that two-week period? Does the farmer have to have a safety management system and comply with all provisions of the code in case an employee may be hired?
- What are "wages"? Is bartering deemed to be wages? How are wages being determined for employment standards? Should the revenue Canada taxable income be considered?
- What happens if neighborhood kids work on the farm? How are students addressed?
- What happens when a neighbor is helping and driving a tractor and falls off and is killed?
- Many farmers are concerned about being subject to regulation, fines etc. Given there is no information about what the rules are now, we hear some are reluctant to ask neighbors for help which may result in other unintended consequences.
- How do we ensure the current definition does not restrict the culture of the farm industry "neighbors helping neighbors"?
- This topic is crucial to resolve for the farming community and has been referred to by the group as "the elephant in the room"

It was noted that if the farm employer hired a prime contractor – the farm employer would still need to verify that the prime contractor had appropriate certifications\coverages to conduct the work. (WCB, clearance letters, etc.)

A sub-group was formed with TWG 3 and 4 members to research and come up with options for how to address this concern for consideration by TWG 3 and 4. (See Report in [Appendix G](#))

Details: Interpretation, Options and Analysis – Report Review

- Group members estimate that about 70% of farms (30,000) are exempt family (non-employee) farms and subject to the "gray" area
 - At the fall AAMDC Conference, where a TWG panel responded to questions, the question of Code application to "exempt" farms if acquiring relief help was the predominant topic.

- Providing transparency\certainty about when you are subject to the Code and when you are not will impact effective Code adoption in the farm community.
- The safety of casual workers is also important. Workers should have the same protections and levels of protection regardless of how often they work.
- If OHS applies, it will have “one-time costs” for a farmer\rancher to implement various parts of the Code
- Why would non-exempt farms with one employee be treated differently than a farm that is exempt who hires someone for two weeks?
- The government’s intent was to leave the family farm out so how best can that spirit be kept alive?
- It is important to note we care about the exempt family farm – this discussion should not imply otherwise or that exempt farms do not operate safely. (There should be no stigma that exempt farms are bad operators)

Options\Ideas in the sub-group report reviewed by TWG 3 and 4 were:

- **Creating a threshold of numbers of workers or hours of work** or otherwise defined by a risk assessment tool that would be required to be met before OHS Code application to the exempt farm is triggered. (It was noted that no other jurisdictions adopts this type of threshold.)
 - **Examining the Code provisions (Part by Part)** to determine which might be more important and which might be less important to apply to the farm with a “minimal” work force
 - **Relying on Hazard \Risk Assessment in some way**
 - **Educate each employer on how operate on their farm per the industry standard.** Developing some criteria to help with assessing risk
 - **Asking the Government to provide greater “certainty”** on how to define someone as an employee
 - **Apply for Acceptances\exceptions or variances** in the Code

Additional Options\Ideas Developed Through Full Group Discussion:

- Asking for an **advance ruling** from ES or OHS on employment status in a certain situation (It was confirmed that these types of inquiries would not compromise the person making the inquiry. OHS offers an on-line “ask an expert” forum at <https://work.alberta.ca/occupational-health-safety/ask-an-expert.html> where questions can be posed and responses received in 2-3 days)
- Creating a **criteria\check-list** for farmers to use when trying to assess the employment status of a person (employee or contractor)
- **Create an income threshold** – e.g. if the income is less than \$10,000 not covered by OHS
- **Create a “mid-point” category**

CLEAR <u>NOT</u> an Employee	GREY AREA	CLEAR AN EMPLOYEE
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- Differentiate so Some code parts apply to the middle (Grey area)
- A potential role for the Safety Association here – Explanation Guide provisions can support this.
- Ask the government to **consult with exempt farmers** (They are not well represented in this room)
- Come up with a **clear definition of employee**
- Address the fears by clearly **defining what is NOT employment** (bartering, casual, farm sitting, contract labour)
- **Family (exempt) farms do hazard assessments** (on-line?) and when situations come up, they implement them.
- **Collect and share the facts** – conduct an economic\financial\social impact study on implementing the Code (This may help create a positive atmosphere)

Summary:

The crux of the issue is: When do you change from being a family farm where you would be exempt from an 'employer/employee situation? Where is the division line? Do we want to define the line OR move the line?

Process Options Discussion: What route should we take?

Do we (TWG 3 and 4) want to do something or not? **AGREED – Do something ✓**



Do we:

- 1. Refer problem to Government without any guidance, or
 - **2. Refer problem to government with some guidance ✓AGREED, or**
 - 3. Develop an agreed upon solution for government to consider ((Could be Prescriptive\Detailed – define or move the line, or Guiding principles)
-

APPENDIX D: Technical Working Groups 3 & 4 SUBGROUP REPORT

November 23, 2016

BACKGROUND:

During July “joint” meetings between TWG 3 and 4 the interpretation of definition of Employer and worker was discussed as part of the group’s review of hazard assessment discussions the following Issues\questions were raised

- Hiring employees for very short periods of time. For example, a farmer pays a neighbor to look after his livestock for two weeks while he goes on vacation. Is that farmer an employer for purposes of the code during that two-week period? Does the farmer have to have a safety management system and comply with all provisions of the code in case an employee “may” be hired?
- What are “wages”? Is bartering deemed to be wages? How are wages being determined for employment standards? Should the revenue Canada taxable income be considered?
- What happens if neighborhood kids work on the farm?
- How are students addressed?
- What happens when a neighbor is helping and driving a tractor and falls off and is killed?
- Many farmers are concerned about being subject to regulation, fines etc. Given there is no information about what the rules are now, we hear some farmers are reluctant to ask neighbors for help which may result in other unintended consequences.
- How do we ensure the current definition does not restrict the culture of the farm industry “neighbors helping neighbors”?
- These questions were identified by the group as crucial to resolve for the farming community, especially small operations and has been referred to by the group as “the elephant in the room”

It was determined that a Sub-group should be formed with members of the both TWG three and four Their task was to Clarify the application of OHS Code for normally exempt farms who hire ‘casual’ or part time employees a small percentage of time and research and come up with options\ recommendations for consideration by TWG 3 and TWG 4

SUB-GROUP MEMBERS

Barbara McKinley; Kent Erickson; Gerald Finster; Glenn Norman; Justin Knol; Vince Geerlings

Sub-group members met by teleconference on September 2nd and November 4th

RESEARCH \INFORMATION COLLECTED:

OHS technical support provided research \information for the subgroup in three areas. The sub-group discussion and any conclusions regarding that information is outlined below:

1. Answers to the initial questions posed by the group (above) provided by Alberta Labour

The following is a summary of the information provided:

The definitions for employer, worker and occupation reside in the OHS Act and Employment Standards Code. Generally, whether an employment relationship exists is not defined by the length of employment, but rather such items as wages, benefits, hours of work, control of work and whether the person can be terminated or disciplined. Similarly, OHS requirements are not based on the length of time of employment; the employer is responsible to comply even if the time of employment is short. Wages are defined in the Employment Standards Code. They do not include tips, gratuities, expenses or payment made as a gift or bonus depending on the discretion of the employer (and not related to hours of work, production or efficiency). Generally, students are not considered “workers” as defined in OHS or Employment Standards legislation, however, there may be exceptions, such as work experience programs in industrial settings which are covered. Neighbours helping out would also not be considered “workers” under the legislation.

A review of the information provided by OHS Staff shows that an employment relationship must exist before the OHS Code becomes applicable. That relationship is dependent upon a number of factors but in large part is determined by the degree of control exercised by the farmer/employer over the worker in how and when the work is done. (It was clarified that neighbours who exchanged performing services for one another – bartering- would not create an employment relationship).

The group still envisions circumstances where a pure employee/employer relationship exists for small portions of time.

2. Review of other jurisdictions provisions for exemptions for small employers

- No broad employer exemptions are found in other jurisdictions based on size of workforce.
- There are some specific provisions, for example, British Columbia, where 20+ employers must have formal OHS program/policy and joint safety committees.

3. OHS Support literature review on Occupational Injuries in full time vs. part time employment conducted in October 2016

It was difficult to do a direct comparison of full-time and part-time work. For “precarious” workers (immigrant or non-permanent employment) there was a trend for increased risk and decreased health.

Group Comments:

- Good research - not surprised – workers that are casual workers are often most vulnerable.
- Seems common sense that the less the worker does a job the increased risk they have.
- Comparable to what some group members have found on-line.

4. **The Sub-group has requested information on any findings of TWG 1 looking at Employment Standards that may be helpful.** (*TWG 1 indicated no direct discussions on this topic occurred in their deliberations*)

OTHER CONSIDERATIONS:

1. Interests of stakeholders were identified to be:

- Concerns over the economic and other burdens placed upon small farmers brought under the OHS Code by such relationships even though they are for small periods of time. (Potential for some operations no longer being economical or pushing them to non-compliance)
- Protecting workers – whether they work for short periods or not (Workers who do tasks infrequently may be at greater risk than those who do them every day. Risk assessment is an important consideration)
- Considering what may bring AB into line with those of other provinces
- TWG 3 and 4 agreed upon the objective of not reducing standards currently applied (e.g. mushroom & sod farms currently under the Code)

2. Frequency and types of situations

- Group members determined that this situation of “one-off” casual farm help can occur frequently (for the small farm)
- *Some examples provided in discussion:*
- Someone to “babysit” the farm to do a few chores. (e.g. feed animals grain; put hay bales out.) when away for a day or on holiday.
- 7-8 young people who picked rocks for a day and were paid cash.
- The dairy industry may have part-time milkers for casual relief – they work alone and do the job of the farmer.
- Branding – While a lot of the time neighbours help one another -share food and drink (It can be a fun social event) sometimes neighbours are paid a cash amount to spend the day helping with branding (e.g. \$100).

3. Importance of Risk Assessment:

- With more employees, the higher the risk. (Per the BC requirements for 20+ employees to have a formal written plan.) Note: Alberta does not require a formal health and safety program
- The severity of risk is also important, for example babysitting the farm versus doing other types of farm activities. Looking at it being “activity” based may be helpful. For example, chipping rotten grain from a bin is highly dangerous and would have much different safety requirements.
- Risk assessment needs to occur on all farms. Consider basing the OHS requirements on the worksite assessment. If hiring someone to do something risky then the provisions apply.

4. Determination of Employment by Other Agencies

- Canada Revenue Agency (CRA) would have some rules around whether someone is deemed an employee (if they are paid any money). Whether someone is deemed to be self-employed\ a contractor
- WCB is accessible to people who are not “employees” (So their determination would not be a helpful way to check if an employee or not.)

IDEAS DEVELOPED FOR ADDRESSING THE ISSUE:

The options\ideas discussed for achieving the twin goals of *maintaining worker safety but not creating unreasonable economic or other burdens upon small farms* included:

1. **Creating a threshold of numbers of workers or hours of work** or otherwise defined by a risk assessment tool that would be required to be met before OHS Code application to the exempt farm is triggered. Some concerns with this idea:
 - Decreased safety for those workers who are employed. (e.g. full-time throughout the year)
 - What are the actual costs of application of the Code sections – does that justify the threshold? (Need to be more specific.)
2. **Examining the Code provisions (Part by Part) themselves to determine which might be more important and which might be less important to apply to the farm with a “minimal” work force.**
 - Some pointed to the need for the Code to be easily understood and applied – no fuzzy areas.
3. **Relying on Hazard \Risk Assessment in some way** - go through the Code Parts and determine for different farms based on frequency, severity & probability. (A simple checklist may help older farmers.)
4. **Short Term Financial Assistance** to support Code adoption\compliance.
5. **Design an approach around the “Activity”** - look at the nature of the work involved (e.g. farm-sitting would be exempt).
 - Whether someone is an “employee” or not, do a risk assessment
 - Determine if that person is an employee or not (contractor, bartering, etc.)
 - Ensure competence of that person to do the work
6. **Educate each employer about how to operate on their farm per the industry standard. Developing some criteria to help with assessing risk** (e.g. matrix) – what could happen, severity of injury – frequency- probability.
7. **Ask the Government to provide greater “certainty” on how to define someone as an employee** under Employment Standards.
8. **Apply for Acceptances\exceptions or variances in the Code:** *This is a “one-off” situation and here is my hazard assessment – variance for this situation.* (In assessing this option, please see section 34 of the ACT, criteria for acceptances may not apply easily to this type of situation (A common example is removal of asbestos before demolishing a building.) OHS also has limited capacity to deal with high volumes of requests)

SOME GENERAL FINDINGS

- The issue is about “one-off” casual farm help. (vacation relief, 1-2 day assignments)
This is different from hiring someone to do seasonal work – haying, combining, etc.
- How to interpret if someone is an employee remains unclear. Questions remain about whether an employment relationship exists, if the person is a “contractor” would the farmer be the Prime contractor and still be liable to ensure OHS compliance.
- It is clear that Bartering is not employment
- There are questions about application of “working alone” provisions for relief duties
- Hazard Assessment is important - The level of risk of an activity needs to be considered
- Adoption of the Code overall in the industry will require a culture change and a period of transition will be needed.
- The group has had good discussion. Finding a solution may come down to the level of risk and challenge in the agriculture community.

CONCLUSIONS:

The group did not land on any possible solutions that could be recommended.

Some group members do not see this issue as a significant problem requiring exemptions or variances and that applying the Code in these situations would not be a problem or a significant cost.

Some group members see this as a real concern and that the uncertainty in applying the Code needs to be addressed in some way.

The Sub-group looks forward to further discussion at the Joint TWG 3 and 4 meeting on November 30

APPENDIX E: Consensus/Non-Consensus Recommendations

Part 6 Cranes, Hoists and Lifting Devices (Page 19 to 22)

Sections:

- 59 Applicable
- 60 Applicable with Conditions or Variations
- 61 Applicable
- 62 Applicable with Conditions or Variations
- 63 Applicable
- 64 Applicable
- 65 No Consensus
- 66 Applicable
- 67 Applicable
- 68 Applicable
- 68.1 Applicable
- 69 Applicable
- 70 Applicable
- 71 Applicable
- 72 Applicable
- 73 Applicable with conditions or variations
- 74 Applicable
- 75 Applicable
- 75.1 Applicable
- 76 Applicable
- 77 Not Applicable
- 78 Not Applicable
- 79 Not Applicable
- 80 Applicable
- 81 Applicable
- 82 Applicable
- 83 Applicable
- 84 Applicable
- 85 Applicable
- 86 Applicable
- 87 Applicable
- 88 Applicable
- 89 Applicable with Conditions or Variations
- 90 Applicable
- 91 Applicable
- 92 Applicable
- 92.1 Applicable
- 92.2 Applicable
- 93 Applicable
- 94 Applicable
- 95 Applicable
- 95.1 Applicable
- 96 Applicable
- 97 Not Applicable
- 98 Not Applicable
- 99 Not Applicable

100 Not Applicable
101 Not Applicable
102 Not Applicable
103 Not Applicable
104 Not Applicable
105 Not Applicable
106 Not Applicable
107 Not Applicable
108 Not Applicable
109 Not Applicable
110 Not Applicable
111 Not Applicable
112 Applicable
113 Applicable
114 Applicable

Part 8 Walkways, Stairs, Entrances, Fixed and Portable Ladders (Page 6 to 7)

119 Applicable with conditions or variations
120 Applicable with conditions or variations
121 Applicable with conditions or variations
122 Applicable with conditions or variations
123 Applicable with conditions or variations
124 Applicable with conditions or variations
125 Applicable with conditions or variations
126 Applicable with conditions or variations
127 Applicable with conditions or variations
128 Applicable with conditions or variations
129 Applicable with conditions or variations
130 Applicable with conditions or variations
131 Applicable with conditions or variations
132 Applicable with conditions or variations
133 Applicable with conditions or variations
134 Applicable with conditions or variations
135 Applicable with conditions or variations
136 Applicable with conditions or variations
137 Applicable with conditions or variations

Part 9 Fall Protection (Pages 24 to 26)

138 Applicable with conditions or variations
139 Applicable with conditions or variations
140 Non-consensus
141 Applicable with conditions or variations
142 Applicable with conditions or variations
143 Applicable with conditions or variations
144 Applicable with conditions or variations
145 Applicable with conditions or variations
146 Applicable with conditions or variations
147 Applicable with conditions or variations
148 Applicable with conditions or variations
149 Applicable with conditions or variations
150 Applicable with conditions or variations

151 Applicable with conditions or variations
152 Applicable with conditions or variations
153 Applicable with conditions or variations
154 Applicable with conditions or variations
155 Applicable with conditions or variations
156 Applicable with conditions or variations
157 Applicable with conditions or variations
158 Applicable with conditions or variations
159 Non-consensus
160 Applicable with conditions or variations
161 Applicable with conditions or variations

Part 12 General Safety Procedures (Page 26 and 27)

185 Applicable with conditions or variations
186 Applicable with conditions or variations
187 Applicable
188 Applicable
189 Applicable
190 Applicable with conditions or variations
191 Applicable
192 Applicable
193 Applicable
194 non-consensus
195 Applicable

Part 13 Joint Work Site Health and Safety Committee (Pages 5 and 6)

196 Applicable with conditions or variations
197 Applicable with conditions or variations
198 Applicable with conditions or variations
199 Applicable with conditions or variations
200 Applicable with conditions or variations
201 Applicable with conditions or variations
202 Applicable with conditions or variations
203 Applicable with conditions or variations
204 Applicable with conditions or variations
205 Applicable with conditions or variations
206 Applicable with conditions or variations
207. Applicable with conditions or variations

Part 15 Control of Hazardous Energy (Page 8)

212 Applicable
213 Applicable
214 Applicable
215 Applicable

Part 19 Mobile Equipment (Pages 9 to 15)

256 Applicable (except 256(3))
256(3) – Non-consensus
257 Non-consensus
258 applicable (except 258(3))
258(3) – Applicable with conditions or variations

259 Applicable
260 Applicable (except 260(5))
260(5) Non-consensus
261 Applicable with conditions or variations
262 Non-consensus
263 Applicable with conditions or variations
264 Applicable with conditions or variations
265 Applicable
266 Applicable (clarification required)
267 Applicable with conditions or variations
268 Applicable
269 Applicable
270 Applicable with conditions or variations (except 270(3))
270(3) Applicable
271 Applicable
272 Applicable with conditions or variations
273 Non-consensus
274 Applicable
275 Applicable with conditions or variations
276 Applicable with conditions or variations
277 Applicable
278 Applicable with conditions or variations
279 Applicable with conditions or variations
280 Applicable
281 Applicable
282 Applicable
283 Applicable
284 Applicable
285 Not Applicable
286 Not Applicable
287 Not Applicable
288 Not Applicable
289 Not Applicable
290 Not Applicable
290.1 Applicable
290.2 Not Applicable

Part 20 Radiation Exposure (Page 5)

291 Applicable

Part 21 Rigging (Page 18 and 19)

292 Applicable with conditions or variations
293 Applicable with conditions or variations
294 Applicable with conditions or variations
295 Applicable with conditions or variations
296 Applicable with conditions or variations
297 Applicable with conditions or variations
298 Applicable with conditions or variations
299 Applicable with conditions or variations
300 Applicable with conditions or variations
301 Applicable with conditions or variations

302 Applicable with conditions or variations
303 Applicable with conditions or variations
304 Applicable with conditions or variations
305 Applicable with conditions or variations
306 Applicable with conditions or variations
307 Applicable with conditions or variations
308 Applicable with conditions or variations
309. Applicable with conditions or variations

Part 22 Safeguards (page 15 to 17)

310 Applicable (except 310(4))
310(4) Applicable with conditions or variations
311 Applicable
312 Applicable (except 312(2))
312(2) Applicable with conditions or variaations
313 Applicable
314 Applicable
315 Applicable (except 315(3))
315(3) Applicable with conditions or variations
316 Applicable with conditions or variations
317 Applicable
318 Applicable
319 Applicable
320 Applicable
321 Applicable
322 Applicable

Part 23 Scaffolding (page 22 to 24)

323 Applicable
324 Applicable
325 Applicable
326 Applicable with conditions or variations
327 Applicable
328 Applicable with conditions or variations
329 Applicable
330 Applicable
331 Applicable
332 Applicable
333 Applicable
334 Applicable
335 Applicable
336 Applicable
337 Applicable
338 Applicable
339 Applicable
340 Applicable
341 Applicable
342 Applicable
343 Applicable
344 Applicable
345 Applicable

346 Applicable
347 Applicable
348 Applicable
349 Applicable (except 349(2))
349(2) Non-consensus
350 Applicable
351 Applicable
352 Applicable
353 Applicable

Part 24 Toilets and Washing Facilities (page 27 to 28)

354 Applicable
355 Applicable with conditions or variations
356 Applicable
357 Applicable with conditions or variations
358 Applicable
359 Applicable
360 Applicable with conditions or variations
361 Applicable

Part 25 Tools, Equipment and Machinery (pages 17 to 18)

362 Applicable (except 362(3))
362(3) Applicable with conditions or variations
363 Applicable
364 Applicable with conditions or variations
365 Applicable with conditions or variations
366 Applicable with conditions or variations
367 Applicable
368 Applicable
369 Applicable
370 Applicable with conditions or variations
371 Applicable
372 Applicable
373 Applicable
374 Applicable
375 Applicable
376 Applicable
377 Applicable
378 Applicable
379 Applicable
380 Applicable
381 Applicable
382 Applicable
383 Applicable
384 Applicable with variations or conditions
385 Applicable