

Here is the full text of Thomas Lukaszuk's email to agricultural producers. I have taken the liberty of redacting Mr. Lukaszuk's email address. Otherwise, the letter is unedited.
DJC

December 15, 2015

TO: Alberta Agricultural Producers / Associations

FROM: Bill 6 Implementation Advisory Taskforce

RE: Bill 6

As you are well aware, over the past few weeks all Agricultural Producers in Alberta were singularly focused on the passage into law of Bill 6, which significantly amends the Occupational Health & Safety Act, Employment Standards Code, Labour Relations Code and the Workers Compensation Act. Many questions have been raised relevant to what impact these changes will have on Alberta's agriculture industry and, most importantly, on individual farms; however, to date few concrete and accurate answers have been offered.

In the absence of definitive answers to many important questions asked by agricultural producers, a great deal of misinformation and politicization of this critical took place.

At this crucial moment for Alberta agriculture, farmers need factual information and a plan to minimize the damage inflicted by Bill 6 on our agriculture industry. Also, more so than ever before, Alberta's agricultural producers now need a unified position and must speak whenever possible with "one voice".

In view of this, a task group of well qualified and experienced professionals with agricultural backgrounds coalesced in order to analyze the impact of Bill 6 on individual producers and all sectors of the industry, assess the Bill's financial and operational implications, develop a strategy to assist the Government in drafting practical Regulations and develop a communications strategy particularly aimed at urban Alberta. Also, as deadlines for implementation of certain parts of Bill 6 are looming, it is vital that we provide guidance to government on how to minimize the negative impact of such rush enforcement. We also hope to serve as a resource to the industry and individual producers relevant to developing strategies on how to deal with the impact of the new laws.

To date, this group has met with the Offices of the Ministers of Agriculture and Jobs Skills Training & Labour (JSTL) and with the Deputy Minister of JSTL. The task group has developed a working relationship with the Deputy Minister and is now in the process of determining a mechanism for collaborative drafting of Regulations.

It is the intention of this task group to jointly identify all issues within Bill 6 that are specific to each agricultural sector and present government officials with a coordinated regulatory framework, not leaving any sector unrepresented. Alberta's agriculture industry must remain intact and no individual sector can be sacrificed.

Some of the initial and overarching issues identified include, but are not limited to:

1. Regulations should clearly distinguish between arms-length and non-arms-length employment. If this was done, most family farms in the province would be relieved to find out they are not going to be impacted by the new regulations. It is unfortunate that this will not provide any relief whatsoever to the operations that employ independent arms-length employees.
2. WCB Policy Manual, a document that governs day to day administration of Employers' accounts and Workers' claims must be developed in direct collaboration with the agriculture industry. Consideration should also be given to the appointment of the agriculture industry representative to the WCB Board of Directors.
3. A review of the Employment Standards Code and its application must be done to determine Regulations more appropriate and reasonable for the agriculture industry. For example, the proposed regulations indicate overtime pay required if someone works more than 8 hours in a day or more than 44 hours in a week. This just isn't practical in the industry.
4. The development of appropriate safety standards, policy manuals, reporting etc in the ag industry will be a very important process. There must be a commitment to involve producers in this process as it will otherwise be a potential huge cost to all Alberta producers. We are aware that there are some safety programs already developed (Raymond Farm Safety Centre is working with AB Ag and other producer groups on the Australian model). Much work needs to be done to ensure that the implementation of a farm safety plan does not become a huge cost and administrative burden to Alberta farms and ranches.
5. Certain sectors of agriculture and crucial seasonal time periods must be regulated as "essential services" so that no unionization efforts, strikes, walkouts or other disruptive labour actions could take place.
6. Inclusion of a worker under OHS provisions must not include any and all equipment on a given farm to also be subject to OHS regulations.

7. Employment Standards legislation must have the same exemptions as OHS legislation.

So who are we? We are a group of Accountants, Lawyers, Communications Professionals OHS & WCB specialists and Government Relations experts who have spent decades working with statutes contained in Bill 6. Some of us also have agriculture background or, in some cases, still engage in farming.

The core task group consists of:

John M. Hope, QC - Senior member of Duncan Craig LLP's litigation group. His practice focuses primarily on commercial litigation, insurance law, labour law, product liability and alternative dispute resolution. Former Executive Member of the Edmonton Bar Association, former Director of the Canadian Bar Insurance Association and is a Director and past President of the Canadian Team Cattle Penning Association. Selected by his peers for inclusion in The Best Lawyers in Canada 2014 in the field(s) of Corporate and Commercial Litigation law, Insurance law and Product Liability law. John has been recognized for this each year since 2006.

Dwayne Chomin, Q.C. - Dwayne and his firm Neuman Thompson have received national recognition for their work representing employers in labour relations and employment matters. Dwayne has extensive experience representing a wide range of clients in the agricultural sector including in grain and grain handling, lentil, feed lot, oat and oat processing, meat processing and meatpacking sectors.

Thomas A. Lukaszuk, B.Ed. - Former Deputy Premier of Alberta and Minister of Employment & Immigration and Jobs Skills Training & Labour. Past Chair of Public Sector Resource Committee negotiating all collective labour agreements for Government of Alberta and Chair of Cabinet Operations. Previously, owner and operator (7 years) of WCB consulting firm - Injured Workers' Advocates Inc.

Scott Dickson, CA - Partner with MNP for 20 years and with MNP for 32 years as a CA/CPA. Specialized in Agriculture and Hutterite as an accountant and business advisor. Director of Livestock Services for the past six years and VP of Hutterite services for the last two years which involves representing these various industry sectors and developing team members within MNP to niche in these areas.

Gord Tait, CA CPA – Director of Hutterite Services with MNP. Based in MNP's Lethbridge office. With over 25 years of agricultural business experience, leads overall product and service delivery to over 300 Hutterite colonies through MNP advisors in Lethbridge, Red Deer, Grande Prairie, Saskatoon, Swift Current, Brandon, Portage and Winnipeg.

Michelle O'Brien-Moran, CA CPA – Tax Specialist and partner with MNP. Specialized in Agricultural Tax for more than 20 years. Tax Leader for MNP's Hutterite practice and has specialized in this area for the last 7 years.

So where from here? We hope that this coordinated, nonpartisan and results oriented response to this unprecedented challenge will be of interest to you and your membership and that you will consider joining your partners in agriculture in speaking with one voice. We are confident that this approach will be the most effective one, considering the complexity of the matter and limited deadlines.

At this time, we are interested in meeting with you, learning of your industry's individual concerns and working with you to preserve the viability and competitiveness of Alberta's agriculture industry.

Please contact the writer at: XXXXXXXXXXXXXXXX to arrange for a meeting.

With Respect,

Thomas A. Lukaszuk