

GOVERNMENT AMENDMENT

AMENDMENTS TO BILL 6

ENHANCED PROTECTION FOR FARM AND RANCH WORKERS ACT

Amendment A1 Agreed to on December 9, 2015

The Bill is amended as follows:

A Section 5(2) is struck out and the following is substituted:

(2) Section 1 is amended

(a) by adding the following after clause (k):

(k.1) “family member”, in relation to a shareholder, sole proprietor or partner, means

- (i) the spouse or adult interdependent partner of the shareholder, sole proprietor or partner, or
- (ii) whether by blood, marriage or adoption or by virtue of an adult interdependent relationship, a child, parent, grandparent, sibling, aunt, uncle, niece, nephew or first cousin of the shareholder, sole proprietor or partner or of the shareholder’s, sole proprietor’s or partner’s spouse or adult interdependent partner,

and includes any other person prescribed by the regulations to be a family member;

(b) by repealing clause (s)(i) and substituting the following:

- (i) farming and ranching operations that are specified in the regulations and in respect of which
 - (A) no wages, as defined in the *Employment Standards Code*, are paid to persons for the performance of farming or ranching work, or

- (B) wages, as defined in the *Employment Standards Code*, are paid only to the following persons for the performance of farming or ranching work:
 - (I) shareholders of a corporation engaged in a farming or ranching operation of which all shareholders are family members of the same family;
 - (II) family members of a shareholder of a corporation engaged in a farming or ranching operation of which all shareholders are family members of the same family;
 - (III) family members of a sole proprietor engaged in a farming or ranching operation;
 - (IV) family members of a partner in a partnership engaged in a farming or ranching operation where all partners are family members of the same family,

and

(c) by repealing clause (bb) and substituting the following:

- (bb) “worker” means a person engaged in an occupation, but does not include, except for the purpose of section 2(2), the following persons engaged in a farming and ranching operation specified in the regulations:
 - (i) a person to whom no wages, as defined in the *Employment Standards Code*, are paid for the performance of farming or ranching work;
 - (ii) a person referred to in clause (s)(i)(B)(I) to (IV) to whom wages, as defined in the *Employment Standards Code*, are paid for the performance of farming or ranching work;

B Section 6 is struck out and the following is substituted:

Amends AR 27/95

6 The *Farming and Ranching Exemption Regulation* (AR 27/95) is amended by repealing sections 2 and 3 and substituting the following:

Excluded farming and ranching operations

2(1) Subject to subsection (2), the following farming and ranching operations are specified for the purpose of section 1(s)(i) and (bb) of the Act:

- (a) the production of crops, including fruits and vegetables, through the cultivation of land;
- (b) the raising and maintenance of animals or birds;
- (c) the keeping of bees.

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

- (a) the processing of food or other products from the operations referred to in subsection (1);
- (b) the operations of greenhouses, mushroom farms, nurseries or sod farms;
- (c) landscaping;
- (d) the raising or boarding of pets.

C Section 9 is struck out and the following is substituted:

Amends AR 325/2002

9(1) The *Workers' Compensation Regulation* (AR 325/2002) is amended by this section.

(2) Section 3 is amended

- (a) in subsection (1) by striking out “or” at the end of clause (b), adding “or” at the end of clause (c) and adding the following after clause (c):
 - (d) persons in an industry listed in Schedule D

- (i) to whom no wages, as defined in the *Employment Standards Code*, are paid for the performance of farming or ranching work, or
 - (ii) to whom wages, as defined in the *Employment Standards Code*, are paid for the performance of farming or ranching work and who are
 - (A) shareholders of a corporation engaged in a farming or ranching operation of which all shareholders are family members of the same family;
 - (B) family members of a shareholder of a corporation engaged in a farming or ranching operation of which all shareholders are family members of the same family;
 - (C) family members of a sole proprietor engaged in a farming or ranching operation;
 - (D) family members of a partner in a partnership engaged in a farming or ranching operation where all partners are family members of the same family.
- (b) in subsection (2) by striking out “subsection (1)(a) or (b)” and substituting “subsection (1)(a), (b) or (d)”;**
- (c) by adding the following after subsection (3):**
- (4)** In this section, “family member”, in relation to a shareholder, sole proprietor or partner, means
- (a) the spouse or adult interdependent partner of the shareholder, sole proprietor or partner, or
 - (b) whether by blood, marriage or adoption or by virtue of an adult interdependent relationship, a child, parent, grandparent, sibling, aunt, uncle, niece, nephew or first cousin of the shareholder, sole proprietor or partner or of the shareholder’s, sole proprietor’s or partner’s spouse or adult interdependent partner,

and includes any other person prescribed to be a family member.

(3) Schedule A is amended by striking out

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

(4) The following is added after Schedule C:

Schedule D

The following are industries to which section 3(1)(d) of this Regulation applies:

agrology and agronomy services, provision of;
apiary, operation of;
artificial breeding services, provision of;
breeding of animals, birds, fish or reptiles;
collection of urine from pregnant mares;
dude ranch, operation of;
egg producer, commercial, carrying on business as;
farming, carrying on business of;
farming contracting, including haying and threshing, carrying on business of;
feed lot, commercial, operation of;
fertilizer spreading services, provision of;

fruit grower, commercial, carrying on business as;
game farm, operation of;
horse exercising, training or racing, carrying on business
of;
poultry producer, commercial, carrying on business as;
rabbit producer, commercial, carrying on business as;
ranching;
riding academy or horse stable, operation of;
vegetable grower, commercial, carrying on business as.