

## FARSHA can help

The Farm and Ranch Safety and Health Association (FARSHA) works to raise awareness of farm safety and health issues.

We provide literature, videos, presentations, training, and other guidance. Many of our services are also available in Punjabi or Spanish.

FARSHA has other information on health and safety in agriculture, including:

- *Do You Transport Agricultural Workers?* (in Punjabi and English)
- *FARSHA Explains BC's Workers' Compensation System and BC's Health and Safety Laws* (in English)

FARSHA can also help you find other important information, such as:

- *Farm Vehicles on the Move* (a publication of ICBC)
- *Farm Labour Contractors and Growers – Responsibilities and OH&S Programs* (a guideline from WorkSafeBC)
- *Seat Belts* (a guideline from WorkSafeBC)

For more information, or to receive a FARSHA Resource Material Catalogue in DVD form, please contact us:

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Your local FARSHA consultant is:

# Farm Labour Contractors

**What you must do  
– as an employer,  
a contractor,  
and a  
commercial  
vehicle carrier**

**This brochure is for you – if you are a farm labour contractor in British Columbia.**

**This brochure briefly explains the requirements you must meet.**

**This brochure also describes the services provided by the Farm and Ranch Safety and Health Association (FARSHA) to help you meet these requirements.**

## Why is this important?

In a recent five-year period, over 400 farm workers employed by farm labour contractors have suffered work-related injuries.

These injuries – and a number of deaths – have caused grief and hardship to many families. They have also increased the costs to all employers registered with WorkSafeBC. These increased costs will now affect you, as a farm labour contractor.

Farm labour contractors are now in the spotlight. You are expected to meet many legal obligations and requirements – and the penalties can be very serious for anyone who has not met their obligations.

Do you know if you have met all the requirements?

**Do you wonder if you should be doing more?**

## What is FARSHA? How can FARSHA help?

The Farm and Ranch Safety and Health Association (FARSHA) can help you set up an occupational health and safety program that's appropriate to your business and that meets the requirements of WorkSafeBC. We can suggest practical ways of reducing the hazards faced by your workers in all areas of agriculture.

And, even though the commercial vehicle requirements and employment standards requirements are not our area of specialty, we can help with some general guidance. And we will provide you with the resource information you'll need to meet these requirements, too.

## What are the requirements?

**You are considered to be the employer** of the workers you supply, and all employers must meet the requirements of the *Workers Compensation Act* and the *Occupational Health and Safety Regulation*. These are administered and enforced by WorkSafeBC.

You are considered to be a commercial carrier, your drivers are commercial drivers, and your vehicles are operated as commercial vehicles. You must meet the requirements of the *Motor Vehicle Act* and *Motor Vehicle Act Regulations*. These are enforced by the Commercial Vehicle Safety Enforcement Branch of the provincial Ministry of Transportation.

And as a farm labour contractor, you must also meet the requirements of the *Employment Standards Regulations*. These are enforced by the Employment Standards Branch of the provincial Ministry of Labour and Citizens' Services.

## The workplace health and safety program

A workplace health and safety program is all the activities that aim to control hazards and eliminate work-related injury and illness. Documentation of the program is kept in a manual, readily accessible for reference. A program can help you reduce injuries, and therefore costs.

### All employers in BC are required to have a workplace health and safety program.

FARSHA has developed a workplace health and safety program that meets WorkSafeBC's requirements. FARSHA's program can be tailored to meet the needs and size of any workplace, including your farm labour contractor business.

### How do you get the FARSHA health and safety program? Contact us.

A FARSHA consultant will meet with you, and review your current health and safety efforts, to identify what's needed. From this review, you will get an action plan of tasks to implement. FARSHA will provide a series of workbooks to guide you. Each workbook explains what to do, why to do it, and gives you blank forms and sample documents so you can record your efforts. As you complete each workbook, you will be implementing and documenting your workplace health and safety program. The FARSHA consultant will be available through the process to answer questions, and provide advice. At the end, the FARSHA consultant will review your program again, to ensure that your program is complete.

### Supervision and training of workers – key parts of the program

- You must provide **basic orientation to all new workers**, including an effective way of contacting their supervisor to ask questions or raise concerns. (The grower will handle site-specific issues.)
- You must ensure that all workers are **trained in the tasks** of their work, and educated about the hazards and safe work procedures. You **and** the grower are responsible for this.
- You must ensure that workers are **supervised** while they work, so all hazards are corrected promptly, and all work is done safely and without the risk of injury or illness. Normally, the grower is responsible for supervising and directing work – but you must ensure it is being done safely. These are **your** workers.

### First aid, emergency planning, and reporting of injuries

- Your farm labour contractor business must carry out a first aid needs assessment at least annually.
- The grower must also include all FLC workers in the site's first aid needs assessment.
- Workers must have a reliable means of summoning first aid and emergency help at all times.

Your workplace health and safety program is an important part of your business. FARSHA can help you meet the requirements, as you implement a program to improve your health and safety performance.

## Transportation of workers

Of the 400-plus work-related injuries reported in the farm labour contractor sector in the last few years, over 100 involved **FLC vehicles!** An analysis of these incidents showed that much more attention needs to be paid to:

- Appropriate choice of vehicles for the purpose
- Regular vehicle maintenance and pre-trip inspections
- Seat belt use, and safe loading and seating
- Driver training and licensing; driver skills, and good judgment of road conditions and vehicle handling characteristics.

The requirements of the *Occupational Health and Safety Regulation* (Part 17 – Transportation of Workers) include:

- A Level One first aid kit and a Level One first aid attendant must be present in almost all circumstances
- An A-B-C fire extinguisher (of at least 5-pound capacity), must be easy to reach in an emergency, and securely positioned so it cannot come loose or be activated unintentionally
- All passengers must be seated and wearing seatbelts
- Vehicles and all equipment must be kept in safe condition through regular maintenance, and must be operated competently for the conditions

(Note that the *OHSR* section on transportation of workers will be changed significantly in the coming year, so these requirements are expected to change.)

All vehicles used by farm labour contractors for transportation of workers are commercial vehicles, because they are operated for a commercial purpose. The requirements are found in the *Motor Vehicle Act Regulations* (especially Division 37, the National Safety Code), and include:

- Commercial driver's license for anyone transporting workers (Class Four or better, depending on vehicle)
- Limitations on the drivers' hours of work
- The GVW and other information painted on the vehicle, appropriate vehicle insurance and licensing, and a current safety inspection sticker on the vehicle
- An up-to-date logbook of all pre-trip inspections.

The employer must hold a National Safety Code certificate, and keep records of driver hours and abstracts, and records of all vehicle maintenance and inspections.

In addition, the Employment Standards Branch now requires all FLC vehicles to display an information placard (available through ESB).

For further explanation, be sure to read FARSHA's brochure *Do You Transport Agricultural Workers?*

## Grower and farm labour contractor --

### A contract between businesses

When you agree to provide workers to a greenhouse, berry farm, nursery, or other agricultural workplace, it is considered a legal contract. This is true whether you have spoken on the phone or you have a signed agreement.

WorkSafeBC considers farm labour contractors to be part of a **multi-employer workplace** and there are special responsibilities and legal liabilities associated with multi-employer workplaces that you need to know about. **You** are considered to be the employer of these workers. You are expected to coordinate with the grower to ensure that no one is exposed to hazards as they work.

You must ensure that **all** the responsibilities will be met, either by you or the grower. In some cases, the responsible party is spelled out in law, and there is no choice about who is responsible for carrying them out. In other cases, it is up to you and the grower to decide **who** will take responsibility. A recent WorkSafeBC Guideline explains this further.

### FARSHA strongly recommends you make a written arrangement with the grower to identify who will do the following:

- Orientation of new workers
- All other worker training (safe work procedures for equipment safety, WHMIS, heat stress, etc.)
- Supervision of workers while they work
- A reporting procedure for workers to draw attention to hazards
- Provision of personal protective equipment
- Provision of safe drinking water, toilet facilities, and hand-washing materials
- Information on pesticides in use, including re-entry times and warning placards
- Provision of first aid equipment and trained first aid attendants
- Contact information so workers can get help promptly in an emergency.

You should also be prepared to provide the grower with records to show:

- Your up-to-date workers' compensation coverage with WorkSafeBC (clearance letter)
- Your commercial vehicle carrier records, including inspection certificate and up-to-date inspection stickers for every vehicle
- Your Employment Standards Branch (ESB) license, and information on the number of bonds posted with the ESB.

### FARSHA can provide you with more information on all of this.

When you use FARSHA's workplace health and safety program, you will receive workbooks (including checklists and blank forms) to help you do all of the tasks described in this brochure.