

9 Farm Regulations, Guidelines and Government Programs

9.1 Health and Safety in Vineyards

Carol Reid, Farm & Ranch Safety & Health

In British Columbia, WorkSafeBC (WSBC) is responsible for enforcement of the occupational health and safety regulations. The requirements are found in the Workers Compensation Act and the Occupational Health and Safety Regulations. Since January of 2005, all agricultural workplaces in BC fall under these regulations. The Act defines the legal responsibilities of employers, supervisors and workers as well as WSBC's mandate and function of their Board. The Regulations have three broad sections. The **Core Requirements**, such as first aid requirements, apply to all BC workplaces. The general **Hazard Requirements** are specific to mobile equipment and hazardous materials. **Section 28** of the industry specific requirements are specific to agriculture. At times other industry specific requirements may apply; a construction project would be an example of this.

WorkSafeBC insurance coverage is a no-fault insurance system that protects both the employer and the worker. All workplaces in British Columbia that hire workers must register with WorkSafeBC. 2010 premiums for vineyards are @ \$2.27 for every \$100 of assessable payroll. Assessments can have a lower premium (up to 50% reduction) or a higher premium (100% higher) based on an individual company's claims history. There is optional workplace disability insurance for individuals who are not covered under the Workers Compensation Act. This includes people who are self-employed, as well as partners, proprietors and proprietor spouses in a non-limited company.

Duration of claims on farms is significantly longer than for other BC industries. Falls are the most common incident type in vineyards in recent years giving rise to various injuries. Cuts, lacerations and repetitive motion injuries are other common injury types in vineyards. An employer with a strong commitment to health and safety goes a long way to help prevent workplace injury.

All workplaces must have a health and safety program, but the **type of program** you require will depend on the **number of regularly employed workers** in your workforce. "Regularly employed"

means those who work at least one continuous month in a year, whether full time or part time. In this calculation, WorkSafeBC considers the general size of the farms workforce, even if individual workers are seasonal.

Vineyards have a low risk hazard rating and therefore workplaces with **more than 49 workers** are considered a large employer and must have a **formal written program**, while vineyards with **fewer than 50 workers** must have a more **informal program, based on documentation of regular meetings with workers**.

Whether formal or informal, the elements of the program remain the same.

1. Clear indicators of the **employer's commitment** to a healthy and safe workplace through leading by example, assigning safety responsibilities, involving employees in the health and safety program and record keeping of safety efforts.
2. **Effective supervision** of workers, including orientation and ongoing training, instruction and monitoring by supervisors will ensure work is being carried out in a competent and safe manner. Anyone with supervisory duties must understand and accept their health and safety responsibilities.
3. **Worker involvement** in the health and safety program will vary depending on the number of workers. A large employer must have a health and safety committee while a small employer must have a safety representative and documented monthly safety discussions with employees.
4. **Training and education** is required for all workers. Orientation of new and young workers is outlined in more detail below. Operators of mobile equipment such as tractors, forklifts and ATVs need to be trained then approved by management. Prior to approval, the employer must ensure that the worker has received education in the safety and legal requirements for each piece of equipment and has demonstrated competency in operation. Other training, applicable to vineyards, is

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working alone procedures, safe use of pruners, rattlesnake safety, Pesticide Applicators Certificate and the Workplace Hazardous Materials Information System (WHMIS).

5. Identification of **hazards in the workplace**, through **regular inspections** and ongoing reporting from employees and supervisory observation. To correct unsafe conditions promptly demonstrates a management's commitment to safety.
6. **Safe work practices** are to be followed and understood by all workers. An example of a safe work practice would be a description of the communication requirements for various

working alone tasks or how to safely operate a three wheeled mobile equipment platform.

7. This element covers **Emergency Preparation** and **Incident Response**. The main focus of the program is prevention. However, employers are required to prepare for emergencies, in various ways. Preparation can be broken down in categories such as before, during and after any health incident. Develop an emergency response plan, provide first aid equipment and trained people, then investigate all incidents and submit the necessary reports to WSBC.

Shown in the table below, is the minimum requirements for workplaces with a low hazard rating less than 20 minutes to a hospital. It is important to understand that this includes all workers on site.

# Workers/Shift	Supplies/Equipment/Facility	First Aid Certificate for Attendant
2-10	Basic first aid kit	
11-50	Level 1 first aid kit	Level 1 Certificate
51-100	Level 2 first aid kit + Dressing station	Level 2 Certificate

Workers need to receive instruction on how to summons a first aid attendant and the importance of reporting all workplace injuries. Employers are required to post emergency information in prominent locations on the farm. As well as reporting the incident to WorkSafeBC via Form 7, the completion of an Incident Investigation Report to determine root causes or work-related injuries and significant "close calls" in the workplace is required. Investigations identify hazards that need to be corrected, in order to prevent similar future occurrences.

8. Regulations also have specific requirements for **Specific Hazards**. Examples of specific hazards are transportation of workers, hazardous materials, hearing conservation, confined spaces and lockout procedures.

These brochures are available in English, French, Spanish and Punjabi.

Everyone, regardless of experience, is at higher risk when starting a new task or job, working in a new location, or using a new tool or piece of equipment. Orientation and familiarity to their new work environment and associated task is an essential component of due diligence. An employer must keep documentation of all orientation and training; including when it occurred, who was there and what was covered.

New and Young Worker Orientation

As of July 2007, WorkSafeBC has developed specific regulations on the requirements to orientate new and young workers. A young workers is anyone under the age of 25, a new workers is an employee returning after an absence or new to a particular worksite or job. FAR-SHA has produced two brochures to help guide you through an orientation of new workers: "***New Workers in the Vineyard, A Worker's Guide***" is intended for distribution to new workers, while "***New Workers in Your Vineyard***" is written for employers.

Some key points of an Orientation are:

- The name and contact information of immediate supervisor
- Workers responsibility of to follow instruction and report unsafe conditions
- General safety rules pertaining to the workplace
- Working alone procedures

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- Requirements for Personal Protective Equipment (PPE)
- Access to an adequate supply of drinking water
- Advised by employer of unsafe or non-potable water
- Re-entry signs must be posted indicating type of chemical sprayed and re-entry time
- Workers must know how to summon help in an emergency
- Workers must know directions to the worksite in the case of an emergency
- Workers must be given adequate training in fire prevention and emergency evacuation procedures
- Employers must provide an appropriate level of first aid service
- Workers must understand the importance of reporting all injuries immediately
- Employers are responsible for the transportation of injured workers requiring emergency medical treatment

Musculo-Skeletal or Soft Tissue Injuries

Overexertion and repetitive motion result in a significant number of musculoskeletal or soft tissue injuries in orchard work. MSIs are defined as:

“musculoskeletal injury” or “MSI” means an injury or disorder of the muscles, tendons, ligaments, joints, nerves, blood vessels or related soft tissue including a sprain, strain and inflammation, that may be caused or aggravated by work.

Employers are required to identify factors in the workplace that may expose workers to a risk of musculoskeletal injury (MSI). When factors that may expose workers to a risk of MSI have been identified, the employer must ensure that the risk to workers is assessed. The employer must eliminate or, if that is not practicable, minimize the risk of MSI to workers.

Education and training to a worker in risk identification related to the work, including the recognition of early signs and symptoms of MSIs and their potential health effects, must be provided.

Hazardous Materials

Workers that may be exposed to any hazardous materials must be trained and able to answer the following questions about each hazardous material:

- What are the hazards of this product?
- What precautions are required to work safely with this product?
- What should be done in an emergency such as a spill or leak of product?
- Where can more information be found regarding this product?

Equipment

Tractors, sprayers, mowers, pre-pruners and ATVs are common pieces of equipment used in vineyards. Employers must ensure that all equipment is in good working order and meets standards. All guards must be in place and marked with warning decals that are easily identifiable. It is especially important to have shields on power take-offs. Guards must not be removed. Access doors must not be opened until all components come to a complete stop.

The employer must not allow anyone to operate equipment unless authorized, adequately trained and have proven competency.

Tractors newer than 1985 and over 20 HP must have Roll Over Protective Structures (ROPS) and seat belts. Any tractor operating on a steep slope or narrow roadway has an increased risk of rollover which indicates a need for ROPS.

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Contact Information

FARSHA seeks to reduce the number of incidents on farms and ranches in British Columbia through an active program of education, training and site consultation at no charge to the employer or worker.

FARSHA website: www.farsha.bc.ca
FARSHA toll free: 1-877-533-1789
FARSHA e-mail: farmsafe@farsha.bc.ca

Orchard Safety Consultant: Carol Reid

Telephone: 250-765-7025
E-mail: carol.reid@farsha.bc.ca

Suggested Workplace Related Forms

- Form 7 – Employer’s Report of Injury
- Incident Investigation Report
- First Aid Record
- Emergency Information Sign
- Record of Worker Training
- Mobile Equipment Pre-Operation Inspection Checklist

WORKSAFEBC

Employer Registration, Insurance Premiums and Payroll Reporting:

www.worksafebc.com/insurance
Tel: 1-888-922-2768

Claims: www.worksafebc.com/claims
Tel: 1-888-922-2768

Prevention and Regulations:

www2.worksafebc.com/publications/OHSRegulation
Tel: 1-888-922-4466

The following organizations provide advice on claims issues:

Employers’ Advisor Office, Kelowna
www.labour.gov.bc.ca/eao
Tel: 1-866-855-7575

Workers’ Advisor Office, Kelowna:
www.labour.gov.bc.ca/wab
Tel: 1-866-881-1188

9.2 BC Employment Standards Act

The BC Employment Standards can be found at www.bclaws.ca/Recon/document/ID/freeside/11_396_95

Ministry of Labour - Employment Standards Branch: www.labour.gov.bc.ca

9.3 Farm Practices Protection Act

The Farm Practices Protection (Right to Farm) Act (FPPA) was adopted in 1996 and applies to farmers who operate in the ALR, on Crown land, in other areas where farming is permitted by local zoning bylaws, or in areas licensed for aquaculture. In 2009, the courts narrowed the application of the FPPA to aquaculture.

In the above areas, a farmer is protected from nuisance suits, injunctions, and other court actions, provided he/she is following “normal farm practices” and is not in contravention of the Public Health Act, Integrated Pest Management Act, Environmental Management Act, regulations under those Acts, or any land use regulation. On lands where zoning allows agriculture, outside of the ALR and Crown lands and aquaculture permit areas, some types of local gov-

ernment bylaws can be enforced - fireworks and fire arms, animal control, noise control, and nuisances and disturbances. In each individual case, the Farm Industry Review Board (see below) or the courts can define “normal farm practices”.

The FPPA also provides a balanced approach to resolving concerns about farm operations for people living near farms. Both informal and formal processes have been put in place to assist all parties in resolving concerns and complaints about farm operations. The Farm Industry Review Board (FIRB) has been created with a mandate to hear complaints from persons who are personally affected by agricultural operations. If FIRB finds that disturbances caused by practices that are not normal farm practices, it can issue an order to modify or cease those practices. The Board may also study any matter related to farm

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practices and report its findings and recommendations.

BC Ministry of Agriculture and Lands staff throughout the province also work with persons concerned about a farm practice in an attempt to resolve the concern before the complaint reaches the Board. Further, the Ministry has developed the “*Farm Practices Reference Guide*” to assist the Board, local governments, and others in understanding farm practices. This Guide can be found at this Web link: <http://www.agf.gov.bc.ca/Resmgmt/sf/farmpp/fpractices.htm>.

Over time, key issues related to farm practices will also be examined to help establish operational guidelines. One recent issue that has been the focus of Ministry attention is trying to find a balance between the concern of farmers for crop damage of certain fruit crops due to birds, and the concerns of non-farmers with the use of audible bird scare devices to protect crops. To learn

more about this issue, a variety of reports and background information are available at : <http://www.al.gov.bc.ca/resmgmt/sf/farmpp/birddevices.htm>.

The FPPA is part of the Ministry of Agriculture and Lands’ ***Strengthening Farming Program*** which links **farm practices protection** with **planning for agriculture**. Much of the Program focuses on preventative measures. Local governments are encouraged to consider means within their plans and bylaws to reduce the potential for land use conflict. In addition, focused “edge planning” helps ensure greater land use compatibility between urban and agricultural areas to prevent potential conflicts before they happen. Farm practices protection, supported by sound planning for agriculture, will translate into benefits for the community as a whole. Information on ***Strengthening Farming*** can be found at: <http://www.al.gov.bc.ca/resmgmt/sf/>.

9.4 Environmental Farm Plan (EFP)

Joe Larivière, BC Environmental Farm Plan

The long-term prosperity of British Columbia’s agricultural sector is linked to its environmental sustainability. With increasing agricultural production intensity and expanding knowledge of our biological and physical environment, the need for improving farm practices has been recognized. The goal of the Environmental Farm Planning is to raise awareness amongst producers and enhance environmental farm stewardship. This can be accomplished through the establishment and implementation of Environmental Farm Plans. Environmental Farm Planning (EFP) is normally seen as a voluntary, confidential, producer-driven planning exercise that uses specifically designed resource materials and technical assistance. In British Columbia both the senior governments and the agriculture industry recognize the value of EFP’s, and programming is available in all agricultural regions of the Province. Between 2003 and 2010 recognized planning advisors working under the Canada-British Columbia Environmental Farm Planning Program provided *Planning Workbook* and *Reference Guide* materials to participating farmers. These materials are used to develop a farm plan that identifies on-farm environmental risks and subsequently establishes a priority sequence of action items for addressing those risks.

The EFP concept has been around for over two decades. The first in North America was the *Farm-A-Syst* program in Michigan. This was adapted by the Ontario Farm Environment Coalition for use by Ontario farmers. The Ontario program has been in place for well over 10 years. Since 2004 all Canadian provinces have had an EFP program in place. EFPs are voluntary. There are no government laws or regulations that require a farmer or rancher to prepare a plan. However: recently, institutions such as banks, insurance companies and food processors and buyers are paying increasing attention to the impact of agriculture on the environment and are requesting some form of environmental risk assessment from their clients. Farmers may find their environmental farm plan to be a very useful tool when dealing with these other organizations.

What is an EFP?

An EFP is an agriculture-environment risk identification process. It is conducted through a comprehensive review of activities and facilities that exist on the farm or ranch with respect to their impact on the environment. The review also looks at the impact of the environment on the farm, for example impacts from wildlife or flooding. The

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review considers current environmental regulation requirements and beneficial management practices that should be in place on farm. It looks at the risk of the operation to the environment as well as the risk of the environment to the farm or ranch operation.

Why Do an EFP?

- To determine your standing with respect to environmental rules and regulations and the environmental risk of management practices.
- To sustain the resources used and affected by farming practices for long-term production.
- To increase public confidence that BC farmers are “doing it right” with respect to the environment.
- To improve farm/ranch profitability. Some potential economic benefits include making fertilizer dollars go further through nutrient management planning, reducing tillage costs by converting to conservation tillage practices, and minimizing cost of pesticides by using integrated pest management techniques.
- To differentiate your product(s) in the marketplace and thereby maintain or enhance marketing opportunities.
- To help plan for unforeseen contingencies such as floods, spills or fires.
- To demonstrate due diligence on the part of the producer.
- To reduce potential for new legislation/ regulation.
- To improve relationships with regulatory agencies reducing the need for further regulation.

For information on current EFP programs, contact the BC Agriculture Research and Development Corporation (BC ARDCORP) – www.ardcorp.ca or 604-854-4483) or the BCMAL office.