

Cochrane woman joins farm workers' fight for rights after losing use of arm

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Philippa Thomas with her dog Diesel outside her Cochrane home. Thomas has been in constant pain since a farm injury three years ago and is hoping to change government policy that does not provide workers compensation to farm workers.

Philippa Thomas's right hand often swells to twice its normal size, its mottled colour ranging from purple to green.

It's been that way for more than three years.

In January 2006, she nicked her thumb working at a Cochrane-area equestrian facility. The cut became infected and Thomas was diagnosed with a relatively obscure nerve disease.

Since then, she hasn't been able to work and rarely leaves her home because of the debilitating injury that's turned her right arm to "dead weight."

Seven surgeries--including a procedure to implant a spinal cord stimulator in her lower back -- and heavy medication that costs \$14,000 a year haven't dulled the pain.

Thomas says she's had little mental relief, either, since discovering that, along with scores of other paid farm workers in Alberta, she didn't qualify for workplace compensation.

"You go to work, you assume you're taken care of. I had no idea. No idea whatsoever," said Thomas, 50.

The blindside eventually drove the agricultural worker from the stable to the legislature. Last month, Thomas caught the attention of Premier Ed Stelmach's Tory government when she travelled to Edmonton with Lorna Chandler, whose husband's death at a High River feedlot prompted a fatality report calling for legislation on farm worker safety.

The women have joined the chorus of opposition critics, unions and agricultural employees who contend that while other provinces have extended a range of workplace rights to farm employees, Alberta's approach continues to lag behind.

For years, the province has argued the agriculture industry approves of its education-based approach to safety and resisted calls to broaden the laws. The government's position, however, suffered a recent knock when a provincial court judge reviewing a farm worker's death called on the politicians to amend the safety act to encompass paid farm workers.

But Agriculture Minister George Groeneveld, who is reviewing the report along with Employment Minister Hector Goudreau, said he's not convinced it's time to alter Alberta's methods.

"I'm still of the opinion that education is the big factor here," he said. "I'm just not comfortable because we don't get feedback or don't get requests from the agricultural industry to make the changes."

Farms have been exempt from Alberta's Occupational Health and Safety Act since 1977. Most agricultural employees aren't eligible for Workers' Compensation. Labour standards legislation around overtime, vacation days, time-off and minimum wage don't apply either. Labour advocates argue those exemptions, once meant to protect family farms, also extend to large "corporate" agricultural operations that employ a number of workers in the province's second-largest industry.

In a "perverse" application of law, major agricultural players don't have to conform to the same rules as other large-scale industrial operators, said Gil McGowan, president of the Alberta Federation of Labour.

"It's completely unconscionable that farm workers have been denied so long the basic rights that all other working Albertans take for granted," McGowan said.

Paid farm workers are being put at risk, he contends.

Farm injury and fatality statistics — which outline a range of incidents including farmers becoming trapped by tractors and asphyxiated by grain — demonstrate the dangers of the industry.

Last year, Alberta saw the number of farm-related fatalities climb to 19, including six children, up from 12 in 2007. Since 1997, the province has averaged 19 deaths a year due to farm-related accidents.

Laurel Aitkin, a provincial farm safety co-ordinator with Alberta Agriculture, said the province focuses on education and awareness.

Special programs are aimed at children to help change the "culture of farming" for agriculture's next generation, she said. Most operations have strict safety guidelines in place, Aitkin added.

But farm safety advocates like to point to British Columbia as a model that protects family farms while also bringing large-scale operations under provincial legislation.

In B.C., paid farm workers are covered under occupational health and safety legislation based on whether they meet the technical definition of an employee.

“Agricultural workers are treated the same as any other workers,” said Donna Freeman, spokeswoman for Work Safe B.C., the province’s workers’ compensation body. She said there are distinctions written into the legislation to differentiate between different types of employers, including family farms.

Saskatchewan’s occupational health and safety legislation also includes farmers, a department spokeswoman said. The same goes for Nova Scotia, although farm workers are exempt from other workplace rights including workers’ compensation, according to Arthur Pick, a manager in the province’s agriculture department. However, Nova Scotia officials are exploring a provincial safety program for farmers.

In Alberta, previous bids to change the province’s rules have fallen flat. But efforts are surging once more and proponents hope this time the result will be different.

“It is literally a life-and-death issue,” said Liberal MLA Kevin Taft in an interview. “Virtually every other province is way ahead of Alberta on this issue. It ought to be unacceptable.”

The agricultural industry concedes improvements are needed, but resists the idea of stricter rules.

Rod Scarlett, executive director of Edmonton-based Wild Rose Agriculture Producers, said the B.C. system could provide a good model for voluntary co-operation from Alberta farmers. Wild Rose has sent a proposal to the government requesting seed money to start a group that would elicit voluntary co-operation from the agricultural industry for health and safety standards.

“We agree that we’ve not done a very good job of this,” said Scarlett. “But we’d like to see if we can get the industry practising occupational health and safety on a volunteer basis first. A lot of farms are 24-hour-a-day operations and WCB regulations don’t work for a lot of farms.”

Scarlett said blanket legislation would require a lot of exemptions to take into account various farming realities. It may not be the best way to protect employees, he said.

Dairy farmer Jan Slomp is the Alberta representative for the National Farmer’s Union, which doesn’t have an official position on the issue of Alberta’s health and safety laws.

As a small operator, though, Slomp has his own opinion.

He rarely requires more than one or two paid employees and the work routine can be very irregular. He pays \$20 an hour or more and tells his employees up front that they need to get disability insurance. But to meet them halfway, he'll pay them three months salary to cover the deductible if one of his employees gets injured.

"That's way cheaper than going through the WCB," said Slomp. "I'd hate to see legislation come in and take away the flexibility from small independent owners."

Slomp said he isn't totally opposed to bringing in new guidelines because he doesn't want to see farm workers going without coverage and he recognizes the importance of everyone following safety standards. He just doesn't want to be forced into a new way of doing things that bites into his often tight margins.

Groenveld said his department is gathering feedback from rural Alberta before making any moves to rewrite legislation.

Union boss McGowan said he'd like the effort to gain traction, but said the Alberta government would likely have to lock horns with its rural power base before any changes can be made.

While lobbying efforts continue in Edmonton, injured worker Thomas is back at her Cochrane home coping with an injury she says has drastically changed her life. The ache emanates painfully throughout her entire body.

But, she said, "the thought of someone else suffering what I feel is worse."