

# Agricultural Workers

## Employment Standards

The *Employment Standards Act, 2000* (ESA) is a law that sets the minimum standards for things such as pay, hours of work, rest periods and time off at most workplaces in Ontario. Visit [Ontario.ca/ESAGuide](https://Ontario.ca/ESAGuide) to learn more about the ESA.

All agricultural employees working in Ontario are protected under the ESA. This includes temporary foreign workers.

Depending on the category the agricultural employee falls into, different rules and standards may apply. The four categories are:

- farm employees
- harvesters
- near farmers
- landscape gardeners

If the employee's work falls into more than one category, how they spend most of their time at work determines which rules and standards apply.

For information on special rules and exemptions for agricultural employees use the guide to special rules and exemptions, available at [Ontario.ca/ESAtools](https://Ontario.ca/ESAtools).

### Filing a claim

If you believe the ESA or the Employment Protection for Foreign Nationals Act (EPFNA) is being violated, you can file a claim at [Ontario.ca/ESAcclaims](https://Ontario.ca/ESAcclaims).

### Help with employment standards

If you have questions about employment standards visit [Ontario.ca/ESAGuide](https://Ontario.ca/ESAGuide) or call the Ministry of Labour, Immigration, Training and Skills Development's Employment Standards Information Centre at 416-326-7160, 1-800-531-5551 (toll free), or 1-866-567-8893 (TTY for the hearing impaired). Service is available in multiple languages.

### Types of agricultural employees

Type	Description
Farm employees	Work directly related to primary production of certain agricultural products. Primary production includes planting crops, cultivating, pruning, feeding and caring for livestock.
Harvesters	Work directly related to harvesting or bringing in crops of fruit, vegetables or tobacco for marketing or storage.
Near farmers	Work is directly related to: <ul style="list-style-type: none"><li>• growing flowers or trees and shrubs for the retail and wholesale trade</li><li>• growing, transporting and laying sod</li><li>• breeding and boarding horses</li><li>• keeping fur-bearing mammals for breeding or commercial production of pelts</li></ul>
Landscape gardeners	Work directly involves the modification or maintenance of land for a purpose that is mostly aesthetic.

**Disclaimer:** This resource has been prepared to help employees and employers understand some of the minimum rights and obligations established under the *Employment Standards Act, 2000* (ESA) and regulations. It is not legal advice. It is not intended to replace the ESA or regulations and reference should always be made to the official version of the legislation. Although we endeavour to ensure that the information in this resource is as current and accurate as possible, errors do occasionally occur. The ESA provides minimum standards only. Some employees may have greater rights under an employment contract, collective agreement, the common law or other legislation. Employers and employees may wish to obtain legal advice.

# Agricultural Workers

## Safe, healthy workplaces and the law

The *Occupational Health and Safety Act* (OHSA) sets out the health and safety rights and duties of everyone in the workplace. Ministry of Labour, Immigration, Training and Skills Development (MLITSD) enforces this law. Subject to certain conditions and limitations, the OHSA applies to all farming operations that have paid workers, including temporary foreign agricultural workers.

### Health and safety at work

If you have workplace health and safety concerns, tell your immediate supervisor or your employer. If your concern is not resolved, tell the workplace Joint Health and Safety Committee worker member or the workplace Health and Safety Representative. If you are still concerned about your safety at work, call the ministry's **Health & Safety Contact Centre at 1-877-202-0008**. Services are available in many languages. If you require a language other than English or French, remain on the phone until your call is answered by the call taker and then request the language you require. You do not have to give your name.

### Can your employer punish you for refusing unsafe work?

No. Your employer cannot dismiss, discipline or penalize you for following, or asking your employer to follow, workplace health and safety laws, for complying with a MLITSD inspector's order or talking to an inspector, or for refusing unsafe work. This would be an OHSA reprisal.

### Your rights

- You have the right to know about workplace health and safety hazards
- You have the right to be trained and to have information to work safely
- You have the right to participate in identifying and resolving workplace health and safety concerns
- You have the right to refuse work that you believe is dangerous

### If you are injured at work

- If you require first aid, seek it immediately.
- Tell your employer or supervisor about your injury right away.
- Employers must provide transportation if you require medical care and they must pay your wages for the day of the injury.
- If you have a workplace-related injury/illness that involves health care treatment and/or time away from work, or lost wages, your employer must report your injury or illness to the **Workplace Safety and Insurance Board (WSIB)**, within three days after learning of it. For more information, contact the WSIB at **1-800-387-0750**.

This page is available in French, Spanish, Thai and Tagalog.

### Office of the Worker Adviser

Call the OWA if you need help to file a WSIB claim at 1-800-435-8950 or file a Reprisal complaint at 1-855-659-7744. The OWA will be able to provide free advice and may be able to represent you.

### Ministry of Labour, Immigration, Training and Skills Development Health & Safety Contact Centre

Call **1-877-202-0008** any time to report critical injuries, fatalities, work refusals and unsafe work practices. Call 8:30 a.m. to 5 p.m. Monday to Friday for general inquiries about workplace health and safety. **Always call 911** in an emergency.

For more information, visit the following links:

Occupational Health and Safety Act: [Ontario.ca/laws/statute/90o01](https://Ontario.ca/laws/statute/90o01)

Health and Safety: [Ontario.ca/HealthAndSafetyAtWork](https://Ontario.ca/HealthAndSafetyAtWork)

Farm Worker Safety: [Ontario.ca/farmworkersafety](https://Ontario.ca/farmworkersafety)

COVID Safety: [Ontario.ca/COVIDsafety](https://Ontario.ca/COVIDsafety)