

Media Backgrounder: Safety data sheets case launch

United Food and Commercial Workers Canada (UFCW Canada) have launched a new legal case challenging Health Canada's unlawful failure to protect agricultural workers by not enforcing safety data sheet requirements under the federal Pest Control Products Act (PCPA). Without access to critical information about the chemicals they are handling, agricultural workers are unable to protect themselves from hazardous pesticides at work.

Please see below for more information about the case and the overlapping labour and immigration vulnerabilities faced by migrant workers.

Safety data sheets

Safety data sheets are an important tool to help keep workers safe. They include essential safety information on the toxic properties of chemicals, first aid, and formulants contained in products.

Safety data sheets are based on international standards and are already required in other industries. In Canada, companies are already required to provide safety data sheets for non-pesticide hazardous chemicals to workplaces under the federal *Hazardous Products Act*. Once provided to workplaces, provincial occupational health and safety requirements often ensure that employees may access this key information on their workplace hazards.

Exposure to pesticides is a serious issue for agricultural workers. Even where workers do not use pesticides, they may be exposed to pesticides present in the workplace. Both local and migrant farm workers have raised concerns regarding lack of access to information on chemicals used on farms and have reported acute and chronic symptoms of pesticide poisoning.

Some workers are not aware of the recommended safety measures for the pesticides they are using or the serious risks associated with exposure to pesticides. Workers may experience symptoms of pesticide poisoning and be unable to confirm that these symptoms are associated with the chemicals they were exposed to. The provision of pesticide safety data sheets to employers is an important first step in ensuring that vulnerable workers' right to know about chemical exposures on farms is actualized.

Health Canada is failing to enforce important safety data sheet requirements

Under subsection 8(3) of the *Pest Control Products Act* (PCPA), the Minister must require pesticide registrants to provide pesticide safety data sheets to workplaces. Without safety data sheets, agricultural workers are unlikely to have information about the consequences of failing to use adequate protective equipment, engineering controls, or otherwise following label precautions.

In an email from July 2024, Health Canada's Pest Management Regulatory Agency (the PMRA) suggested that pest control product labels can serve the role of safety data sheets. This is not true since pesticide labels contain many deficiencies as compared to safety data sheets. For example, they often include little or no information about the specific types of hazards associated with the product and symptoms that can be expected from exposures, and sometimes lack information needed by first responders and medical care teams.

[A report released this year by Ecojustice](#) reveals that over the past decades, the use of pesticides on Canadian farms has dramatically increased. This makes workers more exposed than ever before. Canada

allows ever-increasing exposures to pesticides banned in other countries for causing environmental and health harms. This makes it even more important that workers have the information they need to protect themselves. The current situation, where only pesticide labels are available to workers, leads to a lack of transparency about the risks of pesticides for employers, users, and the workers around them.

United Food and Commercial Workers Union Canada (UFCW Canada), represented by lawyers from Ecojustice, is launching a legal challenge against Health Canada's unlawful failure to protect agricultural workers by not enforcing the legal requirement for pesticide registrants to provide safety data sheets to employers. By failing to enforce this requirement under the PCPA, Health Canada is putting the health of agricultural workers, especially migrant farm workers, at risk.

Vulnerability for migrant agricultural workers

Agricultural workers are exposed to a two-fold higher risk of on-the-job fatalities than workers in other industries. The International Labour Organization (ILO) reports that at least 170,000 agricultural workers worldwide lose their lives annually, with millions more suffering severe injuries or poisoning from agrochemicals.

In 2023, the ILO released [Policy guidelines for the promotion of decent work in the agri-food sector](#): Section 2.5 of these guidelines highlights that a safe and healthy working environment is not only a fundamental principle and right at work: all workers, irrespective of their sex, employment or legal status, have the right to work in safe and healthy conditions.

Migrant workers are vital to agriculture in Canada. The economic impact of migrant farm workers is positive for the Canadian economy, benefiting the agricultural sector and local communities while helping to ensure Canada's food production, supply and food security. There were 70,365 Temporary Foreign Workers employed in agriculture in Canada in 2022.

Last year, [UFCW Canada released a report](#) highlighting the dangers that migrant agricultural workers face while in Canada, including sub-standard living conditions, chemical hazards, heat stress, and more. These workers face unique health and safety challenges due to their living and working conditions, lack of access to healthcare, and language barriers. Canada's employer-specific work permits make workers especially vulnerable to exploitation and abuse. This is why union representation is essential to give vulnerable workers power to enforce safety; collective bargaining rights must be a top priority.

98 per cent of migrant agricultural workers who have contacted UFCW Canada Support Centres reported not having had any information about health and safety in their workplace before participating in training provided by the union. For migrant workers, injury often means a one-way ticket home: there are countless cases of employers terminating and arranging for the deportation of ill or injured migrant workers, which has a chilling effect on complaints.