

FROM SLOW FOOD TO SLOW MEAT: SLOWING LINE SPEEDS TO IMPROVE WORKER HEALTH AND ANIMAL WELFARE IN CANADIAN ABATTOIRS

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This article examines the regulation of production line speeds in Canadian meat and poultry processing facilities to better understand their impact on worker safety and animal welfare. The article begins with an overview of the regulatory framework that sets line speed conditions in federally licenced facilities. It notes how recent shifts in food safety governance facilitate increased speeds that endanger workers and animals on the kill floor. First, it highlights tensions between regulatory objectives in the Safe Food for Canadians Regulations that focus on food safety targets and humane handling guidelines respectively. It then turns to the occupational health and safety risks associated with working at meat and poultry processing facilities. Particular emphasis is placed on the way that COVID-19 outbreaks in Canadian slaughterhouses drew attention to this grueling work that had previously been ignored. The article concludes by noting that the pandemic has created a unique policy window to slow down production speeds; a policy window that should be seized.

TABLE OF CONTENTS

I.	INTRODUCTION	99
II.	I FEEL THE NEED ... THE NEED FOR SPEED	102
	A. REGULATORY AUTHORITY OVER FOOD SAFETY AND SLAUGHTER LINE SPEEDS	103
	B. ACCELERATION AS AN “OUTCOME” OF OUTCOME-BASED REGULATION	105
III.	WORK FAST, DIE YOUNG	108
	A. SLAUGHTER LINE SPEEDS AND OCCUPATIONAL HEALTH AND SAFETY: PRE-COVID-19	109
	B. SLAUGHTER LINE SPEEDS AND OCCUPATIONAL HEALTH AND SAFETY: DURING COVID-19	111
IV.	CONCLUSION	114

I. INTRODUCTION

In 1952, the television show *I Love Lucy* presented audiences with the modern assembly line. In the episode “Job Switching,” Ethel and Lucy seek work in a candy factory. They are assigned the task of individually wrapping pieces of candy as they move across the assembly line. Their manager warns: “If one piece of candy gets past you and into the packing room unwrapped, you’re fired!”¹ The women are nervous but soon relax; the work is easy as the

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¹ “Job Switching,” *I Love Lucy* (15 September 1952), DVD (Los Angeles, Cal: CBS Inc, 2007).

first few candies come down the line. However, the pace of the conveyor belt is unrelenting, and it does not take long before they can no longer keep up. Hilarity ensues as Lucy and Ethel panic and start grabbing candies off the belt, shoving them in their blouses, popping them in their mouths, anything to stop unwrapped pieces from slipping past them.

In real life, keeping up with production line speeds is a far cry from this comedic performance. Working on an assembly line is not only a monotonous task; it is a dangerous one that exposes workers to physical and psychological harm. In the particular case of slaughterhouses,² occupational risks are well-documented, including injuries related to repetitive movements, holding awkward postures for extended periods, and working in extreme temperatures (hot and cold) surrounded by fast-moving, sharp instruments.³ Unlike candy factories or other manufacturers, slaughterhouses are unique because “inputs” are, in fact, sentient animals. This poses additional risks to worker health and safety. Frightened and distressed animals can behave unpredictably, resulting in physical injury to workers. Moreover, killing animals and processing their carcasses is not only physically grueling but emotionally challenging.⁴ Research demonstrates the psychological toll of slaughtering animals, including studies that connect this employment to increased rates of domestic violence, substance abuse, and post-traumatic stress disorder.⁵

If the conditions in slaughterhouses are dangerous for workers, they are often traumatic for livestock in their final hours of life. Animals arrive after long journeys in crowded conditions having spent long periods of time in extreme weather conditions in vehicles with limited protection from the elements.⁶ In recent years, undercover investigations of slaughter facilities have revealed both the intentional abuse and neglect of these animals.⁷ While often

² In this article, the terms slaughterhouse and abattoir are used interchangeably.

³ See e.g. US, Department of Health and Human Services, Centers for Disease Control and Prevention & National Institute for Occupational Safety and Health, *Evaluation of Carpal Tunnel Syndrome and Other Musculoskeletal Disorders among Employees at a Poultry Processing Plant* (HHE Rep No 2014-0040-3232) (2015); Leonor Cedillo, Katherine Lippel & Delphine Nakache, “Factors Influencing the Health and Safety of Temporary Foreign Workers in Skilled and Low-Skilled Occupations in Canada” (2019) 29:3 *New Solutions* 422; Lisa Berntsen, “Precarious Posted Worlds: Posted Migrant Workers in the Dutch Construction and Meat Processing Industries” (2015) 31:4 *Intl J Comp Lab L & Ind Rel* 371; Inger Arvidsson et al, “Rationalization in Meat Cutting – Consequences on Physical Workload” (2012) 43:6 *Applied Ergonomics* 1026.

⁴ See Timothy Pachirat, *Every Twelve Seconds: Industrialized Slaughter and the Politics of Sight* (New Haven: Yale University Press, 2011); Frédéric Leroy & Istvan Praet, “Animal Killing and Postdomestic Meat Production” (2017) 30:1 *J Agricultural & Environmental Ethics* 67. See also Ashitha Nagesh, “The Harrowing Psychological Toll of Slaughterhouse Work,” *Metro* (31 December 2017) online: <www.metro.co.uk/2017/12/31/how-killing-animals-everyday-leaves-slaughterhouse-workers-traumatized-7175087/>; Chas Newkey-Burden, “There’s a Christmas Crisis Going On: No One Wants to Kill Your Dinner,” *The Guardian* (19 November 2018), online: <www.theguardian.com/commentisfree/2018/nov/19/christmas-crisis-kill-dinner-work-abattoir-industry-psychological-physical-damage>.

⁵ Jennifer Dillard, “A Slaughterhouse Nightmare: Psychological Harm Suffered by Slaughterhouse Employees and the Possibility of Redress through Legal Reform” (2008) 15:2 *Geo J on Poverty L & Pol’y* 391; Tani Khara, “Animals Suffer for Meat Production – and Abattoir Workers Do Too,” *The Conversation* (4 February 2020), online: <www.theconversation.com/animals-suffer-for-meat-production-and-abattoir-workers-do-too-127506>.

⁶ Long transportation times are not necessarily a reflection of producers’ intentional disregard for animal welfare but rather an unfortunate necessity as smaller regional slaughterhouses go out of business and a handful of large-scale facilities control the majority of the market. In the absence of local slaughterhouses, producers are forced to transport their animals significantly farther afield to secure the services of a licenced operation.

⁷ W5, “Hidden Camera Investigation Reveals Chicken Slaughterhouse Practices,” *CTV News* (27 March 2015), online: <www.ctvnews.ca/w5/hidden-camera-investigation-reveals-chicken-slaughterhouse-practices-1.2299278>; Last Chance for Animals, “Sheik Halal Farms Slaughterhouse: Undercover Investigation Exposes Incidents of Apparent Animal Abuse, Possible Non-Compliance of Human Health Regulations and Possible Misrepresentation of Halal Products,” *Cision* (9 May 2019), online:

portrayed as isolated incidents, the fact remains that abattoirs and meat processing plants are violent places for everyone who meets on the assembly line.⁸

How does pressure to keep up with the production line impact workers and livestock? Will existing risks be exacerbated by regulatory changes that make it easier to increase, and even eliminate, maximum line speed limits? In what ways do stressful and dangerous working conditions for humans negatively impact animal welfare on the kill floor? Can improvements in occupational health and safety for workers ameliorate animal welfare, and vice versa? Can food safety regulations that focus on consumer well-being while discounting the well-being of workers and animals be revised to also account for the well-being of those *within* the slaughterhouse? If so, should they?

In order to engage meaningfully with these questions, it is necessary to study the regulatory framework that sets line speeds as well as their transversal effects on labour and animal welfare. Slaughter line speeds are determined by food safety experts who are responsible for ensuring the microbial safety of consumer products. However, when risk assessments focus only on *microbial* risk and discount socio-cultural and moral perspectives about how workers and animals should be treated, real harm results. Laws and regulations that oversee the meat processing industry have been the subject of critical study among researchers in the social sciences and humanities.⁹ However, the study of line speeds remains underexplored within legal scholarship. To be sure, animal law scholars have been drawing attention to weak welfare protections for farmed animals for decades.¹⁰ Moreover, as mentioned previously, occupational health and safety risks are similarly well-documented. Nevertheless, food safety regulations themselves are less frequently problematized by jurists provided they are based on scientific principles and expertise.¹¹ This article contributes to the literature by submitting line speed conditions to ethical scrutiny within a food safety governance lens.

<www.newswire.ca/news-releases/sheik-halal-farms-slaughterhouse-undercover-investigation-exposes-incidents-of-apparent-animal-abuse-possible-non-compliance-of-human-health-regulations-and-possible-misrepresentation-of-halal-products-835591620.html>; Pierre-Olivier Zappa, "La face cachée des abattoirs," *Enquête JE* (28 November 2014), online: <www.tvanouvelles.ca/2014/11/28/la-face-cachee-des-abattoirs>.

⁸ For a discussion on the strategic scapegoating of individual employees rather than the prosecution of their employers, see Justin Marceau, *Beyond Cages: Animal Law and Criminal Punishment* (Cambridge: Cambridge University Press, 2019) at 188–91.

⁹ See e.g. Christiana Miewald, Sally Hodgson & Aleck Ostry, "Tracing the Unintended Consequences of Food Safety Regulations for Community Food Security and Sustainability: Small-Scale Meat Processing in British Columbia" (2015) 20:2 *Local Environment* 237; Christiana Miewald, Aleck Ostry & Sally Hodgson, "Food Safety at the Small Scale: The Case of Meat Inspection Regulations in British Columbia's Rural and Remote Communities" (2013) 32 *J Rural Studies* 93; Sylvain Charlebois & Amit Summan, "Abattoirs, Meat Processing and Managerial Challenges: A Survey for Lagging Rural Regions and Food Entrepreneurs in Ontario, Canada" (2014) 10:1 *Intl J Rural Management* 1; Hillary C Barter, *Slaughterhouse Rules: Declining Abattoirs and the Politics of Food Safety Regulation in Ontario* (Master of Arts, University of Toronto, 2014) [unpublished].

¹⁰ See e.g. Lesli Bisgould, *Animals and the Law* (Toronto: Irwin Law, 2011); Lesli Bisgould, Wendy King & Jennifer Stopford, *Anything Goes: An Overview of Canada's Legal Approach to Animals on Factory Farms* (Toronto: Animal Alliance of Canada, 2001).

¹¹ A few notable exceptions include Matteo Ferrari, *Risk Perception, Culture, and Legal Change: A Comparative Study on Food Safety in the Wake of the Mad Cow Crisis* (Farnham, UK: Ashgate, 2009); Marsha A Echols, *Food Safety and the WTO: The Interplay of Culture, Science and Technology* (The Hague: Kluwer Law International, 2001); Sarah Berger Richardson, "Legal Pluralism and the Regulation of Raw Milk Sales in Canada: Creating Space for Multiple Normative Orders at the Food Policy Table" in Mariagrazia Alabrese et al, eds, *Agricultural Law: Current Issues from a Global Perspective* (Cham, Switzerland: Springer International, 2017) 211 [Berger Richardson, "Legal Pluralism"].

Part II begins with an overview of the regulatory framework establishing line speed conditions in federally licenced slaughterhouses and meat-packing plants in Canada. In this section, special attention is paid to the way that recent shifts towards regulating outcomes rather than processes opens the door to accelerating line speeds. While this shift is defended on the basis that it maintains high standards for food safety without being overly prescriptive, it is argued that processing more animals quickly inevitably negatively impacts worker safety and animal welfare. Part III considers the relationship between food safety regulations and worker safety. This section begins with a discussion of some of the pre-pandemic risks facing workers in slaughterhouses. It then illustrates how COVID-19 exacerbated these risks and invited greater public scrutiny into what usually goes on behind closed doors. The article concludes with reflections on how current approaches to food safety governance and the regulation of line speeds could learn from the Slow Food movement. In order to build more just food systems post-pandemic, there is an urgent need to better integrate principles of justice and fairness into discussions about the regulation of food safety.

II. I FEEL THE NEED ... THE NEED FOR SPEED

Ethel and Lucy struggled to keep up with the unrelenting pace of the conveyor belt because its speed was set to maximize production, not to ensure their well-being. The same is true of line speeds in many slaughterhouses and meat-packing plants. The more animals that can be processed per hour, the more efficient and profitable the enterprise. Processors want lines to operate as quickly as possible to maximize returns. This does not mean that these facilities are unregulated spaces nor that they are free to operate at any speed they wish. Animal slaughter and meat processing are among the most regulated sectors of our food system, with legislation dating as far back as 1907 when the *Meat and Canned Food Act* was introduced.¹² Nevertheless, despite heavy oversight, regulatory requirements focused on food safety do not necessarily take other welfare concerns into consideration.

Food safety standards are determined by policy-makers in consultation with food safety experts, veterinarians, and industry stakeholders who evaluate risk along the supply chain. In 1993, the Organisation for Economic Co-operation and Development (OECD) prepared a working definition of food safety with a starting premise that there should be a “reasonable certainty that no harm will result from intended uses under the anticipated conditions of consumption.”¹³ This definition was subsequently adopted by the Codex Alimentarius Commission in 1997 as the assurance that food for human consumption “will not cause harm to the consumer when it is prepared and/or eaten according to its intended use.”¹⁴ These definitions are significant for two reasons. First, conceptually, food safety is considered exclusively from the perspective of the well-being of the consumer. Process matters only to the extent that it presents an immediate risk of harm to the consumer. Second, food safety is defined negatively. Safety is assessed on the basis of the *absence* of hazards, with little guidance as to the positive attributes that we want in our food. This results in a failure to account for other tangential harms, societal or environmental, associated with production

¹² Barter, *supra* note 9 at 47.

¹³ OECD Environment Directorate, *Safety Evaluation of Foods Derived by Modern Biotechnology: Concepts and Principles* (Paris: OECD, 1993) at 13.

¹⁴ Codex Alimentarius Commission, *Recommended International Code of Practice General Principles of Food Hygiene*, CAC/RCP 1-1969, Rev 3, Amended 1999 (Rome: FAO/WHO, 1997) at 7.

methods. Consequently, even the most thorough study of the impact on microbial safety of speeding up or slowing down production lines can rule out corresponding risks for workers and animals as outside its jurisdiction.

A. REGULATORY AUTHORITY OVER FOOD SAFETY AND SLAUGHTER LINE SPEEDS

Regulatory authority for food safety governance in Canada is split vertically across federal, provincial, territorial, and municipal jurisdictions and horizontally among various governmental departments and agencies.¹⁵ Parliament's criminal law powers under section 91(27) of the *Constitution Act, 1867* enable the federal government to regulate agri-food products for the purposes of ensuring food safety.¹⁶ Parliament also has authority to regulate agri-food products destined for interprovincial and international trade under its section 91(2) power over trade and commerce. For their part, the provinces can enact laws and regulations for the inspection of agricultural production and food processing. They can also enact laws and regulations to ensure food safety, public health, and the economic interests of the province via their power over property and civil rights (section 92(13)), municipal institutions (section 92(8)), and all matters of a merely local or private nature (section 92(16)).¹⁷

As a result of this division of powers, slaughter and meat processing regulations vary across the country. Federally licenced facilities are authorized to engage in interprovincial trade. Those that are licenced provincially may only sell their products within provincial borders.¹⁸ In terms of numbers, the vast majority of animals slaughtered for meat in Canada are processed at federally licenced facilities. The Canadian Food Inspection Agency (CFIA) estimates that 95 percent of food animals in Canada are slaughtered in federal facilities.¹⁹ Among these, a handful make up the lion's share of the national market. For example, three meat-packing plants in Alberta process nearly three-quarters of Canada's beef production, including a single facility that processes 40 percent of the national supply.²⁰ In light of these numbers, this article focuses on federal facilities, while noting that further research on line

¹⁵ For an overview of division of powers in food and agricultural law, see Sarah Berger Richardson & Nadia Lambek, "Federalism and Fragmentation: Addressing the Possibilities of a Food Policy for Canada" (2018) 5:3 *Can Food Studies* 28; Halsbury's Laws of Canada (online), *Food*, "Regulating Food Safety: Constitutional Considerations" (1.2) at HFD-3 "Shared Constitutional Responsibility" ["Regulating Food Safety"].

¹⁶ (UK) 30 & 31 Vict, c 3.

¹⁷ *Ibid.* See also "Regulating Food Safety," *supra* note 15 at HFD-6 "Provincial Powers over Property and Civil Rights."

¹⁸ For a detailed description of federal and provincial food safety regulations for meat and meat products, see Abra Brynne, "The Structural Constraints on Green Meat" in Ryan M Katz-Rosene & Sarah J Martin, eds, *Green Meat? Sustaining Eaters, Animals, and the Planet* (Montreal: McGill-Queen's University Press, 2020) 185; "Regulating Food Safety," *ibid.*

¹⁹ Canadian Food Inspection Agency, "Evaluation of the CFIA's Meat Programs Final Report," online: *Government of Canada* <www.inspection.gc.ca/about-cfia/transparency/corporate-management-reporting/audits-reviews-and-evaluations/evaluation-of-the-meat-programs/final-report/eng/1517982099910/1517983124769?chap=0>.

²⁰ National Farmers Union, "Meat Packing Concentration Makes Canada's Food System Vulnerable" (22 April 2020), online: <www.nfu.ca/wp-content/uploads/2020/04/2020-04-21-Concentration-of-meat-packing-makes-Canada-vulnerable.pdf>; Jake Edmiston, "Three Meat-Packing Plants Turn Out 85% of Canada's Beef. How Did This Happen?" *Financial Post* (6 May 2020), online: <www.financialpost.com/commodities/agriculture/why-only-three-meat-packing-plants-process-the-vast-majority-of-canadas-beef>; Laureen Laboret, "Le boeuf canadien dans la tourmente," *Ici Alberta* (1 May 2020), online: <ci.radio-canada.ca/nouvelle/1699194/alerta-industrie-bovine-usine-cargill-perdes>.

speeds in provincial facilities is needed along with research into increasing concentration and consolidation in the meat-packing industry.

Federally licenced slaughter and meat processing activities are governed by the *Safe Food for Canadians Act* and its regulations.²¹ The *Act* was introduced in 2012 following a series of highly publicized foodborne illness outbreaks during the late 1990s and early 2000s, including the bovine spongiform encephalopathy crisis (BSE, commonly known as mad cow disease), a disturbing case of a meat-packing plant in Aylmer, Ontario that was processing and selling meat from deadstock, and the 2008 listeria outbreak in a Maple Leaf plant in Toronto, which spanned five provinces and resulted in 57 human illnesses and 23 deaths.²² These incidents, and others, revealed gaps in federal food safety management, including problems with the CFIA's inspection systems and coordination issues among responsible agencies, departments, and industry. It was against this backdrop that the federal government sought to renew public trust in the safety of the country's food supply and announced a new, modernized, and harmonized legislative and regulatory framework for food safety governance. The *Act* came into force in 2019 when the *Regulations* were adopted.²³ It is beyond the scope of this article to discuss all of the statutory and regulatory requirements outlined in the *Act* and the *Regulations* as they relate to slaughter and meat processing. Here, the focus is on provisions that are most directly connected to line speed conditions.

Section 51(1) of the *Act* empowers the CFIA to make regulations respecting food safety programs as well as establish procedures for the humane treatment and slaughter of animals. Section 24 authorizes CFIA inspectors to ensure regulatory compliance with the *Act* at federally licenced slaughterhouses. In the *Regulations*, section 41(1) provides that the number and nature of inspection stations required to oversee animal slaughter must take the following factors into account: (a) the animal species that are slaughtered; (b) the method of carcass examination or inspection that is used; (c) the speed of the slaughter line; and (d) the volume of production. Further clarification is provided in a guidance document explaining that CFIA inspectors may be required to work at fixed or unfixed locations in the facility.²⁴ Ante-mortem (before the animal is killed) inspection services are provided at unfixed locations by CFIA inspectors under the supervision of veterinary inspectors. Post-mortem (after the animal is killed) inspections stations must be provided to allow CFIA inspectors to inspect every carcass and its parts. In some cases, the CFIA may establish fixed ante-mortem inspection stations as well. According to the CFIA, the number of inspection stations depends on "workload considerations, risk analysis, available facilities or importing countries requirements."²⁵

²¹ SC 2012, c 24; *Safe Food for Canadians Regulations*, SOR/2018-108.

²² *Safe Food for Canadians Regulations: Regulatory Impact Analysis Statement* (2017) C Gaz I, 259 (Canadian Food Inspection Agency) [Regulatory Impact Analysis].

²³ The *Safe Food for Canadians Regulations* consolidates 14 sets of existing food regulations into a single set of regulations.

²⁴ Canadian Food Inspection Agency, "Guidance on Canadian Food Inspection Agency Inspection Stations for Slaughter Operation of Food Animals and Meat Products," online: <www.inspection.canada.ca/food-safety-for-industry/food-specific-requirements-and-guidance/meat-products-and-food-animals/cfia-stations-for-slaughter/eng/1550250803810/1550250952413> [CFIA, "Guidance on Stations for Slaughter"].

²⁵ *Ibid.*

As noted above, line speed is one of the criteria for determining the number of inspectors and veterinarians assigned to inspection stations. Line speed conditions are the maximum speeds at which production lines may operate. It is not necessary to operate at maximum speed, and operators are at liberty to run slower lines with fewer animals. For instance, a facility may opt to run a slower line to improve quality control. A facility may also have fewer animals on a given day and thus have more time to process these animals than if they were operating at full capacity. There are financial costs to slowing lines or to running at reduced capacity, and so, for the most part, facilities will do their best to process as many animals per hour as possible.²⁶

In order to balance profit motives with food safety and animal welfare, operation at maximum speed is only permitted under *optimal conditions*. The CFIA guidance document on inspection defines optimal conditions as “conditions consistent with good presentation, average incidence of pathology (disease) and effective process control over trimming/dressing defects and evisceration accidents.”²⁷ In other words, the CFIA guidelines recognize that a one-size-fits-all approach is untenable. Under suboptimal conditions, inspectors will need more time to conduct ante-mortem and post-mortem inspections properly. Inspectors are thus empowered to require speed reductions to inspect every animal and every carcass.

The necessity of adjusting maximum speeds downwards in suboptimal conditions is comparable to highway speed limits. A maximum speed of 100 km/hour does not require *all* motorists to drive at this speed. In practice, most drivers stay as close to the 100 km/hour limit as possible (setting aside the common practice of driving a little over the speed limit), whereas some choose to drive in the right lane at a slower speed. A 100 km/hour limit is a privilege, not not a right. For instance, if weather or road conditions require caution, drivers must slow down. Moreover, when driving through highway construction sites, speed reduction is no longer discretionary. Temporary orange panels caution drivers to reduce their speed to ensure the safety of others. So it is in abattoirs. When inspectors inform a facility that line speeds must be reduced, they are signaling that external factors have made it impossible to ensure food safety standards at maximum speeds.

B. ACCELERATION AS AN “OUTCOME” OF OUTCOME-BASED REGULATION

There are different ways that the state can regulate the microbial safety of meat and meat products. The CFIA describes these approaches as follows: (1) *prescriptive regulation* is technology-based or standards-based and requires specific processes or procedures that are

²⁶ The financial cost of running facilities at reduced capacity and slowing production lines has been made abundantly clear during the COVID-19 pandemic. This will be discussed in greater detail later in the article. Here, it is significant to note that the cost of slowing production lines can also be borne by producers if supply chain bottlenecks mean they have no place to take their animals for processing. For example, in November 2020, the Quebec Association of Pork Producers (Les Éleveurs de porcs du Québec) announced that reduced capacity of Quebec slaughterhouses due to COVID-19 resulted in a backlog of 95,000 animals that will be shipped to Alberta and the United States for slaughter. See Maude Montembeault, “Mesure historique: des porcs du Québec seront abattus aux États-Unis” *Radio-Canada* (25 November 2020), online: <www.ici.radio-canada.ca/nouvelle/1752167/pandemie-abattoir-olympel-covid-19-etats-unis-alberta-porcs-quebec>.

²⁷ CFIA, “Guidance on Stations for Slaughter,” *supra* note 24.

defined in regulations and with which regulated parties must comply; (2) *systems-based regulation* is management-based and requires regulated parties to develop their own risk management plans, which are then verified by the CFIA to ensure proper and effective implementation; and (3) *outcome-based regulation* is performance-based where the required outcome or level of performance is specified in the regulation and performance measures are used to validate and verify regulated parties' compliance.²⁸

With the coming into force of the *Safe Food for Canadians Act* and its *Regulations* in 2019, the CFIA shifted towards a more outcome-based approach to food safety governance. This is largely seen as a desirable development and consistent with international approaches to science-based standards for food safety.²⁹ It is also a response to concerns that rules under the old *Meat Inspection Act* and its *Regulations* were overly prescriptive and unnecessarily restrictive for industry actors. For example, rules that mandated the frequency with which walls had to be repainted or equipment had to be upgraded for activities not carried out at that particular facility created unnecessary burdens that were not linked to achieving desired food safety outcomes. Rather than impose one-size-fits-all prescriptive measures, outcome-based requirements are meant to accommodate a range of business models. As a result, the *Regulations* now require slaughter facilities to adopt a preventive control plan (PCP) to demonstrate how hazards and risks to food are managed.

While not defined in either the *Act* nor in the *Regulations*, the term "preventive controls" generally refers to a combination of measures that form a system focused on reduction of risk during slaughter activities. In a regulatory impact analysis statement leading up to the introduction of the *Regulations*, the CFIA claimed that preventive control requirements allow for greater flexibility and innovation than do prescriptive requirements.³⁰ Part 4 of the *Regulations* outlines the preventive control requirements to "establish the expected food safety outcomes to help prevent food safety hazards and reduce the likelihood of contaminated food entering the Canadian market place."³¹ It also outlines animal welfare requirements "for preventing or eliminating avoidable suffering, injury, or death other than by slaughter or humane killing of the food animal."³² Although there are many reasons to support the CFIA's emphasis on preventive controls, the flexibility of outcome-based

²⁸ Canadian Food Inspection Agency, *Optimizing Food Safety, and Plant and Animal Health: Foundations of an Outcome-Based Approach* (Ottawa: Canadian Food Inspection Agency, 2014), online: <www.foodsafetycoalition.ca/wp-content/uploads/2014/03/Outcome-based-approach-discussion-paper-Forum-June-4-2013-EN.pdf>.

²⁹ Robert L Buchanan, "Moving from Hazard-Based to Risk-Based Microbial Food Safety Systems to Promote Public Health and Foster Fair Trade Practices" (Safeguarding the American Food Supply Conference delivered at the Institute on Science for Global Policy, 10 April 2015) [unpublished]; James Smith, Kirstin Ross & Harriet Whiley, "Australian Food Safety Policy Changes from a 'Command and Control' to an 'Outcomes-Based' Approach: Reflection on the Effectiveness of Its Implementation" (2016) 13:12 Intl J Environmental Research & Public Health 1218.

³⁰ Regulatory Impact Analysis, *supra* note 22 at 262.

³¹ Canadian Food Inspection Agency, "Regulatory Requirements: Preventive Controls," online: <www.inspection.canada.ca/preventive-controls/regulatory-requirements/eng/1616007201758/1616008092049?chap=0>.

³² *Ibid.* Note that determinations of what constitutes "avoidable" suffering can be the subject of debate. From an abolitionist perspective, meat is unnecessary and thus all suffering related to slaughter is avoidable. See Katie Sykes, "Rethinking the Application of Canadian Criminal Law to Factory Farming" in Peter Sankoff, Vaughan Black & Katie Sykes, eds, *Canadian Perspectives on Animals and the Law* (Toronto: Irwin Law, 2015) 33. But, within a regulatory framework in which animal agriculture is an accepted practice, the question becomes one of determining if the suffering is necessary or unnecessary. See e.g. recent amendments to the *Health of Animals Regulations*, SOR/2019-38 replacing prohibitions on "undue suffering" with a broader protection against "suffering" generally.

regulation also means that under the revised framework, industry has greater leeway to set line speeds that risk endangering workers and animals on the kill floor.

Although animal welfare protections are included in the *Regulations*, preventive controls are geared more towards ensuring the microbial safety of meat and meat products than ensuring the well-being of workers and livestock. While the requirement that ante-mortem inspections be carried out under the supervision of veterinarian inspectors may be compatible with ensuring *minimal* animal welfare protections are met, this does not mean that line speeds are set to ensure *optimal* animal handling. Put differently, although the *Regulations* outline expectations and requirements for both food safety and animal welfare, the CFIA's mandate is ultimately to ensure the safety of the food supply, not establish a world class regulatory framework to treat food animals with dignity. As a result, the CFIA does not see a contradiction between its mission of "safeguarding food, animals and plants, which enhances the health and well-being of Canada's people, environment and economy" and authorizing high line speeds for beef slaughter or indeed the complete absence of line speed conditions for hogs under the current Modernized Slaughter Inspection Program-Hog (MSIP-Hog) for swine.³³

It is helpful here to return to the highway speed analogy. Consider different options that are used to improve safety in roadwork zones. Warning lights can notify drivers of hazardous conditions and draw their attention to the presence of construction workers along the road. In some cases, drivers will be warned that fines are double for speeding in roadwork zones. Orange signs will indicate the need to slow down and specify the speed limit for that particular zone. Vehicles are not at liberty to drive at any speed they desire provided they do not kill anyone along the way. It is not because a driver can make it safely through a construction zone at a speed of 150 km/hour that it is legal to do so. Orange signs do not present drivers with a tiered speed limit based on their car model or years of experience. The speed is set for all to ensure not only the individual driver's safety but that of other road users and the construction workers around them.

In contrast, authorization of high line speeds or the elimination of maximum speeds on the kill floor unjustifiably removes an important regulatory safeguard in the industry. Despite assurances that increasing line speeds do not pose a risk to food safety, it is difficult to imagine that inspectors at a site processing tens of thousands of hogs each day can devote the same amount of attention to a facility operating a much slower line.³⁴ Moreover, the CFIA's emphasis on the flexibility of industry-led preventive control plans maps on to a broader movement towards industry self-regulation. The risks of letting the agri-food industry regulate its own operations are well-documented.³⁵ Nevertheless, greater emphasis

³³ Canadian Food Inspection Agency, "Mandate," online: <www.inspection.gc.ca/about-cfia/organizational-structure/mandate/eng/1299780188624/1319164463699>.

³⁴ Increasing and even eliminating line speeds are not unique to Canada. In the US, poultry slaughter inspection rules were modified in 2014 to permit waivers of maximum speed line rates under the New Poultry Inspection System and Salmonella Initiative Program. In 2019, the US Department of Agriculture introduced new rules to deregulate pig slaughter, including eliminating line speed limits, reducing the number of government meat inspectors at plants by 40 percent, and allowing industry to set their own food safety practices.

³⁵ See e.g. Peter Sankoff, "Canada's Experiment with Industry Self-Regulation in Agriculture: Radical Innovation or Means of Insulation?" (2019) 5:1 *Can J Comparative & Contemporary L* 299; Doris Fuchs, Agni Kalfagianni & Tetty Havinga, "Actors in Private Food Governance: The Legitimacy of Retail Standards and Multistakeholder Initiatives with Civil Society Participation" (2011) 28:3

on post-mortem carcass-by-carcass inspection (instead of active presence on the kill floor assuming a “defect detection role”³⁶ during slaughter) supports a less resource-intensive model of inspection for a system that is already stretched to its limits. Under the previous government, critical labour shortages were reported for meat inspectors.³⁷ Despite efforts to increase these numbers in recent years, labour shortages are ongoing (and exacerbated during the pandemic).

Finally, even if veterinary inspectors can ensure that employees handle each animal with the care to which they are entitled on the kill floor, this does not address the fact that slaughter facilities inevitably contribute to harmful practices both upstream and downstream. As fewer facilities control the majority of the meat processed in the country, animals must travel farther distances, often in extreme weather conditions, and be kept in holding enclosures for longer periods of time.³⁸ Meanwhile, the erosion of local slaughterhouses mean increased costs for producers who must pay for longer transportation times and lower prices for their animals due to reduced competition in the meat-packing industry. These concerns are not taken into consideration in determinations of line speed conditions.

This section has highlighted some of the risks associated with allowing industry to increase line speeds under the narrative of preventive controls and outcome-based regulation. It also highlighted some of the tensions between the CFIA’s dual role as regulator of food safety and animal health during slaughter. Despite these tensions, this section nevertheless acknowledged attempts to ensure policy coherence between these two regulatory objectives in the *Regulations*. In contrast, there is nothing in the *Act* or its *Regulations* that addresses the dangerous working conditions of employees in the meat-packing industry. It is to this that the article now turns.

III. WORK FAST, DIE YOUNG

A fast-paced and efficient assembly line is central to modern industrialized methods of meat production. Indeed, the speed at which meat-packing plants could disassemble an animal into food at the turn of the twentieth century was the inspiration for Henry Ford’s automobile assembly line.³⁹ However, as illustrated by the graphic depictions of violence and

Agriculture & Human Values 353; Jennifer Sumner, “Standards as a Commons: Private Agri-Food Standards as Governance for the 99 Percent” (2015) 2:1 *Can Food Studies* 119; Maki Hatanaka & Lawrence Busch, “Third-Party Certification in the Global Agrifood System: An Objective or Socially Mediated Governance Mechanism?” (2008) 48:1 *Sociologia Ruralis* 73; David J Wolfson & Mariann Sullivan, “Foxes in the Hen House: Animals, Agribusiness, and the Law: A Modern American Fable” in Cass R Sunstein & Martha C Nussbaum, eds, *Animal Rights: Current Debates and New Directions* (New York: Oxford University Press, 2004) 205.

³⁶ CFIA, “Guidance for Stations for Slaughter,” *supra* note 24.

³⁷ See e.g. John Cotter, “Food Inspector Shortage Putting Consumers at Risk, Union Survey Says,” *CBC News* (16 March 2020), online: <www.cbc.ca/news/health/food-inspector-shortage-putting-consumers-at-risk-union-survey-says-1.3493748>; Kelsey Johnson, “Meat Inspector Shortages in Ontario Putting Public Health at Risk: Union,” *iPolitics* (28 July 2015), online: <www.ipolitics.ca/2015/07/28/meat-inspector-shortages-in-ontario-putting-public-health-at-risk-union/>; “Pénurie critique d’inspecteurs de viandes, s’inquiète le Syndicat Agriculture,” *Radio-Canada* (20 April 2015), online: <www.ici.radio-canada.ca/nouvelle/716736/acia-industrie-viandes-sondage-effectifs-risques-sante-normes>.

³⁸ See e.g. Bob Kennard & Richard Young, *A Good Life and a Good Death: Re-localising Farm Animal Slaughter* (Willersey, UK: Vale Press, 2018); Barter, *supra* note 9; Leroy & Praet, *supra* note 4; Brynne, *supra* note 18.

³⁹ Alex Blanchette, *Porkopolis: American Animality, Standardized Life, & the Factory Farm* (Durham: Duke University Press, 2020) at 27; Dominic A Pacyga, *Slaughterhouse: Chicago’s Union Stock Yard and the World It Made* (Chicago: University of Chicago Press, 2015) at 115.

exploitation in the Chicago stock yards in Upton Sinclair's the 1906 novel *The Jungle*, speed comes at a price.⁴⁰ Sinclair, a young socialist, intended to draw attention to the appalling working conditions in the meat-packing sector. In so doing, he inadvertently triggered widespread panic about the safety of the country's meat supply. Within a year of its publication, the United States passed the *Pure Food and Drugs Act* and the *Federal Meat Inspection Act*.⁴¹ Shortly thereafter, Canada adopted the *Meat and Canned Food Act*.⁴² Sinclair was later quoted as saying: "I aimed for the public's heart ... and by accident hit it in the stomach."⁴³ A century later, a similar disconnect between food safety and worker safety remains. Despite an impressive overhaul of our food safety legislative framework with the introduction of the *Safe Food for Canadians Act*, the urgency of addressing occupational risks in one of the most dangerous manufacturing jobs is downplayed.

A. SLAUGHTER LINE SPEEDS AND OCCUPATIONAL HEALTH AND SAFETY: PRE-COVID-19

The regulation of food systems is multi-sectoral and interdisciplinary. As mentioned previously, regulatory authority is split between different levels of government and across various departments and agencies. For example, whereas the power of federal or provincial governments to regulate food safety depends on whether the products are destined for intraprovincial or interprovincial trade, labour relations are presumptively a provincial matter.⁴⁴ The federal government has jurisdiction over labour relations by way of exception. Parliament can prevent the application of provincial law relating to labour relations and conditions of employment if the undertaking, service, or business is a federal one.⁴⁵ Consequently, in federally licenced slaughterhouses and meat-packing plants, the federal government has jurisdiction over the CFIA inspectors and veterinarians it employs, while provincial governments have jurisdiction over the other employees at the facilities. Moreover, within the same federal facility, food safety regulations and employment standards are set by federal and provincial legislation respectively, with little to no policy coherence between the two. Principles of legislative interpretation suggest that line speed conditions in the *Regulations* must be consistent with humane handling requirements outlined in the same regulations. However, in the case of worker safety, there is no explicit attempt at legislative harmony between policy objectives at the federal and provincial levels.

Occupational health and safety (OHS) legislation across Canada provides that employers have a general duty to protect workers' health.⁴⁶ Although many regulatory models exist, Leonor Cedillo, Katherine Lippel, and Delphine Nakache note that most jurisdictions rely on an "Internal Responsibility System" with three central pillars: (1) the right to information and training; (2) the right to participate in OHS matters at work; and (3) the right to refuse

⁴⁰ Upton Sinclair, *The Jungle* (New York: Doubleday, Page & Company, 1906).

⁴¹ Berger Richardson, "Legal Pluralism," *supra* note 11 at 222.

⁴² *Ibid.*

⁴³ Eric Schlosser, "Forward" in Upton Sinclair, *The Jungle* (New York: Penguin Group, 2006) at xi.

⁴⁴ *NIL/TU, O Child and Family Services Society v BC Government and Service Employees' Union*, 2010 SCC 45 at para 11.

⁴⁵ *Construction Montcalm Inc v Minimum Wage Commission*, [1979] 1 SCR 754 at 768.

⁴⁶ See e.g. Ontario's *Occupational Health and Safety Act*, RSO 1990, c O.1, s 25; Quebec's *Act respecting occupational health and safety*, CQLR c S-2.1, s 51. See also Katherine Lippel, "Occupational Health and Safety and COVID-19: Whose Rights Come First in a Pandemic?" in Colleen M Flood et al, eds, *Vulnerable: The Law, Policy and Ethics of COVID-19* (Ottawa: University of Ottawa Press, 2020) 473.

unsafe work.⁴⁷ This system presumes a degree of agency and empowerment that is unfortunately lacking for workers in the meat industry. Despite strong union presence in abattoirs and advocacy for their members, OHS incidents frequently go unreported due to precarious employment, immigration status, and language barriers that discourage employees from standing up for their rights on the job or seeking compensation if they are injured.⁴⁸ Moreover, although the meat sector is heavily regulated, the facilities are also largely hidden from public view.⁴⁹ In the words of Chas Newkey-Burden, they are places of marginalization where “[v]ulnerable animals are often slaughtered by some of society’s most vulnerable humans.”⁵⁰

The act of killing animals or breaking down carcasses is known to expose workers to physical and psychological health challenges.⁵¹ Workers in the slaughtering and meat processing industry regularly experience stress, physical pain, and emotional strain. Many develop chronic health problems. In 2004, a report published by Human Rights Watch found that meat-packing was the most dangerous manufacturing job in the US, with injury rates more than double the national average.⁵² The report quotes a Nebraska meat-packing line worker who explains the following: “The line is so fast there is no time to sharpen the knife. The knife gets dull and you have to cut harder. That’s when it really starts to hurt, and that’s when you cut yourself.”⁵³ In a follow up report 15 years later, Human Rights Watch noted that bodily injuries are near daily occurrences in the meat and poultry industry.⁵⁴

In its report, line speed is singled out as a significant risk factor, but so too are the ways that the industry exploits a predominantly immigrant labour force.⁵⁵ Immigrant workers are more likely to accept hazardous and low-wage work because the positions require little formal education, experience, or English/French language skills. While ethnographic studies into issues of race and systemic racism in slaughterhouses are growing in the US, detailed

⁴⁷ Cedillo, Lippel & Nakache, *supra* note 3.

⁴⁸ *Ibid*; Jenna L Hennebray, “Not Just a Few Bad Apples: Vulnerability, Health and Temporary Migration in Canada,” *Canadian Issues* (Spring 2010) 73; Isabelle Porter, “Les travailleurs temporaires étrangers ont plus d’accidents que les autres,” *Le Devoir* (1 May 2019), online: <www.ledevoir.com/politique/quebec/553286/titre-deux-fois-plus-de-travailleurs-etrangers-morts-au-travail>; Verity Stevenson & Jaela Bernstien, “How a Haitian Asylum Seeker Was Swept up in a Shadowy Industry of Temp Agency Work,” *CBC News* (28 March 2018), online: <www.cbc.ca/news/canada/montreal/temp-worker-accident-1.4594744>; Grant Gerlock, “We Don’t Know How Many Workers Are Injured at Slaughterhouses. Here’s Why,” *NPR* (25 May 2016), online: <www.npr.org/sections/thesalt/2016/05/25/479509221/we-dont-know-how-many-workers-are-injured-at-slaughterhouses-heres-why>.

⁴⁹ Robert Magneson Chiles, “Hidden in Plain Sight: How Industry, Mass Media, and Consumers’ Everyday Habits Suppress Food Controversies” (2017) 57:51 *Sociologia Ruralis* 791; Pachirat, *supra* note 4; Maria Lorena Cook et al, “Global Labour Studies in the Pandemic: Notes for an Emerging Agenda” (2020) 11:2 *Global Labour J* 74 at 75;

⁵⁰ Newkey-Burden, *supra* note 4.

⁵¹ See e.g. Johannes L Harmse, Jacobus C Engelbrecht & Johan L Bekker, “The Impact of Physical and Ergonomic Hazards on Poultry Abattoir Processing Workers: A Review” (2016) 13:2 *Intl J Environmental Research & Public Health* 197; Karen Victor & Antoni Barnard, “Slaughtering for a Living: A Hermeneutic Phenomenological Perspective on the Well-Being of Slaughterhouse Employees” (2016) 11:1 *Intl J Qualitative Studies on Health & Well-Being* 1; Stephanie Marek Muller, “Zombification, Social Death, and the Slaughterhouse: US Industrial Practices of Livestock Slaughter” (2018) 57:3 *American Studies* 81.

⁵² Lance Compa, *Blood, Sweat, and Fear: Workers’ Rights in US Meat and Poultry Plants* (New York: Human Rights Watch, 2004).

⁵³ *Ibid* at 24.

⁵⁴ Matt McConnell, *When We’re Dead and Buried, Our Bones Will Keep Hurting: Workers’ Rights Under Threat in US Meat and Poultry Plants* (New York: Human Right Watch, 2019).

⁵⁵ Compa, *supra* note 52.

accounts of employment demographics in Canadian slaughterhouses are scarce.⁵⁶ It is hard to obtain statistics about immigration status, or to determine the extent that facilities rely on temporary employment agencies to fill high-risk, low-skill jobs.⁵⁷ As with incidents of animal abuse, the stories that emerge about precarious employment status and dangerous working conditions usually come in the form of media reports and advocacy from labour rights organizations.

For example, in 2018, CBC News reported the story of a Haitian refugee claimant who obtained work at a Quebec meat processing plant through a temporary employment agency.⁵⁸ At the time, Paolo (not his real name) did not have a work permit and was given a fake name and social insurance number. Three weeks into his employment, Paolo was assigned to a new meat cutting machine. A supervisor provided a brief overview of its functioning, but Paolo struggled with the cutter. He expressed concerns that it was malfunctioning, but they were dismissed. Shortly thereafter, Paolo's hand was caught in the machine and severely cut. He was rushed to hospital where he underwent a 12-hour surgery. In an interview, Paolo's employer denied knowledge that Paolo had been working under a fake name, noting that the temporary placement agency has the responsibility to ensure workers have the appropriate documentation and the right to work. Paolo's case made headlines as he decided to file a claim with Quebec's workplace health and safety board (CNESST) seeking compensation for loss of work and associated medical costs. However, many other cases go unreported due to fears that illegal employment will jeopardize chances of a pathway to citizenship.

B. SLAUGHTER LINE SPEEDS AND OCCUPATIONAL HEALTH AND SAFETY: DURING COVID-19

Keeping up with the production line is dangerous at the best of times. In theory, provincial occupational health and safety legislation should enable workers to access information and training, to participate in OHS matters at work, and to refuse unsafe work. In practice, this is not always the case — something that was made clear during the COVID-19 pandemic.

On 24 March 2020, the Canadian Cattlemen's Association (CCA) issued a series of recommendations to the federal government to guide its response to the COVID-19 pandemic. Among them was the designation of Canada's food supply chain as "Critical

⁵⁶ In the US, see Angela Stuesse, *Scratching Out a Living: Latinos, Race, and Work in the Deep South* (Oakland: University of California Press, 2016); Pachirat, *supra* note 4; Ted Genoways, *The Chain: Farm, Factory, and the Fate of Our Food* (New York: HarperCollins, 2014). For an account of migrant workers' experiences in the dairy industry, see also Teresa M Mares, *Life on the Other Border: Farmworkers and Food Justice in Vermont* (Oakland: University of California Press, 2019). In the German context, see also Peter Birke & Felix Bluhm, "Migrant Labour and Workers' Struggles: The German Meatpacking Industry as Contested Terrain" (2020) 11:1 *Global Labour J* 34.

⁵⁷ Sylvie Gravel et al., "Adapter les mesures préventives de santé et de sécurité pour les travailleurs qui cumulent des précarités: les obligations d'équité" (2017) 19:2 *Perspectives interdisciplinaires sur travail & santé* 1; Timothy J Bartkiw, "Baby Steps? Toward the Regulation of Temporary Help Agency Employment in Canada" (2009) 31:1 *Comp Lab L & Pol'y J* 163; Institute for Work & Health, "Investigating Temporary Employment in Canada," online: <www.iwh.on.ca/newsletters/at-work/62/investigating-temporary-employment-in-canada>; Jean Bernier et al., *Les salariés d'agence de travail temporaire: conditions de travail et pratiques des agences* (Québec City: Université Laval, 2014); Bronwyn Bragg, "Alberta's COVID-19 Crisis Is a Migrant-Worker Crisis, Too," *The Globe and Mail* (27 April 2020), online: <www.theglobeandmail.com/opinion/article-albertas-covid-19-crisis-is-a-migrant-worker-crisis-too/>.

⁵⁸ Stevenson & Bernstien, *supra* note 48.

Infrastructure,” “thereby ensuring our plants and borders remain open, *operating at full capacity*, and cattle and beef products are permitted to flow uninterrupted through the beef value chain domestically and internationally.”⁵⁹ Attempts to maintain slaughterhouses and meat packing plants at full capacity proved to be disastrous for worker health and safety. As of 17 February 2021, an estimated 3,776 slaughterhouse workers in Canada tested positive for COVID-19, and nine died from the disease.⁶⁰

The prevalence of COVID-19 among slaughterhouse and meat-packing workers should come as no surprise. We know that employees work elbow-to-elbow on fast-moving assembly lines that make physical distancing difficult. With COVID-19, dangerous working conditions were made worse.⁶¹ Research in the US has found that occupational risk in meat and poultry processing contributed to a disproportionate burden of COVID-19 on some racial and ethnic minority groups.⁶² In Canada, temporary foreign workers, along with recent immigrants and refugees, make up 13 percent of the meat-packing workforce.⁶³ The industry also relies heavily on temporary placement agencies, as in Paolo’s story (above). This practice undermines the ability of unions to advocate effectively for workers and limits the agency of workers to access information and training, to refuse unsafe work, to obtain appropriate personal protective equipment (PPE), and to secure basic leave entitlements.⁶⁴

Returning to the analogy of highway speed limits, it is clear that maintaining maximum line speeds was inappropriate given the additional risks presented by the virus. To protect workers, regular speeds needed, at the very least, to be reduced and, preferably, the lines should have been shut down entirely. While Canada’s food supply chain was rightly declared critical infrastructure, this should not have been interpreted to designate the meat sector itself as essential nor that food should be produced at the expense of worker health and safety. Although some facilities did temporarily close their doors or reduce line speeds to increase physical distancing between workers, many refused or responded too slowly.

⁵⁹ Canadian Cattlemen’s Association, “Recommendations to Government of Canada: Financial Support for Beef Producers,” online: <www.cattle.ca/assets/3d3c329616/2020.03.24_Recommendations-to-GoC_Financial-Assistance-for-Beef-Producers.pdf> [emphasis added].

⁶⁰ Factory Farm Collective, “Number of COVID-19 Cases in Canadian Slaughterhouses and Meat Processing Plants,” online: <www.factoryfarmcollective.ca/covid-19/>. In the US, these numbers are even more striking. As of 7 April 2021, it is estimated that 286 meat-packing workers died of COVID-19 and 58,317 tested positive for the disease. See Leah Douglas, “Mapping COVID-19 Outbreaks in the Food System,” *Food and Environment Reporting Network* (22 April 2020), online: <www.thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>.

⁶¹ Sarah Berger Richardson, “Worked to the Bone: COVID-19, the Agrifood Labour Force, and the Need for More Compassionate Post-Pandemic Food Systems” in Colleen M Flood et al, eds, *Vulnerable: The Law, Policy and Ethics of COVID-19* (Ottawa: University of Ottawa Press, 2020) 501; Tina L Saitone, K Aleks Schaefer & Daniel P Scheitrum, “COVID-19 Morbidity and Mortality in US Meatpacking Counties” (2021) 101:1 *Food Policy* 1. See also the Morbidity and Mortality Weekly Report of the CDC which has been tracking outbreaks in the US. See e.g. Jonathan W Dyal et al, “COVID-19 Among Workers in Meat and Poultry Processing Facilities – 19 States, April 2020” (2020) 69:18 *Morbidity & Mortality Weekly Report* 557; Michelle A Waltenburg et al, “Update: COVID-19 Among Workers in Meat and Poultry Processing Facilities – United States, April–May 2020” (2020) 69:27 *Morbidity & Mortality Weekly Report* 887.

⁶² Michelle A Waltenburg et al, “Coronavirus Disease among Workers in Food Processing, Food Manufacturing, and Agriculture Workplaces” (2021) 27:1 *Emerging Infectious Diseases* 243.

⁶³ Food Processing Skills Canada (FPSC), “Securing Canada’s Meat Workforce: Highlights from a Labour Market Information Study of Canada’s Meat Processing Industry,” online: <www.sencanada.ca/content/sen/committee/421/AGFO/Briefs/FoodProcessingSkillsCanada_e.pdf>.

⁶⁴ International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF), “IUF COVID-19 Demands: Meat and Poultry Processing,” online: <www.iuf.org/wp-content/uploads/2020/09/2020-IUF-COVID-19-Demands-Meat-and-poultry-processing.pdf>.

One of the largest recorded COVID-19 outbreaks in North America occurred at Cargill Foods' beef processing plant in High River, Alberta.⁶⁵ In early April 2020, workers in the plant began testing positive for COVID-19. On 12 April, United Food and Commercial Workers Local 40, the union representing the workers at the facility, called for a two-week shutdown to clean the plant and conduct a comprehensive safety assessment (as was done, for example, at Olymel's pork facility in Quebec after nine employees tested positive for COVID-19).⁶⁶ The following day, the union announced that 38 workers at the plant had tested positive. Cargill refused to close its doors, maintaining that its workplace was safe. Alberta Health Services (AHS) and Alberta Occupational Health and Safety (AOHS) both have the authority to issue stop work orders but neither did. Instead, AHS suggested that the workers had contracted COVID-19 through community transmission in crowded housing or carpooling to work rather than at the plant itself. On 15 April, AOHS conducted a remote video inspection of the facility and concluded that the plant was safe.

On 20 April, the first workplace fatality caused by COVID-19 was reported by AHS. Cargill announced it was temporarily shutting its doors, but by that time, there were 484 cases tied to the slaughterhouse, including 360 infected employees.⁶⁷ The plant reopened two weeks later despite union resistance. Over the course of the pandemic, more than 950 workers from the High River plant were infected with the virus (nearly half of the workforce) and three workers died. Cargill has been strongly criticized for its handling of the outbreak, with employees accusing the company of ignoring physical distancing protocols and even offering them bonus compensation to come in to work.⁶⁸ In July 2020, a class action lawsuit was filed against Cargill on behalf of individuals who had close contact with its High River plant employees and contracted the virus.⁶⁹ In January 2021, the RCMP launched a criminal investigation into the death of Benito Quesada, one of the three reported fatalities at the High River plant.⁷⁰ Alberta's Opposition New Democratic Party (NDP) has also called for an inquiry into the handling of the COVID-19 response in Alberta's meat facilities.

There are important lessons to be learned from COVID-19 outbreaks in meat-packing facilities. One suspects that had the coronavirus posed a food safety risk for consumers, the lines would have been shut down immediately. Processors would not risk the civil liability claims nor the public relations disaster that would ensue. This was certainly the case in 2008 when Maple Leaf Foods closed its Toronto facility as soon as it was linked to a listeria

⁶⁵ Kathryn Blaze Baum, Carrie Tait & Tavia Grant, "How Cargill Became the Site of Canada's Largest Single Outbreak of COVID-19," *The Globe and Mail* (2 May 2020), online: <www.theglobeandmail.com/business/article-how-cargill-became-the-site-of-canadas-largest-single-outbreak-of/>; Joel Dryden & Sarah Rieger, "Inside the Slaughterhouse," *CBC News* (6 May 2020), online: <www.newsinteractives.cbc.ca/longform/cargill-covid19-out-break>.

⁶⁶ Letter from Thomas Hesse to Dale LaGrange (12 April 2020), online: <www.gounion.ca/wp-content/uploads/2020/04/2020.04.12-UFCW-401-Letter-to-Cargill-High-River-5.57.23-PM.pdf>; The Canadian Press Staff, "Olymel Plants Shuts Door to 1,000 Employees after 9 Test Positive for COVID-19," *CTV News* (29 March 2020) online: <www.montreal.ctvnews.ca/olymel-plant-shuts-doors-to-1-000-employees-after-9-test-positive-for-covid-19-1.4873182>.

⁶⁷ Baum, Tait & Grant, *supra* note 65.

⁶⁸ *Ibid.*

⁶⁹ Joel Dryden, "Class-Action Lawsuit Filed Against Cargill Meat-Packing Plant," *CBC News* (10 July 2020), online: <www.cbc.ca/news/canada/calgary/cargill-high-river-guardian-law-group-calgary-alberta-1.5645394>.

⁷⁰ Dave Seglins, Sarah Rieger & Inayat Singh, "RCMP Launch Criminal Probe into COVID-19 Death Tied to Massive Alberta Meat Plant Outbreak," *CBC News* (11 January 2021), online: <www.cbc.ca/news/canada/calgary/rcmp-criminal-investigation-cargill-covid-1.5867547>.

outbreak. Maple Leaf Foods issued voluntary recalls and closed its facility for several months to clean all equipment, and this has largely been applauded as industry best practice.⁷¹ It speaks volumes about the values of the slaughtering and meat processing industry and the priorities of federal and provincial authorities that worker safety during the pandemic did not warrant the same degree of concern.

COVID-19 did not create unsafe working conditions in abattoirs, but it did exacerbate existing occupational hazards. Moreover, one year into the pandemic, they do not appear to be dissipating. The second most deadly outbreak in a Canadian facility after Cargill's High River outbreak was at Exceldor Cooperative's poultry plant in Blumenort, Manitoba in October 2020.⁷² In November 2020, while union representatives at Olymel's facility in Princeville, Quebec called for a 14-day shutdown after 95 employees out of 370 tested positive for COVID-19, public health authorities concluded that a shutdown was unnecessary. On the other hand, in December 2020, after at least six confirmed cases were linked to the Eden Valley Poultry Inc. processing plant in Berwick, Nova Scotia, the provincial government ordered a 14-day shutdown. Perhaps unsurprisingly, the chair of the Chicken Farmers of Nova Scotia expressed frustration with the shutdown, calling for rapid testing so that workers could return to the plant as quickly as possible.⁷³

IV. CONCLUSION

The devastating impact of COVID-19 on the meat-packing industry brought media attention to an industry whose very existence many prefer to ignore. But, in shining a light on these normally hidden spaces, a unique policy window now presents itself to leverage public outrage and revisit existing regulations that tolerate, and even encourage, dangerous practices in abattoirs and meat processing facilities. A century after *The Jungle* spurred impressive legislative reform in the meat-packing sector, this is another moment that must not be wasted. In the US, the pandemic has been used to justify granting at least five poultry plants authorization to run their slaughter lines at higher speeds, up to 175 birds per minute, under the guise of maintaining the nation's food supply.⁷⁴ In contrast, politicians in Germany responded to outbreaks in their meat processing plants by coming together to introduce a series of reforms to crack down on exploitation in the country's meat industry, including a proposal to ban the use of subcontractors to protect migrant workers.⁷⁵ This is an opportunity for regulators in Canada to reform line speed conditions and to consider how the social, moral, and ethical aspects of meat production intersect with microbial safety objectives.

⁷¹ Kimberly A Beauchamp & Robert S Littlefield, "The Maple Leaf Foods Recall: Best Practice Interaction During a Food-Related Crisis" (2012) 3:1 Intl J Bus Continuity & Risk Management 1.

⁷² "27 COVID-19 Cases at Manitoba's Largest Poultry Plant Apparently Linked to Community Spread, Province Says," *CBC News* (21 October 2020), online: <www.cbc.ca/news/canada/manitoba/exceldor-cooperative-grannys-poultry-blumenort-covid19-1.5771319>.

⁷³ Alexander Quon & Alexa MacLean, "Shutdown of NS Poultry Plant Could Result in Widespread Euthanization of Chickens: Expert," *Global News* (14 December 2020), online: <www.globalnews.ca/news/7519201/shutdown-ns-poultry-plant-euthanization/>.

⁷⁴ Deena Shanker & Lydia Mulvany, "US Backs Contentious Meat-Plant Change with Supply at Risk," *Bloomberg* (13 April 2020), online: <www.bloomberg.com/news/articles/2020-04-13/u-s-backs-contentious-meat-plant-changes-with-supply-at-risk?sref=AHGsMaqe>.

⁷⁵ Arthur Neslen & Eleanor Mears, "Germany Aims to Protect Abattoir Workers after Mass COVID Outbreaks," *Politico* (29 July 2020), online: <www.politico.eu/article/germany-aims-to-protect-abattoir-workers-after-mass-covid-outbreaks/>.

In the 1980s, Carlo Petrini and a group of activists founded the Slow Food movement with the initial aim of defending “old-fashioned food traditions.”⁷⁶ Over time, the movement has evolved and refined its definition of what constitutes quality food. According to the movement’s “Manifesto for Quality,” quality food must be good (referring to food’s flavour and aroma), clean (referring to environmental stewardship, sustainability, and the safeguarding of the health of consumers and producers), and fair (referring to respectful labour conditions, balanced global economies, and solidarity).⁷⁷ As outcome-based regulation coincides with accelerating slaughter line speeds, there is much to learn from the Slow Food movement. Thinking broadly in terms of food quality, rather than narrowly in terms of microbial safety, creates space to reflect on how food safety regulations can take positive attributes into account.

Throughout this article, analogies were made with highway safety codes and speed limits. What if rather than limiting our imagination to the way a six-lane expressway is policed, we think more creatively about the value of slowing down by comparing slower speeds to the experience of driving along the scenic route? Regulating speed in terms of food safety outcomes suggests that the only thing that matters is the destination. But as anyone who has taken a leisurely summer drive along a country road with the windows open and music playing knows, the journey can be just as important. Without romanticizing the analogy too much, it is helpful to conceptualize the possibilities of adapting the Slow Food philosophy to food safety governance and the meat-packing industry specifically.

This article sought to draw attention to the ways that regulatory decisions in food safety governance have profound implications on animal welfare and occupational health and safety. Traditionally, regulatory decisions around food production have been made in silos. Nevertheless, the reality is that livestock, workers, and meat products all interact along the assembly line and are impacted by its speed. It is imperative to take seriously the interconnectedness among all three and the social impacts of the acceleration of production on the well-being of humans and the welfare of animals that meet on the kill floor.

⁷⁶ Slow Food, “Slow Food Manifesto: International Movement for the Defense of and the Right to Pleasure,” online: <www.slowfood.com/filemanager/Convivium%20Leader%20Area/Manifesto_ENG.pdf>.

⁷⁷ Slow Food, “Good, Clean and Fair: Slow Food Manifesto for Quality,” online: <www.slowfood.com/wp-content/uploads/2015/07/Manifesto_Quality_ENG.pdf>.

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