

Human Resources Legislative Update

Ontario to Reform Certain Workplace Laws Relating to Construction Labour, Pensions and Workplace Safety and Insurance

Date: November 25, 2015

On November 18, 2015, the Ontario government introduced [Bill 144, the Budget Measures Act, 2015](#), omnibus legislation that would, if passed and among other things, implement reforms to construction labour relations, workplace safety and insurance indexing and to certain rules governing multi-employer pension asset transfers.

The proposed Bill 144 changes include:

- Amending the construction industry provisions of the *Labour Relations Act, 1995* by adding a time-limited regulation-making authority which would permit, among other things:
 - bargaining rights created by the Sarnia Working Agreement held by an employee bargaining agency and its affiliated bargaining agents to be deemed abandoned with respect to the employer. Among other things, on the day the regulation comes into force: the bargaining agents will cease to represent employees of the employer in the industrial, commercial and institutional sector of the construction industry; and any provincial agreement to which the employee bargaining agency is a party would be terminated. This regulation-making authority would come into force on the day Bill 144 receives Royal Assent.
 - the imposition of additional rights and obligations on the employer and bargaining agent or affiliated bargaining agent, including with respect to the subcontracting of work. The rights and obligations would remain binding on the relevant parties until they agree otherwise in writing. This regulation-making authority would come into force on a date to be named by proclamation, or no later than one year after Bill 144 receives Royal Assent.
- Effective January 1, 2018, eliminating alternate and prescribed temporary indexing factors under the *Workplace Safety and Insurance Act, 1997* ("Act"). Bill 144 would establish an indexing factor to be used for annual adjustments to amounts payable January 1 based on an amount equal to the percentage change in the Consumer Price Index for Canada in the 12-month period ending on October 31 of the previous year. This provision would apply to the calculation of all amounts payable under Part IV of the Act (Insured Payments) and includes transitional provisions.
- Extending the *Pension Benefits Act* rules for single employer asset transfers between pension plans under section 79.2(11) and rules with respect to the adoption of a successor plan under section 81 in the *Pension Benefits Act* to multi-employer pension plans. This change would come into effect on a date to be proclaimed.