

## Human Resources Legislative Update

### Ontario Tables Bill to Amend Employment and Labour Laws

**Date:** June 1, 2017

On June 1, 2017, the Ontario government introduced Bill 148, the [Fair Workplaces, Better Jobs Act, 2017](#), legislation which, if passed, will make significant amendments to the *Employment Standards Act, 2000* (ESA) and the *Labour Relations Act, 1995* (LRA). On the same date, the Bill was referred to the Standing Committee on Finance and Economic Affairs.

Among other things, amendments to the ESA would:

- add a new Part VII.1, Requests for Changes to Schedule or Work and a new Part VII.2, Scheduling
- amend the overtime pay rules for certain employees
- increase the minimum wage on January 1, 2018 and again on January 1, 2019
- include Family Day as a designated public holiday
- amend the rules for the calculation of public holiday pay
- provide a minimum of three weeks' vacation entitlement to employees who have worked for five years or more
- provide an entitlement for equal pay for equal work, including an entitlement for assignment employees of temporary help agencies to receive equal pay where they perform substantially the same work as an employee of the agencies' clients
- increase the length of unpaid leaves of absence for family medical leave and crime-related child disappearance leave
- provide a new unpaid leave of absence if a child of an employee dies for any reason
- extend personal emergency leave entitlement to all employees, not just those of employers with 50 or more employees, and provide for two days of paid leave; employers would not be permitted to require a certificate from a qualified medical practitioner for these absences
- require temporary help agencies to provide assignment employees with one week's notice or pay in lieu in specified circumstances where an assignment with an estimated term of three or more months is ended before the expiration of the term
- amend the provision relating to notice of contravention to provide, among other things, that the amount of the penalty shall be determined in accordance with the regulations
- establish new provisions relating to collection.

Among other things, amendments to the LRA would:

- add a provision allowing a trade union to apply to the Ontario Labour Relations Board to direct an employer to provide the union with a list of the employer's employees
- for employees of specified industry employers (building services, home care, community services, temporary help agencies), provide an alternative process for certification of trade unions as bargaining units for those employees
- provide for first collective agreement mediation and first collective agreement mediation-arbitration
- establish rules governing the reinstatement of employees at the conclusion of a lawful strike or lock-out
- prohibit employers, during bargaining periods, from discharging or disciplining employees in an affected bargaining unit without just cause.

We are in the process of reviewing Bill 148 and will be providing a more detailed discussion on our website in the coming days.