



FTR Now

Ontario Introduces Legislation to Reverse Key Bill 148 Employment and Labour Reforms

Date: October 23, 2018

Editor's Note: Bill 47, the [Making Ontario Open for Business Act, 2018](#) has now been introduced. We are in the process of reviewing the specific legislative proposals, and a more detailed discussion will be available on our website in the coming days.

On October 23, 2018, the Ontario [government announced](#) that it will be introducing proposed legislation today to repeal many of the significant employment and labour law reforms enacted by Bill 148 – including provisions with respect to equal pay, paid personal emergency (PEL) days, scheduling, card-based certification for certain industries and eliminating the requirement that employers provide unions with contact information for employees where they demonstrate that they have 20% support. Learn more in this *FTR Now*.

The Announcement

In an announcement from Jim Wilson, Minister of Economic Development, Job Creation and Trade, and Minister Responsible for Red Tape and Regulatory Burden Reduction and Laurie Scott, Minister of Labour, the government advised it will be introducing the *Making Ontario Open for Business Act*.

[In today's announcement](#), Minister Scott advised that the new Bill would amend the *Employment Standards Act, 2000* (ESA) and the *Labour Relations Act, 1995* (LRA) as outlined below.

Amendments to the ESA would:

- Repeal equal pay for equal work (except for the original provisions based on sex)
- Replace the current Personal Emergency Leave with eight unpaid leave days: three for personal illness, three for family responsibilities and two days for bereavement. The Bill will also reinstate the employer right to ask for medical notes

- Repeal the new scheduling provisions that were to be effective on January 1, 2019 including on-call pay, cancellation pay and the right to refuse scheduling changes without sufficient notice.

The government confirmed that it will keep the \$14.00 per hour minimum wage, with future increases based on inflation. The additional week of vacation after five years of services implemented with Bill 148 will also be maintained, as well as the new domestic and sexual violence leave.

Amendments to the LRA would:

- Repeal card-based certification for certain industries, including temporary help agencies and building service providers
- Repeal the provisions requiring employers to provide contact information for employees where the union can establish that they have 20% support
- Reinstate the pre-Bill 148 test and preconditions for the Ontario Labour Relations Board (OLRB) to certify a union as remedy for employer misconduct
- Repeal the power of the OLRB to review and consolidate newly certified bargaining units with existing bargaining units
- Repeal the Bill 148 first collective agreement mediation and mediation-arbitration provisions and provisions for educational support
- Reinstate pre-Bill 148 conditions for access to first agreement arbitration (where it appears to the OLRB that collective bargaining has been unsuccessful for specified reasons).

We will provide a further, more detailed update with all of the proposed changes once the new Bill has been tabled.

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