

**BILL 148 RECEIVED ROYAL ASSENT: SIGNIFICANT CHANGES  
TO THE *EMPLOYMENT STANDARDS ACT***

By [Andrea Marsland](#)

On November 27, 2017, Bill 148: *Fair Workplaces, Better Jobs Act, 2017*, received Royal Assent. Bill 148 makes significant changes to the *Employment Standards Act, 2000* (the "ESA") and the *Ontario Labour Relations Act, 1995*. Below are some of the key changes to the ESA:

- **Minimum Wage Increase:** Subject to certain exceptions, the general minimum wage in the province of Ontario increased to \$14.00 per hour as of January 1, 2018, and will further increase to \$15.00 per hour as of January 1, 2019. Subsequently, it will increase on October 1st of each year to account for inflation.
- **Right to Vacation:** Effective January 1, 2018, employees' vacation entitlements increased from 2 weeks per year to 3 weeks per year for employees who have 5 years of service or more.
- **Independent Contractors:** Employers are now in violation of the ESA if they misclassify their employees as independent contractors.
- **Public Holidays:** Effective January 1, 2018, the rules for calculating public holiday pay are based on the number of days actually worked in the pay period immediately preceding the public holiday.
- **Leaves of Absence:** Among others, changes include the following:
  - o Parental leave has increased from 35 weeks to 61 weeks for those who take pregnancy leave, and from 37 weeks to 63 weeks otherwise;
  - o Effective January 1, 2018, family medical leave increased from 8 weeks to 28 weeks of unpaid leave;
  - o Effective January 1, 2018, employees who have been employed for at least 6 months are entitled to 104 weeks of unpaid leave if a child of the employee dies, regardless of whether the death was crime-related;
  - o Effective January 1, 2018, crime-related child disappearance leave increased from 52 weeks to 104 weeks of unpaid leave;
  - o Effective January 1, 2018, domestic violence or sexual violence leave was added to the ESA, which entitles employees with at least 13 weeks of service to up to 10 days or 15 weeks of leave in each calendar year if the employee or a child of the employee experiences



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domestic or sexual violence or the threat of either one, with the first 5 days of such leave being paid days;

- o Effective January 1, 2018, all employees are entitled to 10 personal emergency leave days per calendar year, with the first 2 days being paid days. An employer is prohibited from requiring the employee to provide a certificate from a qualified health practitioner to support a personal emergency leave.
- **Equal Pay for Equal Work:** Effective April 1, 2018, employers will be required to pay their employees equal pay for equal work regardless of their employment status (e.g., full-time, part-time, temporary). Exceptions include differential rates because of seniority, merit, earnings relating to quantity or quality, etc.
- **Scheduling:** Effective January 1, 2019, employees who have been employed for at least 3 months will have the right to request changes to their schedule and work location.
- **3 Hour Rule:** Effective January 1, 2019, employers will be required to pay employees for 3 hours of work if they regularly work more than 3 hours per day and end up working less than 3 hours despite being available to work longer.
- **Cancellation of Shifts:** Effective January 1, 2019, employers will be required to pay their employees' wages equal to their regular rate of pay for 3 hours of work if the employer cancels the employee's scheduled day of work or scheduled on call period within 48 hours before the time the employee was to commence work or commence being on call.

Employers should undertake a review of their current policies and practices to ensure they are, and will continue to be, in compliance with Bill 148. Please contact the undersigned if you require assistance coming into compliance with Bill 148.