

**BILL 148: PROPOSED CHANGES
TO THE *EMPLOYMENT STANDARDS ACT***

By Andrea Marsland

On June 1, 2017, the Ontario government introduced Bill 148: *Fair Workplaces, Better Jobs Act, 2017*, which proposes significant changes to the *Employment Standards Act, 2000* (the "ESA") and the *Ontario Labour Relations Act, 1995* ("OLRA"). On September 12, 2017, the Second Reading of the Bill commenced and the debates continue to date. Below are some of the key changes being proposed to the ESA. My colleague, Sheryl Johnson, will address the key changes being proposed to the OLRA in the next edition of *Employment Matters*.



[Andrea Marsland](#)
Partner

t: 416.365.3703

amarsland@foglers.com

- **Minimum Wage Increase:** The general minimum wage rate in the province of Ontario will increase to \$14.00 per hour as of January 1, 2018, and then to \$15.00 per hour as of January 1, 2019. Subsequently, it will increase on October 1st of each year, from 2019 onwards, to account for inflation.
- **Right to Vacation:** Employees' vacation entitlements will increase from a minimum of 2 weeks per year to a minimum of 3 weeks per year for employees who have 5 or more years of service.
- **Independent Contractors:** Employers will be in violation of the ESA if they misclassify their employees as independent contractors.
- **Public Holidays:** The rules for calculating public holiday pay will be amended to be based on the number of days actually worked in the pay period immediately preceding the public holiday.
- **Scheduling:** 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:** 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:** 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.
- **Equal Pay for Equal Work:** Employers will be required to pay their employees equal pay for equal work regardless of whether they are full-time, part-time, temporary, seasonal or casual.

- **Leaves of Absence:** Among others, the following changes are proposed: (i) parental leave will increase from 35 weeks to 61 weeks for those entitled to pregnancy leave, and from 37 weeks to 63 weeks otherwise, (ii) family medical leave will increase from 8 weeks to 27 weeks, (iii) employees will be entitled to 104 weeks of unpaid leave if a child of the employee dies instead of the current entitlement to leave only in the event of a crime-related child death, (iv) crime-related child disappearance leave will increase from 52 weeks to 104 weeks, (v) domestic violence or sexual violence leave will be added and will entitle employees to up to 10 days or 15 weeks of unpaid leave if the employee or a child of the employee experiences domestic or sexual violence or the threat of either one, (vi) all employees will be entitled to 10 personal emergency leave days per year, 2 of which will be paid days.

These proposed changes will significantly impact employers in the Province of Ontario. Please contact the undersigned if you require any assistance preparing for them.