

HEADS UP! MORE CHANGES TO ONTARIO'S LABOUR AND EMPLOYMENT LAWS ARE LIKELY ON THEIR WAY

Posted on June 6, 2015

Categories: [Insights](#), [Publications](#)

More, and possibly quite substantive, changes to Ontario's labour and employment laws are on their way. While the province has already proposed and/or made a number of changes to both the *Employment Standards Act, 2000* ("ESA") and *Labour Relations Act, 1995* ("LRA") in recent months – you can read about them [here](#), [here](#), and [here](#) – it has begun a broad review of its overall legal framework to the regulation of workplaces. In the Speech from the Throne presented on July 3, 2014, the province announced that it would undertake a broad review of the province's legislative framework for labour and employment. The province has stated that the process – called the "Changing Workplaces Review" – will have two main elements:

- Engaging openly with Ontarians to consider actions that will support labour and employment law reforms – focusing on the protection of workers while supporting business in an evolving economy; and
- Leading a review of Ontario's system of employment and labour standards through reforms that reflect the realities of the modern economy, such as the rise of non-standard employment and the reduction in the prevalence of employer benefits and training.

The Review includes a series of public consultations, which began in Toronto on June 16, 2015 and will take place in a variety of locations through the end of September. The province has stated that the Review will be the first step towards identifying potential labour and employment law reforms.

The province has appointed two special advisors to lead the consultations: C. Michael Mitchell, a former senior partner at the union-side firm Sack Goldblatt Mitchell LLP and the Hon. John C. Murray, a former Ontario Superior Court Justice and management-side labour and employment lawyer.

What is and is not open for consideration

The province has stated that the Review will attempt to identify what changes, if any, should be made to the *ESA* and *LRA* in light of the changing nature of the economy and the actors and trends that influence it. You can find the Guide to Consultations [here](#).

The Review will focus on the following trends:

- The increase in non-standard working relationships, such as part-time work, temporary contracts, and self-employment;
- The rise in prominence of the service sector;
- The impact of trade liberalization and globalization on the workplace, which increase pressure on employers to reduce costs and increase productivity;
- Accelerating technological change; and
- Great workforce diversity.

Notably, the province has expressly stated that the Review will not consider the following:

- the construction industry provisions of the *LRA*;
- the minimum wage; and
- policy discussions for which other independent processes have been initiated, including the gender wage gap, certain specific issues related to migrant workers, legislation relating to compulsory arbitration for certain public employees, and broader public sector bargaining structures.

While we do not yet know what recommendations will be made as a result of the Review, which is still in its early stages, given the scope of the Review's mandate it is only reasonable to anticipate changes that will have a notable impact on Ontario employers and workplaces.

McMillan's *Employment and Labour Relations* team will continue to keep you informed of any important developments resulting from the Review. In the meantime, if you have any questions or concerns about the impact of recent or possible future legislative changes on you or your business, do not hesitate to contact us.

by Kyle M. Lambert

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

© McMillan LLP 2015