

ONTARIO TO MAKE MAJOR CHANGES TO EMPLOYMENT AND LABOUR STANDARDS THROUGH THE *MAKING ONTARIO OPEN FOR BUSINESS ACT*

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The Government of Ontario today introduced legislation to repeal several changes to the province's employment and labour standards legislation made through Bill 148 (*the Fair Workplaces, Better Jobs Act, 2017*).

Here is what you should know about changes coming under the Making Ontario Open for Business Act:

Employment Standards Act, 2000

- Minimum wage will stay at \$14/hr and will be indexed to inflation starting in 2020.
- Several scheduling changes have been abolished, meaning:
 - No requirement to justify, in writing, responses to employee requests for changes work hours, schedule, or work location;
 - No requirement to provide minimum 3 hours' pay for on-call time or for a shift cancelled with less than 48 hours' notice; and,
 - No requirement to provide 96 hours' notice of work schedules.
- Employers will no longer be required to pay part-time, agency staff, and full-time employees at the same rate for the same work. Equal pay on the basis of sex, however, remains unchanged.
- Substantial changes personal emergency leave changes, including:
 - Reducing the leave from 10 days per year to 8 days, to include: 2 days for bereavement, 3 sick days, and 3 family responsibility days; and
 - Once again permitting employers to request a medical note in support of a leave request.
- Domestic and sexual violence leave will remain unchanged for an employee or an employee's child. Vacation time changes will also remain unchanged.
- Repeal of the "reverse onus", so that employers no longer have to prove that an individual classified as a contractor is not an employee.

Labour Relations Act, 1995

- Secret ballot voting for home care, building services, and temporary help agency certification.
- Elimination of the following:
 - Bill 148's remedial certification amendments;
 - Rules requiring employers to turn over employee lists if 20% of the proposed bargaining unit shows union support;
 - Regulation-making authority to expand successor rights to contract tendering for publicly-funded services, such as homecare; and,
 - OLRB authority to review and consolidate newly certified bargaining units.

Trades and Apprenticeships

In addition, Ontario is proposing the following changes to the College of Trades:

- Introducing a one-to-one journeyman-to-apprentice ratio for every trade for which ratios apply, aligning Ontario with other provinces and territories.
- Initiating a wind-down of the Ontario College of Trades.

We will continue to keep you updated on Ontario's planned employment and labour standards changes, including a more detailed update after the Making Ontario Open for Business Act is tabled in the legislature.

by Kyle Lambert and Melanie Paradis

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.

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