



Employment Standards Act Points

So Long, Farewell to the *Fair Workplaces, Better Jobs Act, 2017*

1. On October 23, 2018, the Ontario government introduced the [Making Ontario Open For Business Act, 2018](#) (Bill 47). The Bill had its second reading on November 12, 2018. According to the Ministry of Labour, the purpose of the legislation is to repeal those amendments made by the recent *Fair Workplaces, Better Jobs Act, 2017* (Bill 148) that are causing employers "the most concern and unnecessary burden."

If Bill 47 becomes law, then the following recent amendments to employment legislation, among others, will be reversed:

2. Minimum wage: there will be no rollback on the previous minimum wage increase, but the minimum wage will be frozen at \$14 per hour going forward. Under current legislation, it is scheduled to increase to \$15 per hour as of January 1, 2019. Bill 47 will keep the \$14 per hour wage rate until at least October 1, 2020.

3. Personal Emergency Leave: the current legislation allows employees "Personal Emergency Leave" of ten days per calendar year, two of which must be paid. Bill 47 would eliminate the requirement on employers to provide paid leave and would reduce the number of unpaid sick days to three per year. It would also provide for two bereavement days and three days for family responsibilities. In addition, employers would be permitted to require reasonable evidence of the leave entitlement, such as a doctor's note.

4. Equal pay for equal work: the current legislation does not allow employers to differentiate pay rates on the basis of employment status. For example, a condominium corporation cannot pay a part time superintendent a different hourly rate than his or her full-time counterpart. There are exceptions in the legislation, such as where the difference is based on seniority or on a merit-based system. The new legislation would eliminate the prohibition altogether such that employers would be free to pay full-time and part-time workers differently (though not on the basis of sex or any other ground set out in the Human Rights Code).

5. Scheduling: several of the new scheduling requirements coming into force on January 1, 2019 would be repealed. In particular, employees would NOT have the following entitlements

- i. the right to request changes to scheduling after employed for 3 months;
- ii. minimum 3 hours of pay for being call;
- iii. the right to refuse requests to work or be on-call when not scheduled with less than 96 hours' notice; and
- iv. 3 hours of pay where the employee's scheduled shift is canceled within 48 hours before the shift is to begin.

Many of these changes are welcome ones for the condominium industry, as the increased wages and new rules surrounding scheduling were both financially and administratively difficult for many condominium corporations and related service providers.

The timeline for Bill 47 to become legislation is not yet known, but it is expected to become law before January 1, 2019