

YOUR GUIDE TO BILL 148 PROVINCIAL LEGISLATION



In the fall of 2017, the Ontario Legislature will vote on Bill 148 (Fair Workplaces, Better Jobs) which proposes an increased minimum wage and changes that will impact scheduling, temporary work, vacation time, unionization and more.

WHY BILL 148?

The Ontario Government said that “although the province’s economy is strong and growing” there is an increase in part time, minimum wage and contract work and this legislation is intended to protect these workers.

If Bill 148 passes, the following will be impacted

Minimum Wage

Increased to \$14 in 2018 and \$15 in 2019
Adjusted to inflation every October 1st
Increased rates for students and liquor servers

Vacation time

Minimum 3 weeks’ vacation per year (6% vacation pay) after 5 years with the same employer.

Holiday pay

Calculated by dividing wages earned in the pay period immediately preceding the public holiday by the number of days actually worked
Cannot impose a substitute day as a holiday when the employee works on a holiday
When the holiday is not on a work day, the substitute day must be given the work day before or after the actual holiday

Scheduling

Employees with 3 months of service may ask for a change in schedule or work location

The employer must discuss the request with the employee and notify of the decision within a reasonable time

Three hour rule

The employee is entitled to 3 hours of pay if the employee regularly works more than 3 hours a day, is required to present themselves at work and works less than 3 hours unless it is outside of the employer's control (i.e. power failure, weather)

On call

Employee is entitled to 3 hours of pay if he/she is on call to work within a 24 hour period and is not called in to work, or is called in for less than 3 hours

Refusal of shifts

Employee has a right to refuse an employer's request to work or be on call if it's their day off, if given less than 96 hours' notice.

Employee must inform employer of their refusal asap.

Cancellation of shifts

If a scheduled work day is cancelled by an employer within 48 hours of a worker's scheduled shift (including on-call), the employee must be compensated with 3 hours of pay

Does not apply if the cancellation is due to factors outside the employer's control (fire, weather, etc.)

Temporary employees

Temp agency employers must pay assignment employees the same as the agency's client's employees if the work/conditions/skills are comparable

Assignment employees must be given 1 week's notice of early termination of work that was intended to last more than 3 months

PT/Casual/Season pay

PT, casual and seasonal employees must be paid the same as FT if the work/conditions/skills are comparable

Does not apply when pay is based on seniority, merit or other allowed pay systems

Independent contractors

Employer will have to prove that an employee wasn't misclassified as an "independent contractor"

Personal Emergency Leave

Elimination of the 50 employee threshold

Expanded to include cases of domestic and sexual violence

The first 2 emergency leave days must be paid

Medical certificates no longer required

Family medical leave

Increased from 8 weeks to 27 weeks

Unions

Unions would have the right to employee lists and contact info if evidence that the union has 20% or more support

Labour Board could encourage increased use of interest arbitration and impose a mediation process to settle first contract instead of strike or lockout

Card-based certification available for temp help agencies, building services, home care and community service providers

Labour Board would have greater authority to unionize an employer who violates the Labour Relations Act

Labour Board would have the ability to restructure bargaining units within a single employer and to consolidate newly certified bargaining units with existing units if they are represented by the same agent

Employers would be required to reinstate an employee after a legal strike or lock-out.

Filing a claim

Employees would no longer be required to contact their employer before filing a claim under the Employment Standards Act

Claims must be resolved within 90 days

Penalties

Fines increased from \$2,000 to \$5,000 for individuals and from \$25,000 to \$100,000 for organizations.

Enforcement

Ontario will hire 175 more employment standards officers and launch an educational program for employers and SMEs

Employment officers will inspect 1 in 10 workplaces

Compliance assistance will be provided for new employers, particularly SMEs

TAKE ACTION Ontarians have until October 1 to:

Write to the Standing Committee on Finance and Economic Affairs **by 5:30 p.m. on Friday, July 21, 2017.**

Peter Milczyn, MPP, Chair

Eric Rennie, Clerk

Room 1405, Whitney Block, Queen's Park, Toronto, ON, M7A 1A2.

Email: erennie@ola.org

Contact your Member of Provincial Parliament

Bob Bailey, MPP Sarnia-Lambton

805 Christina St N #102, Point Edward, ON N7V 1A4

bob.baileyco@pc.ola.org

Monte McNaughton, MPP Lambton-Kent-Middlesex

81 Front St. W., Strathroy ON N7G 1X6

monte.mcnaughton@pc.ola.org

Support the Keep Ontario Working Campaign

<http://keepontarioworking.ca/>

<http://keepontarioworking.ca/send-a-letter>

Email the Chamber: speakup@slchamber.ca

RESOURCES

[Bill 148](#), Fair Workplaces, Better Jobs Act, 2017

Government of Ontario [Media Release](#)

[Proposed Changes](#) to Ontario's Employment and Labour Laws