

BILL 148 - OVERVIEW

Overview: Bill 148 is a provincial bill that changes several pieces of employment and labour relations related legislation. Most notably, the bill impacts the Employment Standards Act (ESA) and the Labour Relations Act (LRA), Ontario's two key pieces of legislation establishing the minimum standards for the employer-employee relationship (ESA) and labour relations (LRA).

What You Need to Know: Bill 148 received Royal Assent on November 27, 2017, bringing into immediate effect provisions on critical illness leave, increases to parental leave and provisions against employee misclassification. Other changes will be implemented as per the timeline below.

On Royal Assent

Nov 22,
2017

Critical Illness Leave: Employees now entitled to take up to 17 weeks of leave in a 52-week period

Misclassification of Employees: The ESA expressly prohibits employers from misclassifying employees as independent contractors and increases penalties for treating employees as self-employed

Jan 1,
2018

Pregnancy and Parental Leave: combined leave increases from 12 months to 18 months

General Minimum Wage: increases to \$14 per hour on January 1, 2018 (from \$11.60). Special minimum wage rates will also increase

Paid Vacation: increases to 3 weeks (6% vacation pay) for employees with 5 or more years of service with an employer (from 2 weeks and 4%)

Public Holiday Pay: changes to the formula for calculating public holiday pay. The new calculation is: wages earned in the pay period immediately preceding the public holiday days worked to earn those wages

Personal Emergency Leave: extended to all employers (including employers with < 50 employees), 2 days are now paid and 8 are unpaid

APRIL 1,
2018

Family Medical Leave: increases to 27 weeks in a 52-week period (from 8 weeks in a 26-week period)

Equal Pay for Equal Work: pay for part-time, casual, temporary and seasonal employees must equal that of full-time employees performing the same job (with exceptions due to seniority, merit etc.)

JAN 1,
2019

General Minimum Wage: increases to \$15 per hour

Scheduling: minimum of 3 hours of pay at regular rate of pay when an employee reports for a shift or the shift is cancelled within 48 hours of the scheduled start (with some exceptions for circumstances beyond the employer's control). Right to refuse a shift if scheduled within 96 hours of the scheduled start

3-Hour On-call Pay: minimum of 3 hours of pay at regular rate of pay if an employee is placed on-call and not called into work, is called in for less than 3 hours, or the on-call shift is cancelled within 48 hours of the scheduled start (with exceptions for circumstances beyond the employer's control)

Note: The focus of this list is on key changes to the Employment Standards Act (ESA), and is not exhaustive. This list does not touch on changes to the Labour Relations Act.

For more information, please contact us at bill148@mnp.ca

HOW MNP CAN HELP

MNP has many services we can provide to help our clients to prepare for Bill 148. These include:

Risk Assessment and Action Plan

- Clients can complete a questionnaire to identify key impacts for their organization and will receive a list of key actions to respond to the impacts. The assessment can be administered via MNP upon request.

HR-Products and Services to comply with and successfully implement changes including:

- Compensation reviews and wage rate updates
- HR policy review, development and updates
- Employee communications

Business Improvements to off-set costs, drive profitability and drive a competitive advantage including:

- Changes to strategies to increase profitability
- Strategies to grow revenue including margin management, sales and revenue growth

