



A Guide for Employers

Bill 148: Fair Workplaces, Better Jobs Act

November 2018



PENINSULA



About Peninsula

Peninsula is an employer resource for HR and employment advice, offering guidance to small- and medium-sized businesses. For over three decades, we have supported over 50,000 businesses worldwide, across every sector and industry.

Our clients benefit from immediate access to unlimited 24/7 employment advice, legal expenses insurance, on-site HR audits, a suite of employer documents and templates, online employee management tools, and legislation updates, all of which are custom-tailored to your business. Simply put, Peninsula is an affordable alternative solution to having your own in-house human resources team. We're here to help you, anytime.

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Who is this guide for?

The essential guide for HR and employment topics dedicated to small business owners.

If you are a business owner or employer, this guide is for you.

The content is designed to address employment-related topics and provides basic information and answers to frequently asked questions.

Use this guide as a reference point for:

- Employer need-to-knows
- HR best practices
- Employment-related facts
- Legislation updates

If you require help to apply this information to your particular situation, please contact Peninsula to speak with our expert HR and employment advisors. Our dedicated employer's advice line is a complimentary service that's available 24/7 at **1(833) 247-3651**.

Please note: On November 21, 2018, the Ontario Provincial Government passed Bill 47, *Making Ontario Open for Business Act, 2018*. This Bill will repeal sections of the previous government's Bill 148 *Fair Workplaces, Better Jobs Act*. The Act will come into force on January 1, 2019.

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Fair Workplaces, Better Jobs Act

A Resource Dedicated to Employers

This employer guide provides an overview of Ontario's new legislation to create fair workplaces and better jobs. The content in this guide addresses when and how this will impact employers. As a small business owner, use this resource to avoid common pitfalls.

The Fair Workplaces, Better Jobs Act, proposed under Bill 148, makes amendments to the **Employment Standards Act, 2000** (ESA) and the **Labour Relations Act, 1995**.

For small business owners, these plans may require the greatest adjustments. Many of these changes will impact employers by changing the minimum workplace standards. Officially, the **Fair Workplaces, Better Jobs Act, 2017** was passed on November 22, 2017. There are several changes that have come into effect as of December 3, 2017 and major adjustments have followed on January 1, 2018.

As an employer, you must keep up-to-date with these rules and regulations, as they are significant to your business. Employers are strongly advised to review their existing HR policies and procedures, such as, contracts or employee handbooks, to make sure each document is aligned with the proposed Act.

Understanding Bill 148 and the Fair Workplaces, Better Jobs Act

Under Bill 148, Ontario has changed employment standards and labour laws to create opportunity and security for workers.

On May 23, 2017, the Government of Ontario released the Changing Workplaces Review Final Report. Under Bill 148, the purpose is to make recommendations with an Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts.

How does an Ontario bill become a law?

For a bill to become a law, there are four key stages to complete the process.

- 1 **First Reading:** the purpose of the bill is introduced and the objectives are explained.
- 2 **Second Reading:** the bill is debated in principle. During this stage, a committee review with public hearings may be held and a formal report with any amendments to the bill is presented.
- 3 **Third Reading:** the bill goes through final debate; a vote is called for final approval of the proposed laws.
- 4 **Royal Assent:** the bill is presented to the Lieutenant Governor for Royal Assent. This is the last step to officially make the bill a law.

The Fair Places, Better Jobs Act, 2017

The **Fair Workplaces, Better Jobs Act, 2017** introduced new workplace legislation. This includes changes, such as, an increase to minimum wage, pay for part-time and temporary staff, paid sick days, and vacation entitlement.

As of November 22, 2017, the Fair Workplaces, Better Jobs Act has been passed.

What does Bill 148 mean for small business owners?

The changes to Ontario's employment and labour laws have significant impact on the workplace. The Act is positioned to create more opportunity and security for workers, which immediately impacts the operations of all businesses. For small businesses, these plans are making the greatest impact, in areas such as,

- Increase to minimum wage
- Change to workforce policy rules, such as entitlement and pay for vacation, holiday days, and overtime
- New regulation around scheduling

Do you have questions about Ontario's new labour laws? Ask an HR expert - it's in your favour.

The Passing of Bill 148

As a small business owner, it is important to be aware of the changes that will impact your organization, as they come into effect.

May 23, 2017

The Government of Ontario releases the **Changing Workplaces Review**, in review of the province's **Employment Standards Act, 2000** and **Labour Relations Act, 1995**.

June 1, 2017

Bill 148 to create Fair Workplaces and Better Jobs passes the **first reading**. Ontario proposes five ESA amendments: 1) **minimum wage**; 2) **equal pay for equal work**; 3) **personal emergency leave**; 4) **vacation entitlement and pay**; and 5) **employee scheduling**.

June 8, 2017

Ontario proposes **10 days personal emergency leave**, two of which are paid for all workers.

September 18, 2017

Ontario introduces the Employment Standards Training and Education Program to protect employees and support employers.

October 18, 2017

Bill 148 to create Fair Workplaces and Better Jobs passes the **second reading**.

November 17, 2017

Bill 148 to create Fair Workplaces and Better Jobs ordered for **third reading**.

May 30, 2017

The Ontario government formally announces its intention to introduce proposed legislation, the **Fair Workplaces, Better Jobs Act, 2017**.

June 6, 2017

Ontario proposes amendments to the working conditions of **temporary help agency workers**, including: 1) equal pay for equal work; 2) increase to minimum wage; 3) new unionization model; and 4) paid personal emergency leave.

July 10, 2017

The Standing Committee on Finance and Economic Affairs begins two-week consultation.

October 5, 2017

Ontario proposes expands **job-protected leave** for workers who are **victims of domestic or sexual violence**.

November 8, 2017

Ontario proposes to **paid personal emergency leave for every worker** and to **prohibit mandatory doctor's notes**

November 22, 2017

Ontario **passes legislation** to create Fair Workplaces, Better Jobs

With the passing of the Fairworkplaces, Better Jobs Act, what laws have or will be changing?

Critical Illness Leave

In a 52-week period, employees are entitled to 17 weeks of leave to care for a critically ill adult family member, and up to 37 weeks for a critically ill child family member.

Minimum Wage

General minimum wage has increased to \$14.00 per hour.

Overtime Pay

Employees who hold more than one position with an employer must be paid at an overtime rate for the position worked during those additional hours.

Vacation Entitlement and Pay

Vacation entitlement has increased to a minimum of three weeks with pay for employees who provide five years of service.

Personal Emergency Leave

All workers are entitled to 10 PEL days per year, two of which are paid.

Family Medical Leave

Medical leave for family has increased up to 8 weeks in a 26-week period and up to 27 weeks in a 52-week period.

Paying Employees

Additional methods of payment to employees can be authorized by an Employment Standards Officer.

DEC 3
2017

JAN 1
2018

Parental Leave

New parents are entitled to 61 weeks of leave if the employee took pregnancy leave, and up to 63 weeks otherwise.

Termination of Assignment

A mandatory one week's notice is required for assignments scheduled to last over three months that end early.

Joint Liability

The provision that requires proof of "intent or effect" has been removed and original intentions have been restored.

Public Holiday Pay

The formula has been simplified for calculating public holiday pay so that employees are entitled to their average regular daily wage.

Leave of Absence for a Child's Death or Crime-Related Disappearance

A new and separate leave for child death or crime-related disappearance of up to 104 weeks will be established.

Sick Notes

Employers will be prohibited from request sick notes from employees.

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Continued: with the passing of Bill 148, what are the timeline of changes?

Penalties for Non-Compliance of the ESA

Employer penalties for ESA violations have increased to \$350, \$700, and \$1500.

Interest on Unpaid Wages

Employment Standards Officers are able to award interest on employees' unpaid wages and on fees that are unlawfully charged.

Electronic Agreements

Agreements made electronically between employers and employees officially act as an agreement in writing.

Scheduling

New scheduling rules, such as, pay for three hours of work if a shift is cancelled within 48 hours of the start time, will be in place.

JAN 1
2018

Employee Contract

Employers are no longer required to be contacted by employees when filing an Employment Standards Act claim.

Collections

Issuing allowance has increased for wage collections by the government or an authorized collector

APR 1
2018

Equal Pay for Equal Work

Casual, part-time, temporary and seasonal employees will receive pay that is equal to full-time employees when performing the same job for the same employer.

JAN 1
2019

Minimum Wage

General minimum wage will increase to \$15.00 per hour.

As an employer, it is important to know where there are exclusions to these changes. Ask for advice from a professional to ensure that your business is covered fully.



Summary

Bill 148: Fair Workplaces, Better Jobs Act

As you can see, the **Fair Workplaces, Better Jobs Act** greatly impacts your business practices. For small business owners, this may have caused uncertainty in having to plan for labour cost outcomes or new organizational initiatives.

It is important as an employer, to make sure you're following the law and move ahead with confidence to guide your organization to success.

Learn More

If you have questions about Bill 148 or how to apply the changes to your business, contact Peninsula. We are dedicated to providing small business owners with human resources support. Call us today.

1(833) 247-3651

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- The [Employment Standards Act, 2000 \(ESA\)](#)
- [Peninsula Employment Services](#)
- [Peninsula's Free Employer Downloads](#)

Or, save time and money with a quick solution. Give us a call, instead - **1(833) 247-3651**