

## Ontario Bill 148 ESA, LRA, and OHS Changes Checklist

The following checklist is intended to outline the changes made to Ontario's *Employment Standards Act, 2000*, *Labour Relations Act, 1995*, and *Occupational Health and Safety Act* by the *Fair Workplaces, Better Jobs Act, 2017* (formerly Bill 148).

The checklist should be used to check current practices against legislated obligations to ensure compliance with the legislation.

### Employment Standards Act, 2000

Provision	Updated Legislative Guideline	Affected Policies	Check if Compliant
<b>Locations and scheduling</b>	Employees may request a change to their schedule or work location after three months' employment. Employers must notify when the change comes into effect if approved, or else explain the reasons for the denial.		<input type="checkbox"/>
	Three-hour rule imposes minimum three hours' pay for short shifts under certain circumstances.		<input type="checkbox"/>
	On-call employees must be paid for at least three hours' work, even if they are not called in, under certain circumstances.		<input type="checkbox"/>
	Employees may refuse shifts offered with less than 96 hours' notice, under certain circumstances.		<input type="checkbox"/>
	Employees are entitled to three hours' pay if a shift or on-call period is cancelled with less than 48 hours' notice, under certain circumstances. This does not apply if a shift is shortened or lengthened.		<input type="checkbox"/>

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Provision	Updated Legislative Guideline	Affected Policies	Check if Compliant
<b>Overtime pay</b>	Employees who receive different wages for different work will have overtime pay calculated based on the actual work performed during the overtime hours, rather than the average of the different wages.		<input type="checkbox"/>
<b>Minimum wage</b>	As of January 1, 2018, the general minimum wage is \$14 per hour. As of January 1, 2019, the general minimum wage will be \$15 per hour.		<input type="checkbox"/>
	Liquor servers may only be paid the liquor server minimum wage if they regularly receive tips or other gratuities; otherwise, they must be paid the general minimum wage.		<input type="checkbox"/>
<b>Vacation</b>	Employees who have worked for the same employer for five years are entitled to at least three weeks' paid vacation after each completed entitlement year.	Vacation Policy	<input type="checkbox"/>
<b>Public holidays</b>	Public holiday pay is now based on the wages earned in the preceding pay period divided by the number of days worked in that period. Some exceptions apply	Public Holidays Policy	<input type="checkbox"/>
	Changes have been made to the written notice employers must provide when substituting a public holiday. These changes apply under various circumstances outlined in the act.	Alternate Public Holiday Agreement	<input type="checkbox"/>
<b>Equal pay for equal work</b>	As of April 1, 2018, equal pay provisions will prohibit pay discrimination based on employment status.		<input type="checkbox"/>

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Provision	Updated Legislative Guideline	Affected Policies	Check if Compliant
<b>Pregnancy leave</b>	Any employee whose pregnancy leave begins after January 1, 2018, and who is not eligible for parental leave, will be entitled to end their pregnancy leave either 17 weeks after the leave began or 12 weeks after the birth, stillbirth, or miscarriage, whichever is later.	Protected Leaves Policy Pregnancy and Parental Leave Checklist	<input type="checkbox"/>
<b>Parental leave</b>	Parental leave may now begin as late as 78 weeks after the child is born or first comes into the employee's custody, care, and control. Parental leave now lasts up to 61 weeks for employees who take pregnancy leave, and 63 weeks for those who do not.		<input type="checkbox"/>
<b>Family medical leave</b>	Family medical leave is now up to 28 weeks, instead of eight.	Protected Leaves Policy	<input type="checkbox"/>
<b>Critical illness leave</b>	Now available for any prescribed family member, not just children. Leave entitlement is 37 weeks for minor children and 17 weeks for adults.		<input type="checkbox"/>
<b>Child death leave</b>	Entitlement of up to 104 weeks of unpaid leave for child death regardless of whether that death is crime-related.		<input type="checkbox"/>
<b>Crime-related child disappearance leave</b>	Entitlement has increased to a maximum of 104 weeks.		<input type="checkbox"/>

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Provision	Updated Legislative Guideline	Affected Policies	Check if Compliant
<b>Domestic or sexual violence leave</b>	Available to employees who have been employed by their employer for at least 13 consecutive weeks. Provides up to 10 days of leave to be taken as individual days, and up to 15 weeks to be taken as full weeks. The first five days of leave must be paid.	Protected Leaves Policy	<input type="checkbox"/>
<b>Personal emergency leave</b>	Personal emergency leave is now available to all employees. Two of the 10 days must be paid. Employers can no longer require a doctor's note.	Protected Leaves Policy  Personal Emergency Leave Form	<input type="checkbox"/>
<b>Contractor and Employee Distinctions</b>	Employees cannot be intentionally "misclassified" as independent contractors.	Contractor and Employee Distinctions Policy and Agreements	<input type="checkbox"/>

**Labour Relations Act, 1995**

Provision	Updated Legislative Guideline	Affected Policies/Practices	Check if Compliant
<b>Card-Based Certification</b>	A card-based union certification process will apply to workers in the temporary help agency industry, the building services sector, and the home care and community services industry.		<input type="checkbox"/>
<b>Secret Ballot Certification</b>	Unions can more easily obtain certification where an employer has engaged in misconduct, access to first contract arbitration is easier, and the Ontario Labour Relations Board will be able to conduct votes outside of the workplace.		<input type="checkbox"/>

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<b>Employee lists</b>	Under certain circumstances, trade unions can apply for an order directing employers to provide a contact list of employees.		<input type="checkbox"/>
<b>Termination and discipline</b>	Employers may not terminate or discipline an employee in a bargaining unit without just cause during a lawful strike or lock-out, nor between the date of certification and when the first collective agreement begins.		<input type="checkbox"/>
<b>Arbitration and mediation</b>	Mediation is now an available remedy during labour disputes, in addition to existing arbitration provisions.		<input type="checkbox"/>
<b>Reinstatement</b>	Employees shall be reinstated after a lawful strike or lockout to their former positions, subject to certain exceptions.		<input type="checkbox"/>

***Occupational Health and Safety Act***

Provision	Updated Legislative Guideline	Affected Policies/Practices	Check if Compliant
<b>Footwear</b>	Employers can no longer require employees to wear footwear with an elevated heel, except for health and safety reasons. This provision does not apply to performers in the entertainment and advertising industries.	Dress Code	<input type="checkbox"/>