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**Bill 148, Fair Workplaces, Better Jobs Act, 2017:
Approaches Changes to the Workplace**

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On June 1, 2017, Ontario's legislature unanimously passed the first reading of Bill 148, an Act to amend the *Employment Standards Act, 2000*, the *Labour Relations Act, 1995* and other related statutes. As the government hopes to implement some aspects of this new legislation effective January 1, 2018, the Bill will likely receive its final reading and Royal Assent this coming fall.

You have probably heard of the anticipated changes to Ontario's minimum wage. If passed, this Act proposes to increase the minimum wage for most wage-earners to \$14.00 per hour as of January 1, 2018, and to \$15.00 per hour effective January 1, 2019. Note that a different minimum wage applies for students under 18 years of age, employees who serve liquor (and who receive tips), hunting and fishing guides, and homeworkers.

In addition, there are other proposed changes that may also significantly affect your workplace and the enforceability of any employment agreements that may currently be in place. Written employment agreements can be a useful tool to limit an employer's liability if they choose to dismiss one or more employees in the absence of just cause. However, such agreements should be reviewed from time to time to ensure they remain compliant notwithstanding the evolving state of the law.

If this legislation is implemented, there may very well be some terms and conditions in your present employment agreements and/or policies that will be inconsistent with the new minimum employment standards and may put the enforceability of your employment agreement at risk.

In addition to the anticipated changes to the minimum wage, other significant proposed changes include:

- **Personal Emergency Leave** of up to 10 days per calendar year will now be available to all employees, not just employees of employers who regularly employ 50 or more employees. Of these, at least 2 days must be paid by the employer. Employers will no longer be entitled to require a medical certificate for such personal emergency leave.
- **Vacation Leave** will be amended to provide for a minimum of 3 weeks' annual vacation to employees with 5 years of service or more.
- **Equal Pay for Equal Work** has been amended to require equal pay from an employer regardless of differences in employment status, e.g. part-time or full-time, term employment, or employees from a temporary help agency – all will be entitled to equal pay when they perform substantially the same kind of work in the same establishment, requiring substantially the same skill, effort and responsibility, and the work is performed under similar working conditions.



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- **A “Three Hour Rule” (new)** has been proposed which will require employers (absent a collective agreement to the contrary) to pay an employee a minimum of 3 hours’ wages if they are required to present themselves for work and subsequently work less than 3 hours, if they are on call and work less than 3 hours, or if their shift is entirely cancelled with less than 48 hours’ notice.
- **A “Right to Refuse Work” (new)** provision has been proposed, wherein an employee could refuse an employer’s request to work or to be “on call” on a day they were not originally scheduled to work, if the request is made less than 96 hours before the shift.

Bill 148 would also permit employees (after 3 months of employment) to submit a request, in writing, to their employer requesting changes to their schedule or work location. While the employer is not mandated to grant the request, it must discuss the request with the employee and notify the employee of its decision within a reasonable time after receiving it, and if denied, the employer must provide reasons for its denial.

The new legislation also proposes to extend family medical leave, child death leave, and crime-related child disappearance leave to up to 104 weeks’ unpaid leave.

Undoubtedly, this proposed legislation, if it is passed in the coming months as anticipated, will have a profound impact on many workplaces.

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