



Bill 148- the Fair Workplaces, Better Jobs Act.

On November 22, 2017, the Ontario legislature passed the final version of *Bill 148- the Fair Workplaces, Better Jobs Act*. With the passage of Bill 148 comes sweeping changes to the provinces workplace laws. Below are just some of the highlights of Bill 148 and how they will affect employers and employees throughout Ontario. Please contact us if you would like to know more about Bill 148 and how you can update your policies to account for these new changes.

	Proposed Change	How That Affects You
Equal pay	<ul style="list-style-type: none"> Casual, part-time, temporary and seasonal employees must be paid at the same rate as regular full-time employees. An employee who believes that their rate of pay does not comply may request a review of their rate of pay. 	<ul style="list-style-type: none"> Employers will carry the onus of being required to prove that any pay discrepancies are justified.
Minimum Wage	<ul style="list-style-type: none"> The minimum wage for most employees will increase to: <ul style="list-style-type: none"> \$14/hour on January 1, 2018; and to \$15/hour on January 1, 2019 	<ul style="list-style-type: none"> Minimum wage will increase every year going forward subject to an annual inflation adjustment on October 1 of every year starting in 2019.
Vacation	<ul style="list-style-type: none"> Workers will receive an additional week of Vacation Time after 5 years of service with the same company, for a total of 3 weeks per year, and increased Vacation Pay rate of 6%. 	<ul style="list-style-type: none"> The previous entitlement to 2 weeks of Vacation Time per year, plus 4% Vacation Pay will remain in place for all workers with a tenure of less than 5 years with the same company.
Leaves of Absence	<ul style="list-style-type: none"> <i>Paid Personal Emergency Leave</i> <ul style="list-style-type: none"> Employers must provide 10 days of personal emergency leave, 2 of which must be paid. <i>Pregnancy and Parental Leave</i> <ul style="list-style-type: none"> Pregnancy leave will be extended from 6 to 12 weeks for employees after miscarriage or still birth. Parental leave will be extended from 35 weeks to 61 weeks for employees who have taken pregnancy leave, and from 37 to 63 weeks for employees who have not. This will take effect December 3, 2017. 	<ul style="list-style-type: none"> Personal emergency leave is no longer limited to workplaces with 50 or more employees. Throughout this time, the employer's obligations to ensure the role is available for the employee when he/she returns from leave are still intact.
Domestic and Sexual Violence	<ul style="list-style-type: none"> Employees can take up to 10 days and up to 15 weeks of leave each year if the employee or a child of the employee experiences real or the threat of domestic or sexual violence, the first 5 days of the which will be paid. 	<ul style="list-style-type: none"> This is a brand-new leave of absence, and though the proposed changes include a list of reasons the employee will be entitled to the leave, the list is open-ended.
Record Keeping	<ul style="list-style-type: none"> Increased record keeping requirements including: <ol style="list-style-type: none"> the dates, times and changes an employee was scheduled to work or be on-call, and any changes made to the schedule; the dates and times that the employee worked in excess of the overtime threshold at each rate of pay; and records of vacation time and pay, including any stub period. 	<ul style="list-style-type: none"> Notwithstanding the new onerous expectation for record keeping, a big proposed change for employers is the requirement that all records be retained for 5 years instead of the current three 3 years.
Independent Contractors	<ul style="list-style-type: none"> Employers are prohibited from treating a person who is their employee as if the person were not an employee (e.g. classifying them as a contract worker). 	<ul style="list-style-type: none"> It will now be a violation to misclassify an employee as a contract worker. If misclassified, the employer could be liable for sanctions and fines.