

# LONDON FOR ALL

A ROADMAP TO END POVERTY



## Income & Employment

### 2.24 Review job creation strategies in all sectors to ensure a focus on full-time, permanent work with adequate pay

Ontario's economy, like others around the world, has changed. Work is different and, for many people, increasingly less secure. Many workers struggle to support their families on part-time, contract or minimum-wage work, and many more don't have access to time off due to illness.

To address this changing workplace environment, the *Fair Workplaces, Better Jobs Act, 2017* was passed on November 22, 2017.

This legislation makes a number of changes to both the *Employment Standards Act, 2000*, the *Labour Relations Act, 1995*, and the *Occupational Health and Safety Act*, including raising the minimum wage and providing employees with:

- equal pay for equal work on the basis of employment status and assignment employee status
- one week's notice or pay in lieu of notice for employees of temporary help agencies if longer-term assignments end early
- fairer scheduling rules
- a minimum of three weeks' vacation after five years with the same employer
- up to 10 individual days of leave and up to 15 weeks of leave, without the fear of losing their job when an employee or their child has experienced or is threatened with domestic or sexual violence
- expanded personal emergency leave to all workplaces regardless of number of employees
- unpaid leave to take care of a critically ill family member

[Bill 47, Making Ontario Open for Business Act, 2018](#) ("Bill 47") came into force on January 1, 2019. Bill 47 repeals or rewrites numerous provisions of the previous government's *Fair Workplaces, Better Jobs Act, 2017* ("Bill 148").

## ***Employment Standards Act, 2000***

The following changes under Bill 47 come into force on January 1, 2019.

	<b>Bill 148</b>	<b>Bill 47</b>
<b>Related employer</b>	Separate legal entities are treated as one employer if “associated or related activities or businesses” are carried on through multiple entities	No change
<b>Misclassification</b>	Misclassifying is specifically prohibited and the employer must establish that the complainant is not an employee	Misclassifying is specifically prohibited but the complainant must establish that they are an employee
<b>Scheduling</b>	3-hour rule for shortened and cancelled shifts; on-call rule; right to request scheduling or work location changes; right to refuse work or on-call requests made with less than 96 hours of notice: all of the above were to come into force on January 1, 2019	3-hour rule for shortened shifts
<b>Minimum wage</b>	Currently \$14/hour; increasing to \$15/hour on January 1, 2019	\$14/hour; annual inflationary adjustments to restart as of October 1, 2020
<b>Public holiday pay</b>	As of January 1, 2018, public holiday pay = total amount of regular wages earned in pay period immediately preceding public holiday, divided by the number of days the employee worked in that period. As of July 1, 2018, the “old” prorating formula re-adopted as an interim measure.	Prorating formula: public holiday pay = total amount of regular wages earned and vac. pay payable to the employee in the 4 work weeks before the work week in which the public holiday occurred, divided by 20 (i.e., the “old” formula)

<b>Vacation pay</b>	3 weeks' paid vacation after 5 years' employment	No change
<b>Equal pay for equal work</b>	Pay differentials based on "difference in employment status" are prohibited (e.g., PT vs. FT; temporary vs. indefinite) or for temporary help agency workers	Repeal
<b>Domestic or sexual violence leave</b>	Up to 10 days and up to 15 weeks of leave in a calendar year, with the first 5 days paid and the remaining days unpaid	No change
<b>Personal emergency leave (PEL)</b>	10 PEL days with the first 2 days paid Employer cannot require a certificate from a doctor or other qualified health practitioner (QHP)	8 unpaid leave days: sick leave (3 days), family responsibility leave (3 days), and bereavement leave (2 days) No prohibition re. requiring doctor's/QHP's certificate
<b>Fines</b>	Maximum fine amounts for contravention of the ESA increased	Maximum fine amounts decreased to pre-Bill 148 amounts (\$250, \$500 and \$1000)