



On November 21, 2018, Bill 47, also known as the *Making Ontario Open For Business Act, 2018*, received royal assent. Bill 47 amends both the *Employment Standards Act, 2000 (ESA)* and the *Labour Relations Act, 1995 (LRA)*.

Employment Standards Act, 2000 (ESA)

Many of the amendments made to the *Employment Standards Act, 2000 (ESA)* enacted through the *Fair Workplaces, Better Jobs Act, 2017*, also known as Bill 148, have been repealed or amended. A summary of the key changes resulting from the legislation is provided below:

Summary of Changes to ESA	
Minimum Wage	Minimum wage, which was scheduled to be increased to \$15 / hour on January 1, 2019, will now be frozen at \$14 / hour until October 1, 2020. Annual increases to minimum wage will restart in October 2020 and will be based on inflation.
Equal Pay for Equal Work	Equal pay for equal work provisions related to gender will remain. Bill 47 eliminates any requirement for equal pay based on employment status, including part-time and temporary workers. Employees' right to request a review of their rate of pay is also repealed.
Scheduling	<p>Bill 148 previously provided employees with various rights regarding scheduling including, but not limited to: a right to minimum 3 hours' pay in the event of a cancelled shift on less than 48 hours notice, a right to on-call pay, the right to refuse an on-call shift, and the right to request changes to schedule or work location after three months of employment.</p> <p>All of the above-mentioned amendments have been repealed. The only rule remaining provides that an employee remains entitled to receive at least three hours pay if they normally work more than three hours and are called into work, but sent home prior to working three hours, unless the shift was shortened due to events beyond the employer's control (fire, power failure, flood, etc.)</p>
Public Holiday Pay	The previous formula for calculation of "public holiday pay" has been reinstated. (Note: This had already been amended by regulation in July 2018) No changes to substitute holidays.
Statutory Leaves	<p>Personal Emergency Leave</p> <p>Paid personal emergency leave has been repealed. Pursuant to Bill 47, Employees who have worked two consecutive weeks for an employer are now entitled to the following:</p> <ul style="list-style-type: none"> • Three unpaid sick leave days • Three unpaid family responsibility leave days • Two unpaid bereavement leave days <p>Employers may ask for evidence reasonable in the circumstances to substantiate the absence, including a doctor's note.</p>

Please note that the changes to ESA introduced by Bill 148 listed in the chart below continue to be in effect.

Vacation Entitlement	Entitlements to vacation time and pay remain unchanged; after 5 years of service, vacation entitlements will increase to 3 weeks or 6% vacation pay, whichever is applicable.
Leaves of Absence	<ul style="list-style-type: none">• Domestic/Sexual Violence Leave - An employee who has been employed for at least 13 consecutive weeks is entitled to a leave of absence of 10 days and up-to 15 weeks to a maximum of 17 weeks to address matters arising from domestic/sexual violence. The first 5 days of the leave are paid.• Pregnancy/Parental Leave –The length of parental leaves will increase by a total of 26 weeks. The changes bring ESA in line with recent changes to the Employment Insurance Act. Pregnancy leave for employees who suffer a still-birth or miscarriage will be extended from 6 to 12 weeks from the day the pregnancy loss occurs.• Family Medical Leave – The length of this leave will increase to 28 weeks in a 52 week period.• Critical Illness Leave - Replaces the Critically Ill Child Care Leave to account for changes in the Employment Insurance Act. Provides for a leave of up to 37 weeks in a 52 week period to provide care and support to a critically ill minor child or a leave of up to 17 weeks in a 52 week period to provide care and support for a critically ill adult family member.• Child Death/Disappearance Leave – The child’s death no longer has to be crime related to qualify for the leave. The Disappearance leave is extended to 104 weeks.

Changes to the ESA come into force on January 1, 2019.

Labour Relations Act (LRA)

The majority of the previous amendments to the *Labour Relations Act* outlined in Bill 148 have been repealed, including broader powers that were provided to the Ontario Labour Relations Board.

The changes to the LRA came into force on November 21, 2018.

Contacts

Should you have questions regarding this communication, please contact the Office of the Vice-President, Human Resources at extension 2059 or via e-mail to VPHR@uwindsor.ca

Please direct specific inquiries regarding how the legislative amendments outlined in this document may impact your department to Daniella Beaulieu, Executive Director, Academic and Staff Labour and Employee Relations at extension 2094 or via e-mail at daniell2@uwindsor.ca.