



Staff Report

Human Resources

Report To: Committee of the Whole
Meeting Date: October 23, 2017
Report Number: FAF.17.129
Subject: Fair Workplaces, Better Jobs Act, 2017: Legislative Update
Prepared by: Jennifer Moreau

A. Recommendations

THAT Council receive the Staff Report FAF.17.129 "Fair Workplaces, Better Jobs Act, 2017: Legislative Update" for information only.

B. Overview

This is a report that details changes proposed changes to employment legislation in Ontario.

C. Background

On June 1, 2017, the Ontario government introduced Bill 148, the *Fair Workplaces, Better Jobs Act, 2017* (Bill 148).

D. Analysis

The attached power point presentation details the changes within Bill 148 that will impact the Municipality.

E. The Blue Mountains Strategic Plan

Goal #4: Promote a Culture of Organizational & Operational Excellence

F. Environmental Impacts

N/A

G. Financial Impact

The full financial impact has not been determined as the Act is not yet passed and the regulations that support the Act have not yet been written. The 2018 proposed budget includes the increase to minimum wage. All other budget items are based on the current employment legislation in place.

H. In consultation with

- John W. Saunders, Partner, Hicks Morley Hamilton Stewart Storie LLP

I. Attached

1. Fair Workplaces Better Jobs Act 2017 Presentation

Respectfully Submitted,

Jennifer Moreau
Human Resources Manager

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Fair Workplaces, Better Jobs Act, 2017

John W. Saunders

September 2017

Bill 148: An Overview

- The Bill will amend:

- ✓ *Employment Standards Act, 2000*

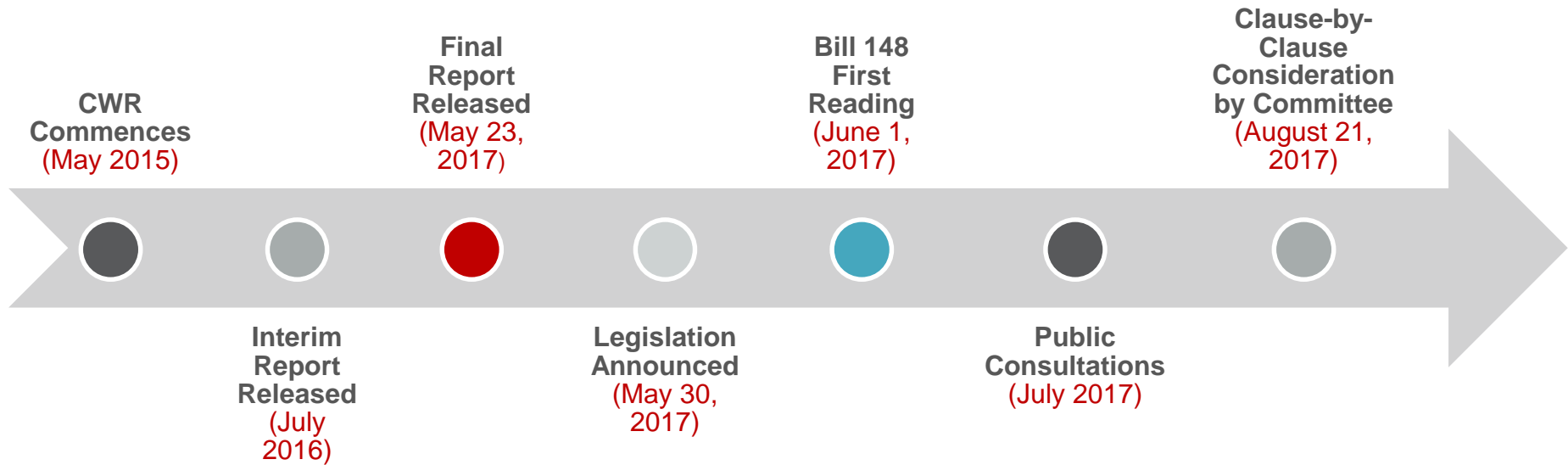
- ✓ *Labour Relations Act, 1995*

- ✓ Minor changes to several other employment related legislation

- Subject to further change!

Fair Workplaces, Better Jobs Act, 2017

Timeline of Events



Fair Workplaces, Better Jobs Act, 2017

**Changes to the
*Employment Standards Act, 2000***

Overview of Changes



- Classification of Employee



- Minimum Wage



- Equal Pay for Equal Work



- Scheduling



- Vacation Increases



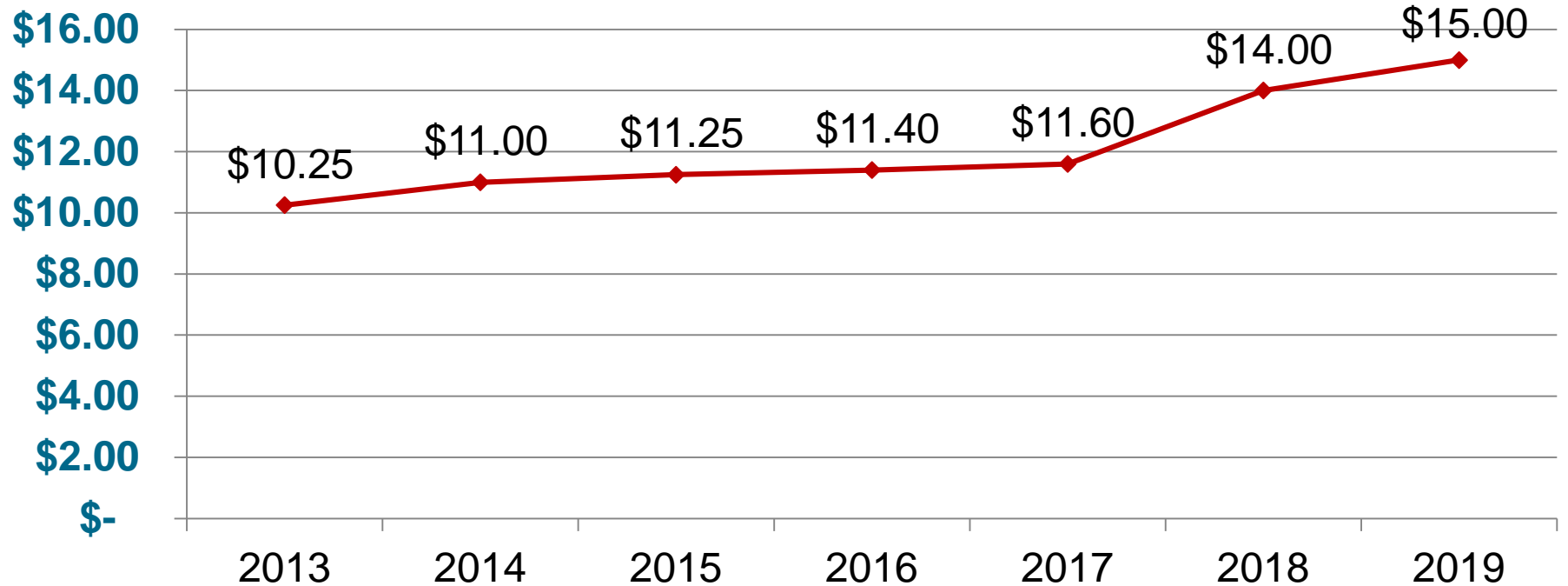
- Holiday Pay



- Statutory Leaves

Fair Workplaces, Better Jobs Act, 2017

General Minimum Wage in Ontario 2013 – 2019



Fair Workplaces, Better Jobs Act, 2017

Equal Pay for Equal Work



Equal pay for equal work has been extended to include employment status



No employee may be paid less than what is paid to full-time employees of the same employer, performing the same job

Equal Pay for Equal Work

No Employer shall pay a rate of pay to one employee that is different than another employee because of a different employment status when:

- They perform substantially the same kind of work in the same establishment;
- Performance requires substantially the same skill, effort, responsibility; and
- The work is performed under similar working conditions.

Fair Workplaces, Better Jobs Act, 2017

Equal Pay for Equal Work



- The Bill provides for a transition period for collective agreements that are in effect on April 1, 2018
- Continues until earlier of a date the collective agreement expires or January 1, 2020

Equal Pay for Equal Work

Practical Issues In a Composite Fire Department

- Volunteer Firefighters - \$25/hr
- Full-Time Firefighters
 - First Class \$43/hr (\$93,000.00/yr)
 - Probation \$28/hr (65% of 1st Class)

Fair Workplaces, Better Jobs Act, 2017

Equal Pay for Equal Work

- In a Composite Fire Department
- Volunteer v. Full-Time
 - Same kind of work?
 - N.F.P.A. 1001 - same skill, effort, responsibility
 - Similar working conditions

Equal Pay for Equal Work

- In Practice:
 - Employee may request a review of wages
 - Employer must respond by either:

1

Adjusting the employee's pay accordingly

2

If the employer disagrees, providing a written explanation

- Protections from reprisal

Equal Pay for Equal Work

- How to prepare:

- ✓ Proactive with wage rates
- ✓ Work with temporary agencies?
- ✓ Make it part of pay equity
- ✓ Prepare for collective bargaining
- ✓ Have a review system in place for complaints

Scheduling

- Any employee with at least 3 months' service has the right to request schedule or work location changes without reprisal
 - Town shall discuss request with employee
 - Town shall notify employee of decision in reasonable time
 - Give reasons for denial

Scheduling

- Bill 148 will amend the 3-hour reporting rule to require payment at the regular rate of pay (as opposed to the minimum wage rate)
- If regulatory work for more than 3 hours
- works less than 3 hours, despite being able to work longer
- Does not apply if caused by fire, lightening, power failure storms, similar causes beyond city's control

Scheduling

- New “on-call” rule to require payment at least 3 hours pay for employees who are on-call and who are either
 - a) Not called in to work or
 - b) Who are called in but work less than 3 hours

Scheduling

- The right to refuse a shift or to refuse being placed “on call” without reprisal if there is less than 4 days’ notice provided
 - Does not apply: work is to deal with an emergency, or to remedy a threat to public safety

On-Call Rule

Volunteer Firefighters

- Don't have to attend
- On call vs. being on a call-in list
- Cost $\$25 \times 3 \text{ hrs/day} \times 365 \text{ days/yr} = \$27,375/\text{yr}$

Vacation and Public Holidays

- 3 weeks vacation for employees with 5+ years
- Public Holidays
 - Based on regular wages from previous pay period

Holiday Pay =

Regular wages from previous pay period

Days worked in that period

Fair Workplaces, Better Jobs Act, 2017

Personal Emergency Leave

- 10 days (2 paid + 8 unpaid)
 - Qualifying period for paid days: 1 week of employment
- Applies to all workplaces (the 50 employee threshold will be removed)
- Employers will not longer be able to require a medical note as reasonable evidence

Domestic or Sexual Violence Leave

- New standalone leave for domestic or sexual violence
- An employee who has been employed for at least 13 consecutive weeks is entitled to an unpaid leave of absence with respect to domestic/sexual violence
 - To seek medical attention, obtain services from a victim services organization, obtain counselling, relocate, or to seek legal assistance

Pregnancy and Parental Leave

- Brings the ESA in line with recent changes to the *Employment Insurance Act*
- The length of parental leaves will increase by a total of 26 weeks:
 - From 35 weeks to 61 weeks for employees who took a pregnancy leave, and
 - From 37 weeks to 63 weeks for employees who did not

Other Leaves of Absence

- Family Medical Leave
 - Increased leave from 8 weeks → 27 weeks
 - Increased period of risk from 26 weeks → 52 weeks
- Child Death/Disappearance Leave
 - No longer requires the death to be crime related
 - Disappearance leave increased to 104 weeks

Enforcement



Increase penalties for non-compliance



Additional employment standards officers



New education programs

Fair Workplaces, Better Jobs Act, 2017

Miscellaneous Changes

- ✓ Related employer provisions clarified/expanded
- ✓ Use of electronic agreements
- ✓ Overtime rates (multiple jobs)
- ✓ Wage collection measures
- ✓ Many additional record-keeping requirements

Questions & Answers



Fair Workplaces, Better Jobs Act, 2017