

## Employment Standards Act, 2000 (Ontario)

Topic	ESA Section(s)	Amendment	Effective Date
Independent Contractors	5.1	Employers cannot treat employees as if they are not employees under the Act; burden on employer if employee says otherwise	November 27, 2017
Joint Liability for Related Employers	4(1)	No requirement to show an "intent or effect" to undermine the ESA	January 1, 2018
Overtime Pay	15	Employees entitled to 1.5 times the regular rate for the work performed; no more blended overtime rates if employee has two or more positions	January 1, 2018
Minimum Wage	23.1	Increase to \$14.00/hour Increase to \$15.00/hour	January 1, 2018 January 1, 2019
Holiday Pay	24	Holiday pay will be based on the employee's average working day in the pay period preceding the holiday; additional record-keeping requirements for employers	January 1, 2018
Vacation Entitlement	33, 35.2	Employees entitled to minimum of three weeks' vacation and 6% vacation pay after 5 years of service	January 1, 2018
Pregnancy Loss Leave	47	Employees entitled to up to 12 weeks	January 1, 2018
Family Medical Leave	49.1	Employees entitled to up to 27 weeks	January 1, 2018
Child Death Leave	49.5	Employees entitled to up to 2 years	January 1, 2018
Crime-Related Child Disappearance Leave	49.6	Employees entitled to up to 2 years	January 1, 2018
Domestic or Sexual Violence Leave	49.7	New leave; employees employed for at least 13 consecutive weeks entitled to up to 10 days and 15 weeks (17 weeks total) first 5 days paid	January 1, 2018
Personal Emergency Leave	50	All employees entitled to 10 days of personal emergency leave per year; first two days must be paid if employee has worked for at least one week	January 1, 2018
Temporary Help Agencies: Termination Pay	74.10.1	Employers must provide one week of notice (or pay in lieu) if assignment was scheduled to last more than 3 months and is terminated before the end of its term	January 1, 2018
Complaints and Penalties	103	Employee complaint process simplified; order may require payment directly to employee	January 1, 2018
Equal Pay for Equal Work	42.1	Employees entitled to equal pay regardless of employment status (full-time, part-time, casual, etc.)	April 1, 2018* *If a collective agreement contains a provision that provides otherwise then the agreement prevails until the earlier of the agreement's expiry or January 1, 2020.
Temporary Help Agencies: Equal Pay	42.2	Employees from temporary help agencies entitled to equal pay to permanent employees	April 1, 2018* *If a collective agreement contains a provision that provides otherwise then the agreement prevails until the earlier of the agreement's expiry or January 1, 2020.
Requests for Changes to Schedule or Work Location	21.2	Employees entitled to request changes to his or her schedule (increase/decrease, days worked) after three months; employees can refuse to work if employer makes request less than 96 hours before the employee would commence work	January 1, 2019

Topic	ESA Section(s)	Amendment	Effective Date
Scheduling	21.3-21.7	Employees entitled to minimum of three hours' pay at his or her regular rate if a shift is less than 3 hours; shift is cancelled within 48 hours of start time; or worker is on call but not called into work	January 1, 2019* *With respect to ss. 21.4-21.6, if a collective agreement contains a provision that provides otherwise then the agreement prevails until the earlier of the agreement's expiry or January 1, 2020.
Parental Leave & Critical Illness Leave	49	Employees entitled to up to 61 weeks of parental leave (if employee took pregnancy leave) and 63 weeks if employee did not.  Employees entitled to up to 37 weeks in a 52-week period to provide care or support to a critically ill minor child who is a family member or 17 weeks in a 52-week period to provide care or support to a critically ill adult who is a family member.	December 3, 2017

## **Labour Relations Act, 1995 (Ontario)**

Topic	LRA Section Number(s)	Proposed Change	Effective Date
Disclosure of Employee Information	6.1	Employers must disclose employee information if union demonstrates 20% support	January 1, 2018
Automatic Remedial Certification	11	Automatic certification of a trade union where an employer's contravention of the LRA resulted in the union failing to obtain 40% support	January 1, 2018
Just Cause Protection	12.1	Employees entitled to just cause protection from certification rather than date of first collective agreement	January 1, 2018
Review of Bargaining Unit Structure	15.1	OLRB will have broad discretion to review and consolidate bargaining units	January 1, 2018
Card-Based Certification	15.3	Unions in building services, home care and community services, and temporary help agency industries have the option to apply for card-based certification	January 1, 2018
First Agreement After Certification	43, 43.1	First collective agreement mediation now available, followed by first collective agreement mediation-arbitration	January 1, 2018
Successor Rights	69.1-69.2	Successor rights will extend to the retendering of building services contracts; government can pass regulations to make this apply to other service providers receiving public funds (i.e. hospitals, municipalities)	January 1, 2018
Reinstatement After Strike	80	Employees entitled to reinstatement at the conclusion of a strike or lockout	January 1, 2018
Fines	104	Increase to \$5,000 for individuals and \$100,000 for organizations	January 1, 2018

*These charts are a reference tool for the coming into force of various provisions within the Act. We encourage you to contact a member of our Labour and Employment team with any questions you might have.*



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