

## LABOUR AND EMPLOYMENT NEWSLETTER

*January 30, 2006*

*A publication of Miller  
Thomson LLP Labour and  
Employment Practice  
Group*

### **WE'RE ON THE MOVE!**

We are pleased to announce, effective February 20, 2006, the Toronto office of Miller Thomson will relocate to new premises. Our new mailing address will be

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*Our phone numbers, fax numbers and postal code will remain unchanged.*

### **LEGISLATIVE UPDATE**

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#### **Increases to Minimum Wage Rates**

On February 1, 2006, the general minimum wage in Ontario will increase to \$7.75 per hour – an increase of \$0.30 per hour. This is the Ontario Government's third increase to the general minimum wage since being elected. The general minimum wage increased from \$7.15 to the current \$7.45 on February 12, 2005. The general minimum wage is set to increase again to \$8.00 on February 1, 2007.

We first alerted you to these changes in our January 13, 2005 Labour and Employment Communiqué Newsletter.

While most employees are entitled to the general minimum wage rate (including whether they are part-time, casual employees), there are some exceptions. For example, effective February 1, 2006, the following rates will apply to the following employees:

- Hourly wages for students under 18 years old and employed for not more than 28 hours a week will increase from \$6.95 to \$7.25 per hour
- Wages for liquor servers will increase from \$6.50 to \$6.75 per hour
- Hunting and fishing guides currently paid a minimum of \$37.25 for less than five consecutive hours in a day and \$74.50 for five or more hours in a day (whether or not the hours are consecutive) will also increase to \$38.75 and \$77.50 respectively.

## **Employees Entitled to Unpaid Leave to Care for Families in Emergencies**

On December 15, 2005, Bill 56, which will amend the *Emergency Management Act* and various provincial employment-related statutes, received First Reading in the Ontario Legislature. If enacted, the Bill will entitle employees to an unpaid leave of absence in certain circumstances where an emergency is declared in the province.

An employee will be entitled to an unpaid leave of absence where that employee is not working due to a declared emergency and where that employee is needed to provide care or assistance to an "individual" specified in the legislation. The following "individuals" are included in the list of eligible individuals:

1. The employee's spouse.
2. A parent, step-parent or foster parent of the employee or the employee's spouse.
3. A child, step-child or foster child of the employee or the employee's spouse.
4. A grandparent, step-grandparent, grandchild or step-grandchild.

An employee may also be eligible for emergency leave in other situations, including for example, where an order has been made under the *Health Protection and Promotion Act* which applies to the individual.

"Emergency" is defined as a "situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise."

The declared emergencies leave will be in addition to the already existing emergency leave provisions in the *Employment Standards Act, 2000*. Bill 56 also seeks to rename "emergency leave" currently provided for in s.50 of the Act to "personal emergency leave."

## **Mandatory Retirement Law Receives Royal Assent**

Ontario Bill 211, *Ending Mandatory Retirement Statute Law Amendment Act, 2005*, received Royal Assent Dec. 12, 2005. All provisions of the Act, except s. 7, will come into force one year from Royal Assent, or Dec. 12, 2006. Section 7, which amends the *Workplace Safety and Insurance Act, 1997* to provide that that Act, the regulations under it, and decisions and policies under that Act and regulations that require or authorize a distinction because of age continue to apply, came into force December 12, 2005.

For a review of the history of the mandatory retirement legislation, please refer to our May 6 & June 3, 2003, June 8, December 2 & December 8, 2005 Labour and Employment Communiqué Newsletters.

Miller Thomson will continue to monitor and notify you of any further legislative developments.

### **About the Author:**

Laura Cassiani is a member of our Labour and Employment Group. She provides legal services and advice to a wide range of clients in the private and public sectors.

*Our Labour and Employment Practice Group is dedicated to providing comprehensive and integrated legal services, and advises management in all aspects of labour relations and employment law. For more information about our Group, visit our website at [www.millerthomson.com](http://www.millerthomson.com) or contact:*

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