

Bill 148 Employment Standards Act (“ESA”) Amendments

EFFECTIVE IMMEDIATELY

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| Independent Contractors | <ul style="list-style-type: none"> ▪ Misclassification of employees now a violation of the ESA ▪ Employers will have burden of proof re: proper classification |
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EFFECTIVE DECEMBER 3, 2017

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| Critical Illness Leave | <ul style="list-style-type: none"> ▪ Replaces Critically Ill Child Care Leave ▪ Up to 17 weeks unpaid job protected leave to care for critically ill adult ▪ Up to 37 weeks unpaid job protected leave to care for critically ill minor child |
| Parental Leave | <ul style="list-style-type: none"> ▪ Increased from 35 weeks to 61 weeks of unpaid job protected leave if take with pregnancy leave ▪ Increased from 37 weeks to 63 weeks of unpaid job protected leave if taken without pregnancy leave |

EFFECTIVE JANUARY 1, 2018

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| Minimum Wage | <ul style="list-style-type: none"> ▪ General rate increased to \$14.00 per hour ▪ Student rate (< 18 years of age) increased to \$13.15 per hour ▪ Liquor server rate increased to \$12.20 per hour |
| Vacation | <ul style="list-style-type: none"> ▪ 2 weeks' vacation (4% vacation pay) for the first 5 years of service ▪ 3 weeks' vacation (6% vacation pay) after 5 years of service |
| Public Holiday Pay | <ul style="list-style-type: none"> ▪ New formula based on wages/days worked in prior pay period ▪ Employer must provide a written and dated notice clearly stating the substitute date for the public holiday |
| Overtime Pay | <ul style="list-style-type: none"> ▪ Now calculated based on actual rate of pay for the work performed during overtime hours (not a blended rate) |
| Personal Emergency Leave | <ul style="list-style-type: none"> ▪ Now applies to all employers, not just those with 50 or more employees ▪ Up to 10 days of job protected leave every calendar year (first 2 days paid) ▪ Employer can request backup documents, but no longer allowed to require a medical certificate |
| Domestic or Sexual Violence Leave | <ul style="list-style-type: none"> ▪ Up to 10 days of job protected leave each calendar year (first 5 days paid); PLUS ▪ Up to 15 weeks of unpaid job protected leave each calendar year |
| Pregnancy Leave | <ul style="list-style-type: none"> ▪ Increased from 6 weeks to 12 weeks unpaid job protected leave for still-birth or miscarriage |



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Family Medical Leave	<ul style="list-style-type: none"> Increased from 8 weeks to 28 weeks of unpaid job protected leave
Child Death Leave	<ul style="list-style-type: none"> Replaces Crime Related Child Death Leave Up to 104 weeks of unpaid job protected leave
Crime Related Child Disappearance Leave	<ul style="list-style-type: none"> Increased from 52 weeks to 104 weeks of unpaid job protected leave
Record Keeping Requirements	<ul style="list-style-type: none"> Records must now be kept for 5 years (not 3) and must now include more details to account for the amendments to the ESA (i.e. duties and times various duties worked, on-call schedules, cancelled or changed shifts, documents regarding leaves, etc.)
Temporary Help Agencies	<ul style="list-style-type: none"> 1 week of notice or pay if 3+ month assignment ends early
EFFECTIVE APRIL 1, 2018	
Equal Pay for Equal Work	<ul style="list-style-type: none"> All employees (including part-time, temporary, seasonal workers) are entitled to equal pay as other employees at the same establishment when performing “substantially the same” kind of work Different rates of pay are permissible if based on seniority, merit, productivity, or another factor other than gender or employment status
EFFECTIVE JANUARY 1, 2019	
Minimum Wage	<ul style="list-style-type: none"> General rate increased to \$15.00 per hour Student rate (< 18 years of age) increased to \$14.10 per hour Liquor server rate increased to \$13.05 per hour Future increases will be tied to CPI
Requests for Schedule or Work Location Changes	<ul style="list-style-type: none"> Employees can request schedule and location changes Employer must address requests within reasonable time period Employer must provide reasons for denied requests
Scheduling Protections	<ul style="list-style-type: none"> Minimum 3 hours of pay at regular rate of pay for shifts < 3 hours Minimum 3 hours of pay at regular rate of pay if < 48 hours’ notice of cancelled shift Employee can refuse shift or on call if < 96 hours’ notice of shift Minimum of 3 hours of pay at regular rate of pay for on call work, even if not called

These are the most significant changes to the Employment Standards Act of Ontario in 20 years. This is a quick summary. We are here to assist you with the details or answer any questions.

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