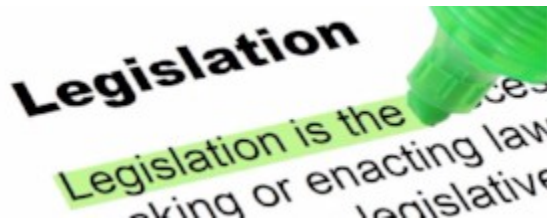




HR BITES - QUICK UPDATE

We thought you'd like a brief overview of the changes that happened with Bill 148. Please review your policies and update as required. If you need assistance with your policy updates please let us know.



BILL 148 RECEIVED ROYAL ASCENT - SUMMARY OF CHANGES

[Amendments to the Employment Standards Act, 2000](#)

Vacation with Pay

-Effective January 2018. Amended to provide a minimum of three weeks of vacation entitlement to employees whose period of employment is five years or more, beginning after the end of the employee's vacation entitlement year.

Requests for Changes to Schedule or Work Location

-Effective April 2018. Adds an ability for employees to request changes to their schedule or work location. Employers who receive these requests must discuss them with the employee and either grant them or provide reasons for a denial.

Scheduling

-Effective January 2019. Sets out new scheduling provisions. These include a minimum of three hours of pay for shifts that are under three hours, minimum pay for being on call, a right to refuse requests or demands to work on a day that an employee is not scheduled to work with

insufficient notice and entitlement to pay for three hours of work in the event of cancellation with insufficient notice.

Overtime Pay

-Amended to establish a rule for overtime pay for employees who have two or more regular rates for work performed for the same employer.

Determination of minimum wage

-Amended to increase the minimum wage on January 1, 2018 to \$14.00 per hour. The minimum wage increases again on January 1, 2019 to \$15.00 per hour. The minimum wage rate for students will increase to \$13.15 in 2018 and \$14.10 in 2019.

Public Holidays

-The rules for the calculation of public holiday pay are amended to be based on the number of days actually worked in the pay period immediately preceding the public holiday. Employers are required to provide an employee with a written statement that sets out certain information when a day is substituted for a public holiday.

Equal Pay for Equal Work

-Effective April 2018. Amended to provide equal pay for substantially the same work, from an employer regardless of a difference in employment status (work doesn't have to be identical). Prohibit reprisals against employees who make inquiries about rates of pay or who disclose their rate of pay for the purpose of determining or assisting in determining whether an employer is complying

Record Keeping

-Employers must now keep several **new records** in addition to those already required under the ESA. The new records that must be kept are as follows:

- The dates and times that the employee was scheduled to work or to be on call for work, and any changes made to the on-call schedule.
- The dates and times that the employee worked.
- If the employee has two or more regular rates of pay for work performed for the employer and, in a work week, the employee performed work for the employer in excess of the overtime threshold, the dates and times that the employee worked in excess of the overtime threshold at each rate of pay.

- Any cancellations of a scheduled day of work or scheduled on call period of the employee, and the date and time of the cancellation.
- Any written notice provided to employees regarding substitute holidays.
- The amount of vacation pay that an employee earned during a vacation entitlement year and how the amount was calculated.
- In cases of an alternative vacation entitlement year, the amount of vacation pay an employee earned during the stub period and how that amount was calculated.
- Documents related to an employee taking the new Domestic or Sexual Violence Leave.

Leaves of Absence

-**Maternity/Parental Leave.** Effective December 2018. The entitlement to six weeks pregnancy leave in certain circumstances is increased to 12 weeks. -Section 48 is amended to provide that a parental leave may begin no later than 78 weeks after the child is born or comes into the employee's custody, care and control for the first time.

-The entitlement to parental leave is increased from 35 weeks to 61 weeks for employees who take pregnancy leave, and from 37 weeks to 63 weeks otherwise.

-**Family Medical Leave.** The entitlement to family medical leave is increased from up to eight weeks to up to 28 weeks. A new section provides that an employee is entitled to take leave to provide care and support for any critically ill family member.

-**Death and Disappearance of a Child Leave.** New section 49.5 establishes an entitlement to up to 104 weeks of unpaid leave if a child of the employee dies for any reason, instead of the current entitlement to leave only in the event of a crime-related child death.

-New section 49.6 retains the entitlement to crime-related child disappearance leave but increases the entitlement from up to 52 weeks to up to 104 weeks.

-**Domestic or Sexual Violence Leave.** New section 49.7 provides that an employee who has been employed by an employer for at least 13 consecutive weeks is entitled to up to 10 days and up to 15 weeks of leave if the employee or a child of the employee experiences domestic or sexual violence or the threat of domestic or sexual violence. The first five days of leave are to be paid. The leave must be taken for any of the purposes listed in the section.

-**Personal Emergency Leave.** Amended to provide personal emergency leave to all employees, not just employees of employers who regularly employ 50 or more employees. In addition, two

days of personal emergency leave are now required to be paid days, if the employee has been employed by the employer for one week or longer. The paid days must be taken before any unpaid days of personal emergency leave in a calendar year. Employers retain the right to require evidence of entitlement to these days but are not permitted to require a certificate from a qualified health practitioner.

Temporary Help Agencies

Not included in this summary. If you wish to have the details, please let us know.

Amendments to the Occupational Health and Safety Act

A new section is added to the Act provides that an employer shall not require a worker to wear footwear with an elevated heel unless it is a requirement for the worker to perform their work safely. An exception applies for employers of performers in the entertainment industry.

Amendments to the Labour Relations Act, 1995

There are other changes that most likely do not affect unionized member agencies as the changes relate to newly forming bargaining units. If you would like to have these details, please let us know. Sections 12.1 and 80.1 are added to the Act. Those sections provide that, during certain bargaining periods, an employer may not discharge or discipline an employee in an affected bargaining unit without just cause.

Looking for an HR partner to help out with HR challenges, strategies, or just to answer a question? We can help. The OAN provides member agencies with access to a shared HR resource so that you never have to feel alone.

tcampbell@oan.red