

BILL 148 FAIR WORKPLACE, BETTER JOBS ACT

HCDC Plenary – February 1st, 2018



- ▶ Bill 148 makes substantial changes to the *Employment Standards Act* and the *Labour Relations Act*.

CHANGES TO THE *ESA* AND *LRA*

- ▶ Minimum Wage
- ▶ Scheduling Regulations
- ▶ Public Holiday Pay
- ▶ Vacation Entitlements
- ▶ Equal Pay for Equal Work
- ▶ Leaves of Absence
- ▶ Overtime

EMPLOYMENT STANDARDS ACT



	Increases	Effective Date
Standard Min. Wage	\$14.00 \$15.00 -after 2019, rate will increase as per CPI	Jan. 1, 2018 Jan. 1, 2019
Students under 18	\$13.15 \$14.10 -after 2019, rate will increase as per CPI	Jan. 1, 2018 Jan. 1, 2019

MINIMUM WAGE

Three Hour Rule

- ▶ applies if you regularly work 3 hours or more per day. If you are required to report to work and the Employer doesn't provide you with at least 3 hours of work, then the ER must pay the GREATER OF:

The amount the employee earned for time worked AND wages equal to the employee's regular rate for the remainder of the three hours

OR

Wages equal to the employee's regular rate for three hours work.

- ▶ Effective January 1, 2019.

SCHEDULING REGULATIONS

Minimum Pay for Being On-Call

- ▶ applies if an employee is required to be on-call and is not called in OR is called in and works less than 3 hours. In these cases the ER must pay the GREATER OF:

The amount the employee earned for time worked AND wages equal to the employee's regular rate for the remainder of the three hours

OR

Wages equal to the employee's regular rate for three hours work.

*Not applicable to members that perform essential public services

- ▶ Effective Jan. 1, 2019
- ▶ CAs that provide a lesser benefit are grand-parented until Jan. 1, 2020.

SCHEDULING REGULATIONS

Requests for Change in Schedule or Work Location

- ▶ after 3 months employees can request a change in schedule or work location .
- ▶ Employer must consider and provide a response.

Effective Jan. 1, 2019

SCHEDULING REGULATIONS



Right to Refuse Work

- ▶ ability to refuse work if the request is made less than 96 hours (4 days) before the start of the shift with no reprisals.
- ▶ Does not apply in emergency situations.
- ▶ *Not applicable to members that perform essential public services
- ▶ Effective Jan. 1, 2019
- ▶ CA that provides lesser benefit is grand-parented until Jan. 1, 2020.

SCHEDULING REGULATIONS

Cancelled Shifts

- ▶ if an employer **cancel**s your scheduled shift with less than 48 hours before the start of the shift, you are entitled to three hours regular pay.
- ▶ Does not apply in emergencies, threats to public safety or to employees providing essential services.
- ▶ Does not apply in the event of fire, lightning, power failure, storms or similar causes beyond the employer's control or for weather reasons for weather dependent workplaces.
- ▶ Effective Jan. 1, 2019.
- ▶ CA that provides lesser benefit is grand-parented until Jan. 1, 2020.

SCHEDULING REGULATIONS

Public Holiday Pay

- ▶ Public holiday pay formula changes
- ▶ divides the wages earned in the pay period immediately preceding the pay period of the public holiday by the number of days actually worked

PUBLIC HOLIDAY PAY



- ▶ Family Day is now a statutory holiday as per the ESA.

FAMILY DAY

- ▶ 3 weeks of paid vacation of 6% vacation pay after 5 years of service.

VACATION ENTITLEMENTS

- ▶ Employers must pay workers performing “substantially” the same work the same wage rate.
- ▶ “substantially the same” means work that is substantially the same but not necessary identical. The test in the legislation is work that requires the same skill, effort, and responsibility and is performed under similar conditions.
- ▶ Differences in pay are allowed for reasons that have nothing to do with the sex or employment status of the employee, such as seniority-based wage scales or red-circling.
- ▶ Effective April 1, 2018.
- ▶ Where a CA in effect on April 1, 2018 contains different rates of pay based on employment status then it prevails until Jan. 1, 2020 or until its expiry, whichever is earlier.

EQUAL PAY FOR EQUAL WORK

Temporary Agency Workers

Assignment workers of a temp agency must be paid the same wage as the wage paid to an employee of the client for substantially the same work.

EQUAL PAY FOR EQUAL WORK



Personal Emergency Leave

- ▶ first 2 days of the 10 day entitlement to be paid
- ▶ an employer may require an employee to provide evidence “reasonable in the circumstances” that they are eligible for PEL. However, medical documentation is not required.

LEAVES OF ABSENCE



Parental Leave

- ▶ from 35-61 weeks if you took pregnancy leave
- ▶ from 37 to 63 weeks if you did not

LEAVES OF ABSENCE



Domestic or Sexual Violence Leave

- ▶ Up to 10 full days of leave per calendar year, not to be prorated. Employee may also take up to 15 weeks of leave.
- ▶ The first 5 days of the leave taken in a calendar year are paid, whether part of the 10 day or 15 week entitlement. The remaining days are unpaid.

LEAVES OF ABSENCE

- ▶ Where employees work two or more jobs for the same employer and earn different rates, Employees are entitled to be paid overtime pay for each hour of work performed in the week after the total number of hours performed reaches the overtime threshold. The overtime rate to be paid is the rate for the work performed in the applicable overtime hour (the “blended rate” is no longer applicable)

OVERTIME

- ▶ Access to Employee List During Organizing Campaigns
- ▶ Card-based Certification (for certain industries)
- ▶ First Contract Mediation-Arbitration
- ▶ Just cause protection
- ▶ Successor Rights (for certain industries)

LABOUR RELATIONS ACT



- ▶ Permits unions to request a list of members in a proposed bargaining unit after it has obtained membership evidence for 20% of the bargaining unit.
- ▶ The list must contain the name of each employee and a phone number and personal email address.

ACCESS TO EMPLOYEE LISTS

- ▶ Card-based certification is reintroduced for three sectors: temporary help agencies, building services and home care and community services.

CARD-BASED CERTIFICATION

- ▶ Permits either party to apply for mediation-arbitration following the release of the “no board” report.
- ▶ First step is mediation (45 days)
- ▶ If mediation fails, either party can apply for arbitration.
- ▶ First hearing before the arbitrator must occur within 21 days of their appointment. Arbitrator must issue a decision within 45 days of the hearing date.

FIRST CONTRACT-MEDIATION ARBITRATION



- ▶ Provides employees with just cause protection against discipline or discharge during the period between certification and the signing of the first collective agreement.

JUST CAUSE PROTECTION

- ▶ Successor rights are extended to the building services sector (security, food services, and cleaning services).

SUCCESSOR RIGHTS

▶ THANK YOU

CONCLUSION

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