

May 23, 2017

Members' Update - Changing Workplaces Final Report Released

Ontario Minister of Labour Kevin Flynn today released the Changing Workplaces Review final report this morning. This report recommends substantial legislative changes to the province's *Employment Standards Act* (ESA) and *Labour Relations Act* (LRA).

The Final Report - The Changing Workplaces Review - An Agenda for Workplace Rights - authored by Special Advisors C. Michael Mitchell and John C. Murray is massive at 419 pages and contains 173 recommendations that could have significant impacts on the workplaces throughout Ontario.

A key focus of this review is the treatment of employees who do not work full-time and may be considered to have precarious employment. This includes part-time, temporary, self-employment, and multiple job employment that has grown almost twice as fast as standard employment since 1997. While private sector services account for more than half of employment in Ontario, the remainder work in the broader public service, including municipal government who are significant employers throughout the province.

Highlights of the Report's recommendations that may be of interest to municipal employers includes:

- the *Employment Standards Act*, *Labour Relations Act* and the *Occupational Health and Safety Act* be combined and streamlined into a *Workplace Rights Act*
- part-time, casual, temporary, contract and seasonal employees be paid the same as comparable full-time employees
- personal emergency leave and bereavement leave apply for all employees, not only to those employed in workplaces of 50 or more employees, and further
 - bereavement leave be an independent leave for up to 3 unpaid days
 - personal emergency leaves are an independent annual entitlement of 7 days
- employers be required to pay for doctor's notes if request from an employee
- vacation entitlement be increased to 3 weeks per year after 5 years of employment with the same employer

- the current ESA exemption for interns and trainees be eliminated
- the secret ballot vote process for union certification to continue with new remedies for employer misconduct
- if a union has approximately 20% support of the potential bargaining unit then the organizing union can be provided with the personal contact information of the employees of the potential bargaining unit by the employer to enable organizing
- increased enforcement and educational activities by the Ministry of Labour.

We understand that the provincial government has reviewed the Final Report's numerous recommendations, and will be announcing their formal response within the next week.

In anticipation of the Changing Workplace Final Report, AMO has established a Task Force of members and HR experts who will assist in considering the Province's formal response (once released) to these recommendations and providing advice to the AMO Board. AMO will continue to keep you updated on this significant employers' issue.

The Changing Workplaces' recommendations adopted by the Ontario government will be discussed at our upcoming September 22nd Labour Relations symposium.

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