



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Administration, Finance and Human Resources Committee
From: Susan Farrelly, Acting Director of Human Resources
Date: Tuesday, June 20, 2017
Subject: **Bill 148 - Fair Workplaces, Better Jobs Act 2017**

Background

On May 23, 2017, the government issued the long-awaited final report from the Changing Workplaces Review, entitled **An Agenda for Workplace Rights** (Final Report), which was prepared by the government-appointed Special Advisors Mr. Justice John Murray and Mr. Michael Mitchell.

The Special Advisors were mandated to consider the changing nature of the workplace, the causes behind those changes, and whether the Labour Relations Act, 1995 (LRA) and the Employment Standards Act, 2000 (ESA) need to be amended to meet challenges created by the changes. After conducting consultations, public hearings and reviewing a range of studies and academic papers, the Special Advisors released an Interim Report in July of 2016. They then considered further submissions and feedback before finalizing their recommendations.

The Final Report is a wide-reaching document, 420 pages in length, outlining specific recommendations of the Special Advisors. While focused in particular on vulnerable workers engaged in precarious employment, the Final Report outlines changes to the legislative framework, administration of programs, compliance and enforcement, and litigation of complaints and claims. Overall, 173 Recommendations were outlined in the Final Report.

The provincial government has wasted little time in responding to the Final Report of the Special Advisors under Ontario's Changing Workplaces Review. On June 1, 2017, the government introduced Bill 148, the Fair Workplaces, Better Jobs Act, 2017, legislation that if passed, will implement significant reforms to both the Employment Standards Act, 2000 *and the* Labour Relations Act, 1995 (LRA). Bill 148 has passed first reading and has been referred to the Standing Committee on Finance and Economic Affairs.

Implications for Employers

The proposed changes outlined in Bill 148 are broad-reaching and have significant impact for Municipal employers, not only for employment terms and conditions, but also in terms of a large increase in the cost of employment and the resulting fiscal financial impact. Implementation dates vary based on the proposed item, which include January 1, 2018, April 1, 2018 and January 1, 2019, resulting in an intense schedule of extensive changes that will affect all employment in Ontario.

Proposed areas of change for the Employment Standards Act identified in the Bill include, but are not limited to: Requests for Changes to Schedule or Work Location, Scheduling, Overtime Pay, Determination of Minimum Wage, Public Holidays, Vacation with Pay, Equal Pay for Equal Work,

Leaves of Absence, Personal Emergency Leave, Temporary Help Agencies, Employee 'misclassification' (independent contractors), Enforcement.

Proposed areas of change for the Labour Relations Act identified in the Bill include, but are not limited to: Information sharing, Remedial Certification and mandatory first contract arbitration, Review and Consolidation of Bargaining Units, Just Cause protection post certification.

Next Steps

On June 12, 2017, I attended a Taskforce meeting at the AMO office in Toronto and Bill 148 and its implications to Municipalities was discussed in detail. AMO is in the process of preparing a response to this proposed legislation. Many other Provincial Associations are also in the process of preparing responses to Bill 148, including Ontario Municipal Human Resources Association (OMHRA) and the Ontario Municipal Health and Safety Reps Association (OMHSRA). The Taskforce will be continuing to meet over the summer to discuss implications of Bill 148 to Municipal employers across Ontario.

At the County of Wellington, we are starting the process of reviewing the proposed legislation changes in detail alongside our current policies and practices to ensure that we are aligned and prepared for the impending legislative changes. There are several items in Bill 148 that are vague in terms of application and handling, and we anticipate that more clarity will be provided over the coming months as the review of Bill 148 progresses.

Recommendation:

"That this report entitled 'Bill 148 – Fair Workplaces, Better Jobs Act 2017' be received for information."

Respectfully submitted,



Susan Farrelly
Acting Director of Human Resources

Resources:

Bill 148 – Legislative Assembly of Ontario

http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=4963