

Employment Legislative Update

Changes to Employer Obligations under Bill 66 and the *Pay Transparency Act*

Kyle Isherwood
Associate
Dentons Canada LLP

Overview

- Bill 66 *Restoring Ontario's Competitiveness Act, 2019*
 - Changes to the *Employment Standards Act, 2000*
 - Changes to the *Labour Relations Act, 1995*
- Refresher on the *Pay Transparency Act*

Bill 66 – Restoring Ontario's Competitiveness

- Introduced December 6, 2018
- Royal Assent April 3, 2019
- Amends numerous acts including:
 - *Employment Standards Act, 2000*
 - *Labour Relations Act, 1995*

Changes to the *Employment Standards Act, 2000*

- 3 main changes
 - Employment Standards Poster
 - Excess Hours Agreements
 - Averaging Agreements
- In force April 3, 2019

Changes to the *Employment Standards Act, 2000*

- Employment Standards Poster
 - Prepared by the Director
 - Does **not** need to be posted at the workplace
 - Must still give employees a copy

Changes to the *Employment Standards Act, 2000*

- Excess Hours Agreements
 - Over 48 hours in a week
 - 8 hours in a workday (or their established regular workday)
 - Does not change overtime calculation (44 hrs/week)

Changes to the *Employment Standards Act, 2000*

- Changes to the Excess Hours Agreement
 - No more Director's approval
 - Only requires employee's agreement
 - Can't exceed the hours in the agreement
 - Must still give information published by the Director
 - Revocable upon notice

Changes to the *Employment Standards Act, 2000*

- Averaging Agreement
 - Averages employees hours over a set period
 - Useful for flexible workforces
 - Can eliminate potential overtime liabilities

Changes to the *Employment Standards Act, 2000*

- Averaging Agreement
 - No more Director's approval
 - Only requires employee's agreement
 - Average over maximum of 4 weeks
 - Maximum of 2 years/term of the collective agreement
 - Must have start date/expiry date

Changes to the *Labour Relations Act, 1995*

- Deemed non-construction employers:
 - Municipalities
 - Local boards
 - Local housing corporations
 - Corporations under the Municipal Act
 - Social Services administration Boards
 - School Boards
 - Hospitals
 - Etc.

Changes to the *Labour Relations Act, 1995*

- What is the Effect?
 - Unions no longer represent construction employees
 - Collective agreements cease to apply in construction industry
 - Can amend collective agreements
 - Non-construction entities can opt out

Changes to the *Labour Relations Act*, 1995

- Changes come into force upon proclamation

Pay Transparency Act

- Application of the Act postponed
 - Originally applied starting January 1, 2019
 - Now applies on a date to be proclaimed by the Lieutenant Governor
- Obligations unchanged (so far)

Pay Transparency Act Obligations

- No questions on compensation history
- Can seek information on ranges of compensation
- Doesn't apply to public information

Pay Transparency Act Obligations

- Must include compensation in job postings
- Pay Transparency Reports
 - Employers collect *prescribed* information
 - Every employer over 100 employees
 - with 250 or more employees on **May 15, 2020**
 - between 100 and 250 employees on **May 15, 2021**
 - Reports are **public**

Pay Transparency Act Obligations

- No Reprisal
 - Subject to arbitration or a Board complaint
 - Burden of proof on the employer
- Compliance Audits
- Notice of Contravention and Penalties

Questions?

Thank you

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Dentons Canada LLP
77 King Street West
Suite 400
Toronto, Ontario M5K 0A1
Canada

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