

# Bill 66 Receives Royal Assent — Changes To The Employment Standards Act, 2000 And The Labour Relations Act, 1995

April 05, 2019

On April 3, 2019, Bill 66 Restoring Ontario's Competitiveness Act, 2018 received Royal Assent. Bill 66 was originally introduced on December 6, 2018 and makes changes to a number of statutes, including Ontario's Employment Standards Act, 2000 (ESA) and Labour Relations Act, 1995 (LRA).

## Changes to the ESA

### 1. Approval for Excess Hours of Work

Bill 66 removes the requirement that an employer must obtain approval from the Director of Employment Standards (the Director) in order to make agreements with its **employees or a trade union allowing employees to work in excess of 48 hours in a week**. The requirement that an employer obtain written agreement from an employee or a trade union still applies, and should be reviewed before any employee subject to the hours of work provisions in the ESA is permitted to work excess hours.

### 1. Approval for Overtime Averaging

Bill 66 eliminates the requirement that an employer must obtain approval from the Director in order to enter into agreements with employees or a trade union to average hours of work for purposes of overtime pay. Notably, however, the amended provisions set a four-week limit on the overtime averaging period. Currently, there are no regulations or amendments providing for exceptions to this limit.

As with excess hours of work, the requirement to obtain agreement from an employee or a trade union still applies, and the requirements relating to the content of those agreements should be reviewed before they are entered into.

Transitional provisions in Bill 66 allow for existing overtime averaging approvals to continue until the earlier of the date the agreement is revoked by the employer, employee or trade union, the day the approval expires, or the day the approval is revoked by the Director.

## 1. ESA Poster Display

Bill 66 eliminates the requirement for employers to display the poster in a conspicuous place in the workplace, but maintains the requirement to distribute the poster to each employee.

The changes to the ESA came into force on April 3, 2019, when Royal Assent was received.

## Changes to the LRA

Bill 66 modifies the definition of “non-construction employer” and deems the following organizations to be non-construction employers:

- A municipality
- A local board as defined in s. 1(1) of the Municipal Act or s. 3(1) of the City of Toronto Act, 2006
- A local housing corporation as defined by s. 24 of the Housing Services Act, 2011
- A corporation established under s. 203 of the Municipal Act, 2001 or under s. 148 of the City of Toronto Act, 2006
- A district social services administration board established under the District Social Services Administration Boards Act
- A school board within the meaning of the School Boards Collective Bargaining Act, 2014
- A hospital within the meaning of the Public Hospitals Act
- A college established under the Ontario Colleges of Applied Arts and Technology Act, 2002
- A university in Ontario that receives regular direct operating funding from the government and the university’s affiliates and federates
- A public body within the meaning of the Public Service of Ontario Act, 2006

Employers deemed to be non-construction employers may opt-out of this classification by making an election in accordance with provisions introduced by Bill 66.

The majority of the amendments to the LRA, including the modification of the definition of “non-construction employer” and the listing of deemed non-construction employers, are not yet in force and come into force on a day to be named by proclamation of the Lieutenant Governor.

By

[Stephanie Young](#)

Expertise

[Labour & Employment](#)

---

## BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

[blg.com](http://blg.com)

### BLG Offices

#### Calgary

Centennial Place, East Tower  
520 3rd Avenue S.W.  
Calgary, AB, Canada  
T2P 0R3

T 403.232.9500  
F 403.266.1395

#### Ottawa

World Exchange Plaza  
100 Queen Street  
Ottawa, ON, Canada  
K1P 1J9

T 613.237.5160  
F 613.230.8842

#### Vancouver

1200 Waterfront Centre  
200 Burrard Street  
Vancouver, BC, Canada  
V7X 1T2

T 604.687.5744  
F 604.687.1415

#### Montréal

1000 De La Gauchetière Street West  
Suite 900  
Montréal, QC, Canada  
H3B 5H4

T 514.954.2555  
F 514.879.9015

#### Toronto

Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto, ON, Canada  
M5H 4E3

T 416.367.6000  
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing [unsubscribe@blg.com](mailto:unsubscribe@blg.com) or manage your subscription preferences at [blg.com/MyPreferences](http://blg.com/MyPreferences). If you feel you have received this message in error please contact [communications@blg.com](mailto:communications@blg.com). BLG's privacy policy for publications may be found at [blg.com/en/privacy](http://blg.com/en/privacy).

© 2024 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.