

# Ontario's Changing Workplaces Review: Interim Report Released

Tuesday, August 2, 2016

On July 27, 2016, the Interim Report for Ontario's Changing Workplaces Review was released. This marks the next phase of the Ministry of Labour's effort to modernize Ontario's labour and employment laws. The Interim Report also solicits feedback from the public – including employers — as part of the review's consultation process. Submissions on personal emergency leave are due by August 31, 2016, while all other submissions must be in by October 14, 2016.

The Changing Workplaces Review has the potential to recommend significant changes to labour and employment legislation in Ontario, so employers are encouraged to provide suggestions. To date, much of the feedback has been from employees, unions, and other employee advocates.

## Background

The Changing Workplaces Review, announced in the 2014 Speech from the Throne and being conducted by Special Advisors C. Michael Mitchell and John C. Murray, is the first comprehensive review of Ontario's *Employment Standards Act, 2000* ("ESA") and *Labour Relations Act, 1995* ("LRA"). It aims to review the evolving nature of Ontario's workplaces and modernize its laws accordingly. The Ministry of Labour is considering these developments in light of Ontario's changing economy, demographics, lifestyles, technologies, and trends in labour and employment law. The review specifically focuses on recommendations to amend the ESA, the LRA, and their regulations.

## Interim Report

The Interim Report — over 300 pages, and [available here](#) — reviews the Special Advisors' findings to date based on public consultations received thus far. These include comments on ways the ESA and LRA could be amended to enhance protections for "vulnerable workers in precarious jobs", as well as to provide supports for businesses and employers.

This Interim Report does not make any proposals or recommendations; those will follow in the Final Report, and may or may not be adopted by the government through legislation. Rather, the purpose of the Interim Report is to "advise Ontarians of the range of issues that have been identified and the options for change that we are being asked to consider." It also seeks to spur further, focused feedback from interested parties.

In general, the Interim Report is thorough, impartial, and thoughtfully written. It identifies approximately 50 issues, and each section includes a list of options — over 225 in total — that were suggested through the consultation process, which are numerous, creative, sometimes contradictory, and almost always include an option to maintain the status quo.

The suggestions included in the Interim Report reflect an unsurprising trend: employers would generally like more flexibility to run their businesses, while employees and employee advocates would generally like more protections and fewer obstacles to unionization. Stakeholders also commented that the ESA is too complex and difficult to understand and apply.

Specific concerns were also raised regarding, among other things, personal emergency leave and its impact on absenteeism; the wide discretion of employers to schedule employee shifts; and the lack of effective enforcement tools in the ESA. The Interim Report also indicates that while employers all wanted to retain the status quo under the LRA, other consultation parties sought changes that would ultimately increase unionization rates (such as by loosening certification procedures and strengthening penalties for employer misconduct).

### **Submissions**

Although the Special Advisors received over 300 written submissions and heard from 200 stakeholders over 12 public hearing dates, the Interim Report seeks further input from interested parties. Based on the feedback received and options suggested, it appears that employees and employee advocates (such as unions) were the most vocal with their feedback. The Interim Report seeks to ensure that all stakeholders — namely, employers — have an opportunity to provide feedback on specific potential changes before final recommendations are made that could have a significant impact on the way they run their businesses.

The Changing Workplaces Review has the potential to significantly amend, if not completely overhaul, Ontario's labour and employment laws. Employers are encouraged to provide feedback on the Interim Report by contacting the Ministry of Labour, by email ([CWR.SpecialAdvisors@ontario.ca](mailto:CWR.SpecialAdvisors@ontario.ca)), mail, or fax. Details for how to do so are available on [this Ministry webpage](#). The deadline to provide comments on personal emergency leave is August 31, 2016, while other submissions are due by October 14, 2016.

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