

What to Expect in 2018: New Ontario Employment Standards Announcements You May Have Missed Over the Holidays

Thursday, February 1, 2018

Last November, Ontario's legislature passed the *Fair Workplaces, Better Job Act, 2017* ("Bill 148"), turning numerous long-promised amendments to Ontario's *Employment Standards Act, 2000* (the "ESA") into law. These amendments include an increased minimum wage, more vacation for senior employees, and expanded leave of absence entitlements for all employees. Most of the changes to the ESA came into force on January 1, 2018, but others will take effect later, on April 1, 2018 and January 1, 2019.

A new process now begins as Ontario's employers and Ministry of Labour (the "Ministry") sort out how Bill 148's changes will look when implemented across Ontario workplaces.

To that end, below are further details and directions recently released by the Ministry to provide additional guidance on how Bill 148's provisions will be implemented, and what employers can expect in 2018:

- Updated guidelines concerning personal emergency leave, which now includes two paid days, were published by the Ministry in December 2017.
Key point: one notable passage in the guidelines indicates that employers having existing forms of paid leave to cover circumstances similar to personal emergency leave (e.g., paid sick leave) may save on the costs of the new paid personal emergency leave entitlement by revising existing policies to deduct days taken as personal emergency leave from these existing forms of paid leave.
- On December 18, 2017, the Ontario Legislature filed nine new ESA regulations to go along with the amendments made under Bill 148. The resulting changes include increases in penalties for ESA contraventions, special personal emergency leave entitlements for certain employees in the automotive industry, and exemptions from Bill 148's new equal pay for equal work requirements for students under 18 working less than 28 hours per week.
Key point: employers, particularly those in industries where employees have been exempt from certain provisions of the ESA, are well-advised to become familiar with how these new regulations will interact with new entitlements arising from Bill 148.
- The Ministry has announced the hiring of up to 175 new employment standards officers to enforce the provisions of Bill 148. This January, 41 of these new officers graduated training. This hiring effort arises alongside the Ministry's commitment to inspect one in 10 Ontario workplaces each year, and to resolve all claims within 90 days as of 2018.
Key point: employers can expect the Ministry to step up enforcement efforts in 2017 and 2018, with a focus on the new requirements under Bill 148. In view of amendments that have removed the requirement for employees to first bring complaints to their employers, many employers could find themselves unexpectedly subject to Ministry investigations from 2018 onward.

In addition to publishing the above details and directions, the Ministry has also released a [new employment standards poster](#), version 7.0, entitled “Fair at Work Ontario”. The poster is currently available at the Ministry’s website in 12 languages, including French, Arabic and Hindi.

As Ontario’s broad and sweeping new employment standards play out in the province’s diverse industries and workplaces, we can expect the Ministry to be called upon to provide added clarity on these standards. Accordingly, further guidance documents regarding ESA changes arising from Bill 148 are likely to continue to be released throughout 2018, and should be on every Ontario employer’s radar.

For now, the real work of changing Ontario’s workplaces to align with Bill 148 is only beginning.

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