

TJ Solutions HR Updates for Your Child Care Organization

Once again employers across Ontario, including child cares, private schools and early years centres are faced with changes coming to the Employment Standards Act.

Bill 47 Making Ontario Open for Business Act is expected to pass and is currently in second reading. It is important for employers to continue to comply with the requirements under Bill 148 version of the ESA until the final provisions under Bill 47 are passed. However, here is what we know so far;

Minimum Wage

The proposed changes to minimum wage for January 1, 2019 will be repealed and minimum wage will remain at \$14.00 per hour until 2020 and then increases would be tied to inflation.

Scheduling

The proposed scheduling changes that were set for January 1, 2019 will be repealed those include:

- The three-hour minimum pay requirement for employees who are called in and work less than three hours
- The three-hour minimum pay for being on call if the employee is available but is not called in
- The right to request a schedule or work location change after three months of employment
- The record keeping requirements that were required with the scheduling provisions

Three-Hour Rule

The January 1, 2019 requirement to pay three hours to an employee in the event of a cancellation of a scheduled shift within 48 hours before the shift was to begin will be repealed.

There is an exception for employees who regularly work a three-hour shift or longer. If they report to work for their shift but work less than three hours, they will be entitled to three hours pay regardless of how long they have worked.

Personal Emergency Leave

The current PEL provision where employees after one week of employment are entitled to 10 PEL days of which the first 2 days must be paid will be repealed.

Bill 47 will replace PEL with 3 sick days, 2 bereavement days, and 3 family responsibility days for a total of 8 unpaid days annually. Employees will be entitled to the unpaid leave for personal illness, injury, or medical emergency after two weeks of consecutive employment. There is no requirement for the employer to provide paid time off for any of these days.

Please be aware if your current employment contracts including a collective agreement provides a greater right or benefit to employees than the proposed changes then the terms of the contract will apply instead of the ESA standard.

Requesting Doctor's Notes

The provision that prohibited employers from asking for a medical note from a qualified health practitioner will be repealed.

Equal Pay for Equal Work

The current requirement for equal pay for equal work regardless of whether an employee's status was part-time, or casual will be repealed. Employers will be allowed to have different classes of workers to be paid different wages. (full-time versus part-time)

Public Holiday Pay

The public holiday pay calculation will remain the same using the formula that existed prior to Bill 148.

Vacation Entitlement

Will not be repealed, employees will be entitled to 3 weeks of paid vacation after 5 years of service with the same employer.

Domestic & Sexual Violence Leave

The provisions set out under Bill 148 will remain, there will be no change, an employee who have been employed for at least 13 weeks will be entitled to leave of absence of 10 days and up to 15 weeks of which the first 5 days of the leave are to be paid.

Other Unpaid Leaves of Absence

The extensions to other unpaid leaves of absence put in place by Bill 148 (Family Medical, Family Caregiver, Critically Ill Child etc.) will remain the same.

Labour Relations Act

A number of provisions set out under Bill 148 that made it easier for unions to certify and reach a first collective agreement are set to be repealed.

We will be sending out more information as the legislation continues to move forward. You can view the Bill online <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-47>

Please feel free to contact us with any questions

Warm regards,

Joy & Terri

The information contained in this handout is intended as a general guide only and organizations must create their own policies. It is not intended to replace professional legal advice. If legal

advice is required for a specific issue or situation, organizations should contact a lawyer. Please be advised that TJ Solutions does not give legal advice.

Joy Lerman & Terri Carr have worked as facilitator/trainers all over southern Ontario providing solutions in managing your child care organizations. Our interactive style provides workshops that are creative, dynamic, and energetic. Our goal is to make sure you walk away with tools you can use in your workplace.

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