

Ontario's new labour law brings many changes, including \$15 minimum wage

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Published on: November 23, 2017 | Last Updated: November 24, 2017 10:10 AM EST



Matt Marchand kicks off the start of the 2016 BEA awards at Caesars Windsor in Windsor on April 20, 2016. *TYLER BROWNBRIDGE / WINDSOR STAR*

Ontario's sweeping new labour law provides a host of new rules, including a \$15 minimum wage by 2019, that supporters say will lift people out of poverty but that opponents fear will kill jobs.

Bill 148 — the Fair Workplaces, Better Jobs Act — was introduced by the province's Liberal government on Wednesday following a lengthy review and province-wide consultation process, in which unions, businesses, academics and others participated.

Matt Marchand, president of the Windsor-Essex Regional Chamber of Commerce, says the new legislation contains up to 60 rules that could cost businesses more.

"Bill 148 is adding another layer of cost and regulation to our business community," he said Thursday. "It's another layer on top of everything else."

One of those extra layers of cost, according to Marchand, is the skyrocketing utility costs in Ontario. He noted that Essex County has recently lost agricultural business to Ohio. And while chambers of commerce across Ontario support a \$15 minimum wage, he said they wanted it to be implemented over five years — as the Kathleen Wynne government originally suggested.

Marchand said estimates of potential job losses range from as many as 50,000, as estimated by government representatives, to 180,000, which is figure from business sources.

"It's part of a cumulative cost burden," Marchand said. "In comparison to other municipalities, we have to ask ourselves, are we competitive?"

Bill 148 implements a number of wide-ranging changes, such as creating better protection for those doing precarious work, allowing 10 days of personal emergency days off, making it easier to form unions and blocking businesses from requiring the use of high heels.

"Bill 148 is a huge victory," said Brian Hogan, president of the Windsor and District Labour Council. "Union, non-union, whatever community you're in, there's lots of improvement.

"It has been decades since labour laws have really changed, so it's long overdue."



Brian Hogan, president of the Windsor District Labour Council. *JASON KRYK / WINDSOR STAR*

Frankie Cachon, who helped form the anti-poverty group \$15 and Fairness Windsor, said a number of recent studies show that providing better wages and protections for workers will actually boost the economy — since more people will spend money and fewer will rely on government assistance.

She said 1.7 million workers are now on their way to earning a \$15 minimum wage.

"This law will help lift people out of poverty," said Cachon, a University of Windsor instructor who has researched the rise of work that pays low wages and provides little security and few benefits. "There are

growing levels of precarious work across our labour market. The growth of precarious work is affecting so many people.

"Creating fairness in our workplace is a very important step forward."

Some highlights of Bill 148 are:

— Minimum wage rises from \$11.60 an hour to \$14 on Jan. 1, 2018, then to \$15 on Jan. 1, 2019.

- Casual, part-time, temporary and seasonal employees will be given the same pay as full-time employees for doing equal work. There are exemptions based on seniority and merit.
- Lower minimum wage rates for liquor servers, students under 18, hunting and fishing guides will also rise along with the general minimum wage.
- Once an employee works for a company for five years, they will be entitled to three weeks of paid vacation.
- Personal emergency leave no longer only applies to workers at companies with 50 or more employees. All workers will get 10 days per year, two of them paid.
- Employers will not be allowed to request a sick note from an employee taking personal emergency leave.
- Victims of domestic or sexual violence, or parents of children who have experienced or are threatened with it, will get five days of paid leave and 17 weeks of job-protected, unpaid leave.
- Parents whose children die will get unpaid leave of up to 104 weeks. It was previously only offered to parents when a child's death was related to a crime.
- Employers must pay three hours of wages if they cancel a shift with fewer than 48 hours notice, with weather-dependent work exempted.
- Employees can refuse shifts without repercussion if the employer gives them less than four days notice.
- Employees on call must be paid three hours at their regular pay rate.
- Companies that misclassify workers as "independent contractors" instead of employees in order to skirt labour law obligations would be subject to fines.
- The maximum fine for employers who violate employment standards laws will be increased from \$250, \$500 and \$1,000 for various violations to \$350, \$700 and \$1,500. The government will publish the names of those who are fined.
- Ease restrictions on union certification and allow unions to access employee lists and certain contact information if the union can demonstrate it has the support of 20 per cent of employees.
- Makes it easier for home care and community services workers, people in the building services sector, and those who work through temp agencies to unionize.
- The maximum fines under the Labour Relations Act will increase from \$2,000 for individuals and \$25,000 for organizations to \$5,000 and \$100,000.
- The province's Occupational Health and Safety Act will be amended to prevent employers from forcing workers to wear high heels. An exception will be made for employers looking for a "performer" in the entertainment and advertising industries.

With files from the Canadian Press.

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