

Timeline of Bill 148 Amendments to the ESA, 2000

November 29, 2017

Employment Standards Act, 2000

Effective Immediately
<ul style="list-style-type: none"> • Misclassification: Employers are explicitly prohibited from misclassifying employees as independent contractors, and bear the onus of proving an individual is not an employee
Effective December 3, 2017
<ul style="list-style-type: none"> • Leaves of absence: <p>? Parental leave: 61 weeks for employees who have taken a pregnancy leave, 63 weeks for employees who have not</p> <p>? Critical illness leave: 37 weeks in a 52-week period (to care for a critically ill minor child who is a family member), 17 weeks in a 52-week period (to care or support to a critically ill adult who is a family member)</p>
Effective January 1, 2018
<ul style="list-style-type: none"> • General minimum wage: \$14.00 per hour. • Paid vacation: 3 weeks per year after 5 years of service • Public holiday pay (new formula for calculation): Calculation to be based on number of days actually worked in the pay period immediately preceding the public holiday • Overtime: Employees who work in more than one position for an employer must be paid overtime calculated on the rate for the position that they are working in during the overtime period • Temporary help agencies: Employee right to receive one week of notice or pay in lieu if an assignment that was scheduled to last longer than 3 months is terminated early, unless another assignment of at least one week is offered to the employee • Leaves of absence: <p>? Personal emergency leave: 10 days, the first 2 of which must be paid</p> <ul style="list-style-type: none"> • 50-employee threshold eliminated

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- Employers prohibited from requiring a doctor's note for this leave

? Family medical leave: 28 weeks in a 52-week period

? Pregnancy leave for still births/miscarriages: 12 weeks ? Child death leave: 104 weeks following the death of a child ? Crime-related child disappearance leave: 104 weeks

? Domestic or sexual violence leave: 10 days and 15 weeks in each calendar year, the first five days of which must be paid

Effective April 1, 2018

- Equal pay for equal work provisions, including:

? Part-time, temporary and seasonal employees entitled to be paid equally to full-time employees when performing "substantially the same" job for the same employer

- A distinction in rate of pay will only be permitted based on (a) a seniority system, (b) a merit system, (c) quantity or quality of production or (d) some other objective factor

? Employee right to request that the employer review their wages if they believe they are not receiving equal pay for equal work

? Employee protection from reprisal if they inquire about their own wage rate or the wages paid to other employees

Effective January 1, 2019

- General minimum wage: \$15.00 per hour
- Scheduling provisions, including:

? Employee right to request schedule or location changes

? Employer obligation to discuss request with employee and either grant request or provide reasons for denial

? Employee right to refuse shift assignments if shift is assigned on less than 96 hours' notice

? Employee entitlement to "wages for three hours" (which has a prescribed method of calculation) if:

- the employee reports for work and works less than three hours

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- the employee's shift is cancelled on less than 48 hours' notice, or
- the employee is asked to be on call

? Employer obligation to keep records of the dates and times employees are scheduled to work or be on call, as well as any changes to the schedule

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