

## Bill 47 Making Ontario Open for Business Act 2018

On October 23, 2018, the Ford government introduced Bill 47, *Making Ontario Open for Business Act 2018*. The act serves to erase many of the protections for workers that were put in place through Bill 148, *Fair Workplaces, Better Jobs Act*. Essentially, the bill reduces the rights of workers that the PC government sees as barriers to employer rights. The changes contained in Bill 47 that are of particular interest to OSSTF/FEESO members are summarized below.

### Minimum wage

Minimum wage will remain at \$14, and the scheduled increase in the minimum wage to \$15 on January 1, 2019 has been eliminated. No further increases will occur until October 1, 2020. Beginning on that date, minimum wage will increase annually in accordance with the year over year increase in the Consumer Price Index. Bill 47 also eliminates the review of minimum wage that was to take place in 2024 and every five years thereafter.

### Personal Emergency Leave (PEL)

Bill 148 had introduced 10 days of Personal Emergency Leave, with the first two days taken being paid days. Bill 47 removes the two paid days, and introduces a more restricted version of PEL for the remaining eight days. Employees will be provided with three unpaid days of Sick Leave, three unpaid days of Family Responsibility Leave, and two unpaid days of Bereavement Leave. An employer may deem any partial day of leave taken under this section to be a full day. As a further erosion of worker rights, employers are no longer prohibited from requiring medical documentation in order to establish entitlement to PEL. Finally, if an employee takes a leave under a provision of their contract or collective agreement that would have entitled them to leave under PEL, that leave counts against the employee's PEL entitlement.

### Equal pay for equal work

Bill 47 erases the provisions put in place by Bill 148 that ensured that casual, temporary and part-time employees would be paid the same rate as permanent, full time employees who were performing the same work. In addition, the bill removes the ability for an employee who believes they are being paid differently based on their gender to request a review of their pay.

### Scheduling and cancellation of work

The *Making Ontario Open for Business Act* also eliminates the protections for workers introduced in Bill 148 related to requesting changes in schedule or work location, as well as those addressing when shifts are cancelled or shortened. Additional protection for workers who are on call was also eliminated. The only remaining protection under this group is the "Three Hour Rule," which states that a worker is guaranteed three hours pay if they normally work more than three hours' and their shift is shortened after they have reported to work.

### Public holiday pay

Although Bill 148 initially changed the calculation of Public Holiday Pay so that it would not disadvantage people who worked part time or irregular schedules, the Liberal government delayed implementation of the provision shortly before the election. Bill 47 reverts the old method of calculating Holiday Pay.

### Bill 148 changes that remain

The following provisions of note were not revoked by Bill 47, and remain in place:

- Three weeks of paid vacation for employees who have been employed for five years or more;
- Changes to pregnancy, parental, critical illness, and family medical leave;
- Paid leave for victims of domestic and sexual violence;
- Improved leaves for parents of children who disappear as a result of a crime;
- Notice or pay in lieu provisions for temporary workers who are terminated early from assignments anticipated to be three months or more in length;

- Family Day is still considered a Public Holiday and therefore subject to the same rules as other statutory holidays.

In addition to the above changes to the *Employment Standards Act*, Bill 47 will also remove many of the protections that Bill 148 inserted into the *Labour Relations Act* that added rights for workers and unions related to unionizing, organizing workplaces, and first contract negotiations.

### **Changes made by employers due to Bill 148**

It is important to note that, where employers and Bargaining Units signed agreements to alter terms of the collective agreement in order to comply with Bill 148, those agreements are not affected by any of the revisions proposed in Bill 47.



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