Introduction

The proposed amendments to Ontario’s Employment Standards Act ("the ESA") and Labour Relations Act ("LRA") were introduced in early 2017. The proposed amendments were subjected to public consultation through a Committee of the Legislature. Committee deliberations resulted in a series of changes to the proposed Bill in August 2017. In the end, the reforms remain much as when they were first proposed.

Gowling WLG’s study finds that the proposed changes deliver a host of new entitlements, most notably "equal pay" rights and enhanced personal leaves of absence to employees in Ontario. Beyond those changes, however, the Bill 148 amendments seem to have one principal beneficiary and one principal target.

The target is the temporary help agency sector. Significant amendments to the ESA are geared to eliminating advantages that formed a key part of the agency value proposition. Bill 148 provisions will make it far less attractive for companies to engage temporary "assignment employees" instead of permanent employees.

Another target is the building services industry (cleaning, security and like services), which will see card-based certification of trade unions, rapidly facilitating unionization without employee votes and union successor rights, locking-in existing trade unions' representation rights and eliminating employee opportunities to choose new unions.
These outcomes strongly point to the principal beneficiary of Bill 148: trade unions. The certification of trade unions, union security in successor employer situations in the building services sector and the additional protections afforded to workers during and after labour interruptions, all enhance the ease with which unions can get, and keep, a foothold in more Ontario workplaces.

Even where amendments do not directly serve the interests of trade unions, they impose upon workplaces new standards that reflect the norms of unionized environments: the "equal pay for equal work" rules are complex and administratively burdensome, seriously limiting the degrees of freedom an employer can exercise in employee compensation decisions. New scheduling and "on call" pay echo traditional union pay rules.

The overall impact of Bill 148 is to incorporate "union like" standards into non-unionized workplaces, to put direct or indirect upward pressure on wage rates in all sectors and to facilitate unionization.

Use the links below to view each section of this guide.

**ESA: General Amendments »**
- Equal Pay for Equal Work
- Vacation Entitlement
- Scheduling

**ESA: Leaves of Absence »**
- Care and Support
- Child Death Leave
- Child Disappearance Leave
- Personal Emergency Leave
- Pregnancy and Parental Leave
- Domestic or Sexual Violence Leave

**Temporary Help Agencies »**
- Card-Based Certification of Trade Unions
- Notice for Early End of an Assignment
• Equal Pay for Equal Work in the Temporary Help Sector
• No Fees charged to Assignment Employees

**Building Services Industry**

• Card-Based Certification of Trade Unions
• Union Successor Rights in the Building Services Sector

**Labour Relations Act Amendments**

• Release of Confidential Employee Information to Union
• Card-Based Certification
• Automatic Certification in cases of Employer Interference
• First Contract "Mediation-Arbitration"
• No discharge or discipline without "just cause" after union certified
• Union Successor Rights in the Building Services Sector
• Employee Protection during and after Strikes / Lockouts

**Minimum Wage Increases**

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