

Analyzing the implications of Bill 148 - Fair Workplaces, Better Jobs Act TEMPLATE

How to use the template

Use this as an assessment to help your organization analyze proposed changes to Employment Standards Act (ESA) and other changes that could affect nonprofits and charities moving forward.

A big thank you to [Carlington Community Health Centre](#) for developing and sharing this tool!

SECTION I - Pay and benefits (P)

Item – Pay & benefits	Details	Do we have to change?	How does this affect the future?	Notes
P1. Assumption now only applies to wages, not to benefits or other entitlements -- TBD	All jobs get the same wage if do the same work. Can't have different rates for casuals, temporary, part-time employees vs. regular In force April 1, 2018			
April 1, 2018	Anyone can ask for a review of their wage			
P2. Increased vacation pay with increased tenure	To 6% / 3 weeks after 5 years. Counts from start date regardless of type of position In force January 1, 2018, this fiscal year			

P3. Minimum wage increases	Jan 1, 2018 - \$14 Jan 1, 2019 - \$15			
Item – Pay and benefits	Details	Do we have to change?	How does this affect the future?	Notes
P4a. Public holiday pay – temp / casual / relief / part-time employees	Calculation now based on average hours over days actually worked rather than a common usual work week. In force Jan 1, 2018 this fiscal year			
P4b. Public Holiday pay – regular staff	Calculation now based on average hours over days actually worked rather than a common, usual work week. In force Jan 1, 2018 this fiscal year			
P4c. Public holiday Substitute day off when holiday falls on non-work day or during vacation	Requires substitute day off be the work day just before or after the holiday. Can pay out if employee agrees. In force Jan 1, 2018 this fiscal year			

SECTION II: ESA Scheduling Rules: All in effect Jan 1, 2019 (S)

Item	Details	Do we have to change?	How does this affect the future?	Notes
S1. Request change to schedule, location	After 3 months of employment can request this – in writing.			
S2. Three-hour rule	Have to pay regular rate rather the minimum wage if shift of greater than 3 hours is canceled. This applies to canceling up to 48 hours in advance.			
S3. Can refuse shift with less than 96 hours' notice (4 days)				
S4. On call changes	If “called in” and work less than 3 hours, have to be paid for 3 hours of work minimum.			

SECTION III: Leave provisions: ALL take effect Jan 1, 2018, this fiscal year (L)

Item	Details	Do we have to change?	How does this affect the future?	Notes
<p>L1. Personal emergency leave – 10 days total, first 2 must be paid, rest are unpaid</p>	<p>May be that paid sick leave is a greater right or benefit so may have no effect on regular employees. Will affect all employees who don't get paid leave.</p> <p>No minimum time of employment required.</p> <p>What is meant by “year”?</p> <p>Jan 1, 2018 (this fiscal year)</p>			
<p>L2. New unpaid leaves – protected like PPL.</p>	<p>Child death – 2 years of unpaid leave</p> <p>Child disappearance – 2 years</p> <p>All require at least 6 months of employment.</p>			
<p>L3. Changes to family medical leave</p>	<p>Will now be increased to 26 weeks to match EI payments</p> <p>No minimum employment requirement</p>			

SECTION IV: ESA & other significant changes (0)

Item	Details	Do we have to change?	How does this affect the future?	Notes
01. Penalties for misclassifying an employee as a contractor (invoice us)	Penalties include prosecution, public disclosure of a conviction, and monetary penalties			
02. Temporary help agencies required to give one week's notice on contracts over 3 months	Can be paid the difference or offered other reasonable work			
03. Temporary agency staff have to be paid the "same rate" as employees of client doing the same job	Temp agency staff and the agencies could ask for job descriptions and salary scales.			
04. Increased penalties for non-compliance with the ESA	Inspectors given more leeway			
05. Looking at whether or not to remove some exclusions for managers, doctors, etc.	No details provided on how this is going, still talking to stakeholders.			

SECTION V: Federal changes (F)

Item	Details	Do we have to change?	How does this affect the future?	Notes
F1. Pregnancy and parental leave change – option to take one year at full EI per month or 18 months at 66% monthly rate per month	Staff have the option of taking one or the other – have to choose at the beginning as it affects their EI payments.			