



What's New in HR Law

Bill 66 Seeks to Amend the *Employment Standards Act, Labour Relations Act, and Pensions Benefits Act*

December 10, 2018

BOTTOM LINE

On December 6, 2018, the Ontario government introduced Bill 66, *An Act to restore Ontario's competitiveness by amending or repealing certain Acts* ("Bill 66").

Bill 66 proposes amendments to a number of Acts and includes proposed amendments to the *Employment Standards Act, 2000* (the "ESA") and the *Labour Relations Act, 1995* (the "LRA") at Schedule 9 and the *Pensions Benefits Act* at Schedule 6.

Key changes in the Bill that are relevant for employers include:

Proposed Amendments to the *Employment Standards Act, 2000*

Bill 66 seeks to amend the *ESA* to provide that the Director of Employment Standards (the "Director"), and not the Minister of Labour, is required to publish a poster providing information about the *ESA*.

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Bill 66 will also amend the *ESA* so employers are no longer required to post the *ESA* poster in the workplace. Employers will still have to provide a copy of the poster to their employees.

Bill 66 will amend the *ESA* to remove the requirement to obtain the Director's approval before:

- employers make agreements that allow their employees to exceed 48 hours of work in a work week.
- employers make agreements that allow them to average their employee's hours of work for the purpose of determining the employee's entitlement to overtime pay.

Bill 66 will also provide that an employee's hours may be averaged in accordance with the terms of an averaging agreement between the employee and the employer over a period that does not exceed **four weeks**.

Proposed Amendments to the *Labour Relations Act, 1995*

Bill 66 will amend the *LRA* to deem the following employers to be non-construction employers:

- municipalities;
- local boards within the meaning of the *Municipal Act, 2001*;
- school boards;
- public hospitals;
- colleges of applied arts and technology;
- universities that receive regular direct operating funding from the Government, and the university's affiliates and federates; and
- public bodies within the meaning of the *Public Service of Ontario Act, 2006*

If Bill 66 comes into force, trade unions that represent employees of the foregoing employers who are employed, or who may be employed, in the construction industry will no longer represent those employees. Any collective agreement binding any of the foregoing employers and the corresponding trade union will cease to apply in so far as the collective agreement applies to the construction industry.

Proposed Amendments to the *Pension Benefits Act*

Bill 66 will remove subsection 80.4 (1) of the *Pension Benefits Act*. Currently, subsection 80.4 (1) of the *Pension Benefits Act* provides that the conversion of single employer pension plans to jointly sponsored pension plans, implemented through a transfer of assets and liabilities, is only available with respect to plans that are public sector plans and with respect to prescribed pension plans or classes of pension plans.

Check the Box

Bill 66 is still in the first reading stage. It will have to be referred to second reading, and then will move to the next stage in the legislative process. The legislative process will resume on February 19, 2019.

Changes to the *ESA* and the *Pension Benefits Act* will come into effect on the date that Bill 66 receives Royal Assent.

Changes to the *LRA* would come into effect on a future date to be named by proclamation of the Lieutenant Governor.

Need more information?

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