What's Old Is New: Government Passes Bill 47 And May Delay The Pay Transparency Act

November 22, 2018

After a delay caused by a number of vocal protesters in the public gallery of Queen's Park, on November 21, 2018, the *Making Ontario Open for Business Act, 2018* (Bill 47), passed third reading and received Royal Assent. The law repeals a significant number of the recent Bill 148 amendments to the *Employment Standards Act, 2000* (the ESA) and the *Labour Relations Act, 1995* (the LRA), which either came into force over the past year or were scheduled to come into force on January 1, 2019.

Bill 47's changes to the ESA and the LRA were detailed in a previous bulletin. There were no additional changes to Bill 47 in respect of the ESA as a result of the legislative debates that took place since the legislation was introduced on October 23, 2018. However, there were some further changes to the LRA, as outlined below.

The changes to the ESA contained in Bill 47 will come into force on January 1, 2019, with one very narrow exception. The repeal of paragraph 6 of section 3(5) of the ESA, which provides that the ESA does not apply to an individual who performs work in a simulated job or working environment if the primary purpose in placing the individual in the job or environment is his or her rehabilitation, will come into force on a day to be named by proclamation of the Lieutenant Governor.

The LRA changes contained in Bill 47 came into force on November 21, 2018. Since our last bulletin, the LRA provisions of Bill 47 were amended in several respects. The most significant change is that the Ontario Labour Relations Board is no longer empowered to review the structure of existing bargaining units on the basis that they are no longer appropriate. Other changes were more minor, and include amendments in the manner of service or delivery of documents.

Other Changes — *Pay Transparency Act*

On a related note, Bill 57, the *Restoring Trust, Transparency and Accountability Act, 2018* is currently being debated and is at second reading. If passed, Bill 57 will delay the implementation of the *Pay Transparency Act, 2018* from January 1, 2019 to a day to be named by proclamation of the Lieutenant Governor (*i.e.*, indefinitely). The full text of the original Bill 57 is available on the OLA website.

We will continue to monitor the status of Bill 57 and advise once passed.

By

Jeffrey Mitchell, Bethan Dinning

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BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

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