

In February 2015, the Government of Ontario began an assessment of the employees in the modern workplace with a view to further enhancing employee protection. The assessment ultimately resulted in a proposed amendment to the *Employment Standards Act 2000* (ESA): Bill 148, Fair Workplaces, Better Jobs Act, 2017. As these amendments will ultimately result in greater rights or benefits to employees, they will also result in corresponding additional costs to employers.

## Changing Workplaces Review: Government to review exemptions under the *Employment Standards Act*

As we reported in our October and July 2017 Alerts, the changes to the ESA are currently the subject of debate in the legislature. While the Bill has passed second reading, the Bill will still need to go through a third reading and royal assent before becoming law and we do not have a timeline for that yet.

In the meantime, the government has announced its intention to review exemptions under the ESA that apply to certain occupations. These exemptions apply to employment standards relating to, among other things, wages, overtime, hours of work and public holidays.

The first phase of the review involves obtaining input from the public on the following occupations that are currently exempt from certain employment standards:

### Workplace Bystander Intervention Training

March 7, 2018 in Toronto

What makes a bystander tick?

In this half-day session, participants will learn about the importance of bystanders in creating healthy and inclusive workplaces along with the underlying workplace dynamics that keep victims from speaking up and making complaints about harassment, discrimination and bullying in the workplace.

Learn more and register via [rtworkplacetraining.com](http://rtworkplacetraining.com)

This alert is prepared as a service for our clients and other persons dealing with employment issues. It is not intended to be a complete statement of the law or an opinion on any subject. Although we endeavour to ensure its accuracy, no one should act upon it without a thorough examination of the law after the facts of a specific situation are considered, and without seeking the advice of legal counsel. No part of this publication may be reproduced without prior written permission of Rubin Thomlinson LLP. This has been sent to you courtesy of Rubin Thomlinson LLP.

- Architects
- Domestic Workers<sup>1</sup>
- Homemakers
- IT Professionals
- Managerial and Supervisory Employees
- Pharmacists
- Residential Building Superintendents, Janitors and Caretakers
- Residential Care Workers

### Participating in the review process

As part of its review of the exemptions that apply to pharmacists and architects, the Ministry of Labour (“the Ministry”) is consulting directly with the regulatory bodies for these professions. These regulatory bodies will be holding their own consultations with their members and will be reporting back to the Ministry. You can learn more about this process by following the links below:

- Pharmacists (ESA)
- Architects (ESA)

The Ministry has prepared ESA Exemption Toolkits to facilitate this phase of the consultation process for the following occupational groups: Residential Building Superintendents, Janitors and Caretakers; IT Professionals; Managers and Supervisors; and Domestic Workers, Homemakers and Residential Care Workers. You can learn more about how to take part in this part of the consultation process by visiting the following links:

- Residential Building Superintendents, Janitors and Caretakers (ESA)
- IT Professionals (ESA)
- Managers and Supervisors (ESA)

<sup>1</sup> This phase of the review will also review the exclusion of domestic workers under the *Labour Relations Act* (LRA)

## \*New for 2018\* Conducting Workplace Violence Investigations

May 17, 2018 in  
Toronto

An employee tells you that a co-worker said something that made them upset, but also that they fear for their personal safety. You're well-versed in dealing with complaints about harassment and bullying. What about complaints that raise a risk of someone getting injured?

This course provides a framework for assessing complaints to determine whether they meet the definition of workplace violence and teaches participants how to maintain the safety of employees and conduct a meaningful investigation.

Visit  
[rtworkplacetraining.com](http://rtworkplacetraining.com)  
to learn more and  
to register.

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- Domestic Workers, Homemakers and Residential Care Workers (ESA)

Those interested in participating in Phase 1 of the review can request the appropriate ESA Exemption Toolkit by emailing [exemptions.review@ontario.ca](mailto:exemptions.review@ontario.ca).

The deadline for providing input is **December 1, 2017**.

More information about the review process can be found online at the Ministry of Labour's website: [https://www.labour.gov.on.ca/english/about/workplace/web\\_notice.php](https://www.labour.gov.on.ca/english/about/workplace/web_notice.php).

## Changes to Employment Insurance benefits for maternity/ parental/ adoptive leaves for federally regulated employers

On November 9, 2017 the Government of Canada announced changes to Employment Insurance benefits for parental/adoptive leave that will take effect **December 3, 2017** (as previously announced in the 2017 Federal Budget statement). Eligible parents in Canada, outside Quebec, can choose between the Standard Parental Benefit or the Extended Parental Benefit. The Standard Parental Benefit provides 35 weeks for a period of up to 12 months at a rate of 55% of an eligible parent's average weekly earnings, to a maximum of \$543 per week. With the Extended Parental Benefit, parents receive up to 61 weeks of benefits over 18 months at 33% of average weekly earnings, to a maximum of \$326 per week.

Birth mothers who work for federally regulated workplaces will now be eligible to receive benefits 12 weeks prior to their due date, compared to the existing 9 weeks before birth.

Outside of federally regulated workplaces, where the changes will take effect December 3, the provinces and territories must make legislative and policy changes to define the conditions of job-protected leave that will allow the extended leave to become an option for new parents. Ontario has announced its intention to do so as part of the amendments to its *Employment Standards Act*. 

If you have any questions related to this Alert, please contact Patrizia Piccolo: (416) 847-1814 [PPiccolo@rubinthomlinson.com](mailto:PPiccolo@rubinthomlinson.com)

By Patrizia Piccolo, Partner and Employment Law Group Practice Lead

## Respect, Diversity and Change in the Workplace Series

**Part 1: Navigating 'Difference'**  
9am - 12 noon

**Part 2: Modelling Respect** 1pm - 4pm

**June 26, 2018 in Toronto**

In this one-day, two-part course, we provide a framework for how to approach cultural differences in the workplace in a way that allows you to be both comfortable and engaged with your colleagues, and addresses the natural fear of saying the wrong thing at the wrong time.

Once you understand how to manage and navigate the expression of 'difference' in the workplace, we then go on to examine how to incorporate respect as part and parcel of enhancing the diversity of Canadian workplaces.

Visit [rtworkplacetraining.com](http://rtworkplacetraining.com) to learn more or to register.