

Recent Developments Regarding the *Employment Standards Act*

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New Poster Published by the Ontario Ministry of Labour

Under the *Employment Standards Act, 2000* (“ESA”), employers are required to post a poster that provides employees with information about minimum standards under the *ESA*, including information regarding minimum wage, hours of work and overtime, public holidays, vacation time and pay, and notice of termination.

Earlier in January 2019, the Ontario Ministry of Labour released the latest version of the *ESA* poster – version 8 – which contains changes from the prior version of the poster. Although the changes are relatively minor, it is essential for employers to ensure that they take steps to comply with the *ESA*, which includes posting the most recent poster in at least one conspicuous place in every workplace of the employer where it is likely to come to employees’ attention, and providing a copy of the poster to each new employee within 30 days of hire.

The *ESA* poster is available on the website of the Ontario Ministry of Labour in a variety of different languages, including French, Arabic, Chinese, Hindi, Portuguese, Punjabi, Spanish, Tagalog, Thai and Urdu. A copy of the poster is available here:

<https://www.ontario.ca/page/posters-required-workplace#section-1>

Bill 66, Restoring Ontario's Competitiveness Act, 2018

Last December 2018, the Ontario government introduced Bill 66, *Restoring Ontario's Competitiveness Act, 2018*. Bill 66 follows the enactment of Bill 47 which, as many employers will know, made a number of significant changes to the *ESA*.

Bill 66, if enacted, will introduce further changes to the *ESA*, including removing the requirement that Ontario employers post the *ESA* poster in the workplace. Bill 66 would not change the

existing requirement that employers provide the poster to current employees and to each new employee within 30 days of their hire.

Other changes to the *ESA* that may become law through Bill 66 include:

- Repealing the 60-hour per week cap and eliminating the requirement to obtain the approval of the Director of Employment Standards for employers to make agreements that allow employees to exceed 48 hours of work in a work week; and
- Removing the requirement to obtain the approval of the Director of Employment Standards for employers to make agreements that allow them to average their employees' hours of work for the purpose of determining employees' entitlement to overtime pay.

With respect to its status, Bill 66 has passed the first reading and is currently in second reading debate.