



**BILL 148,
THE FAIR WORKPLACES, BETTER JOBS ACT, 2017
EMPLOYER CHECKLIST - ARE YOU READY?**



● Plan / prepare ahead

● Review and update now; implement shortly

● Take immediate action

No.	Action Item	Key Take-away	Implement By	Complete Y/N	Date Completed
1.	Review all independent contractor relationships and agreements	Employers can now be fined (up to \$50,000 for individuals and \$100,000 for corporations) under the ESA for employers to treat a worker who is ostensibly an employee as if the employee were an independent contractor.	November 27, 2017		
2.	Revise leaves of absence policies to reflect amended, replaced and added protected leaves of absence under the ESA.	Bill 148 has: <ul style="list-style-type: none"> • <u>amended</u> parental leave; and • <u>replaced</u> critically ill childcare with “critical illness leave”. 	December 3, 2017		
		Bill 148 has: <ul style="list-style-type: none"> • <u>amended</u> pregnancy, family medical and personal emergency leaves; • <u>replaced</u> crime-related child or disappearance with (i) “child death leave” and (ii) “crime-related child disappearance leave”; and • <u>added</u> domestic or sexual violence leave. 	January 1, 2018		
3.	Update payroll practices to incorporate paid days of leave	Personal emergency leave: 2/10 days are paid Domestic or sexual violent leave: 5/10 days are paid	January 1, 2018		
4.	Update payroll practices to incorporate the new over-time pay rule	Employees must now be paid at one and one-half times the regular rate that applies to the type of work performed in an overtime hour.	January 1, 2018		
5.	Update payroll systems to reflect the new formula for public holiday pay	<u>Total Wages in the pay period</u> # days employee worked in the pay period	January 1, 2018		



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6.	Prepare a substitute public holiday form for managers to complete for employees	Employers must now provide employees with a written statement when substituting a public holiday.	January 1, 2018		
7.	Review each employee's length of service to comply with new vacation entitlements and vacation pay	Employees with 5 years of service must be given 3 weeks' vacation and 6% vacation pay.	January 1, 2018		
8.	Update payroll systems with the new vacation pay formula for employees who are paid on a stub period	Employees with 5 years of service on a stub period have their vacation pay calculated with a new formula.	January 1, 2018		
9.	Update HR policies to reflect the new notice/pay in lieu of notice requirements when terminating temporary agency employees	If certain requirements are met, some temporary agency employees will be entitled to 1 weeks' notice or pay in lieu.	January 1, 2018		
10.	Familiarize yourself with and implement new record keeping requirements	Employers must now keep records of the dates and times an employee works and the dates and times an employee works overtime.	January 1, 2018		
11.	Increase the wages of employees at the minimum wage rate to comply with the new minimum wage	General minimum wage: \$14.00 / hour Liquor Servers: \$12.20 / hour Students (under 18): \$13.15 / hour	January 1, 2018		
12.	Review employee wage rates to ensure compliance with new equal pay for equal work provisions	Employees performing the substantially the same work under similar working conditions must be paid the same amount (unless an exception applies).	April 1, 2018		
13.	Create internal policy documents and forms to address employee requests for a review of their rate of pay	Employees are entitled to request a review of their rate of pay. Employers must respond by either adjusting the employee's pay or providing a written response.	April 1, 2018		
14.	Update payroll practices and instruct managers and the about the 3-hour rule	Employees who present themselves at work must be paid for at least 3 hours of work.	January 1, 2019		

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15.	Update payroll practices and instruct managers about the minimum on-call pay rule.	An employee who is on-call who is not required to work at all, or works for less than 3 hours, must be paid for at least 3 hours.	January 1, 2019		
16.	Update payroll practices and instruct managers about the cancellation of work or on-call assignment rule.	Employers must pay employees for 3 hours of work if the employer cancels the scheduled day of work or on call period within 48 hours of the day or period.	January 1, 2019		
17.	Create internal policy documents and forms to address employee requests to change schedules and work locations	Any employee who has been employed for 3 months or more may make a request.	January 1, 2019		
18.	Must begin observing employee's right to refuse work	Unless asked 96 hours in advance (4 days), an employee can refuse to be called in without reprisal.	January 1, 2019		
19.	Familiarize yourself with and implement new record keeping requirements	Employers must keep records of the dates and times an employee was scheduled to work or be on call, changes to the on-call schedule, and cancellations of scheduled days of work or on call periods.	January 1, 2019		
20.	Increase the wages of employees at the minimum wage rate to comply with the increase to the minimum wage	General minimum wage: \$15.00 / hour Liquor Servers: \$13.05 / hour Students (under 18): \$14.10 / hour	Between January 1, 2019 - October 1, 2019		
21.	Provisions of collective agreements ("CA") that conflict with the ESA, 2000 as amended by Bill 148 cease to apply	This applies to CA provisions that address: <ul style="list-style-type: none"> • minimum pay for being on call • right to refuse work • cancellation of day of work or on-call period • differences in pay based on employment status 	Earlier of: (i) Date CA expires and (ii) January 1, 2020		