



# **BILL 47, THE *MAKING ONTARIO OPEN FOR BUSINESS ACT*, 2018**

## **TRANSITION TABLE**

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Bill 47 — Coming into Force Provision	Bill 47 Section	Affected ESA Section	Description of ESA Section Affected	Coming Into Force
<b>s.2(2)</b> The Schedules in this Act come into force as provided in each Schedule.				
<b>Employment Standards Act, 2000 (Schedule 1)</b>				
<b>s. 29(1)</b> Subject to subsection (2), this Schedule comes into force on the later of January 1, 2019 and the day the <i>Making Ontario Open for Business Act, 2018</i> receives Royal Assent				
	1(1)	1(1)	Definition of “difference in employment status”	Repealed
	1(2)	1(1)	Definition of “personal emergency leave pay”	Repealed
	1(3)	1(1)	Definition of “regular wages”, amended to remove reference to personal emergency leave pay and the repealed s. 50	Amended
<b>s. 29(2)</b> Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor	2	3(5),6	Act does not apply to work in a simulated environment for the purpose of rehabilitation	Repealed
	3	5.1(2)	Employer has burden of proving alleged employee is not an employee	Repealed
	4	15(7)	Retention of documents re leave, amended to remove & replace reference to personal emergency leave pay	Amended
	5	21.2	Three hours’ minimum pay for employees required to attend work	Added
	6(1)	23.1(1), 1	Minimum wage to increase no later than January 1, 2019, amended to replace “January 1, 2019” with “October 1, 2020”	Amended
	6(2)	23.1(1), 2	Minimum wage to increase no later than October 1, 2019	Repealed
	6(3)	23.1(1), 3	Minimum wage to increase annually after October 1, 2019, amended to replace “2019”	Amended

Bill 47 — Coming into Force Provision	Bill 47 Section	Affected ESA Section	Description of ESA Section Affected		Coming Into Force
			with “2020”		
	6(4)	23.1(1.1)	Minimum wage for students less than 18 years old who are also homeworkers, amended to remove reference to the repealed s. 23.1(1), 2	Amended	
	6(5)	23.1(2)	Minimum wage for employees otherwise prescribed, amended to remove reference to the repealed s. 23.1(1), 2	Amended	
	6(6)	23.1(4)	Formula for calculating annual increases in minimum wage after October 1, 2019, amended to replace “2019” with “2020”	Amended	
	6(7)	23.1(7)	Minister to publish annual increases in minimum wage after 2018, amended to replace “2018” with “2019”	Amended	
	6(8)	23.1(10), 23.1(11)	Minister to review process for adjusting minimum wage before October 1, 2024 and every 5 years thereafter	Repealed	
	7(1), 28	24(1)(a), O. Reg. 375/18	Formula for calculating public holiday pay	Repealed and Replaced	
	7(2)	24(1.1), 24(1.2)	Formula for calculating public holiday pay if employee is unemployed, on leave, or on vacation during pay period prior to public holiday	Repealed	
	8(1)	42(2)(d)	Equal pay for equal work, amended to remove reference to “employment status”	Amended	
	8(2)	42(6)	Employee right to request review of pay rate	Repealed	
	9	42.1	Pay rate differentiation based on employment status prohibited	Repealed	
	10	42.2	Pay rate differentiation based on employee status prohibited	Repealed	
	11	42.3	Minister to review ss. 42.1 and 42.2	Repealed	

Bill 47 — Coming into Force Provision	Bill 47 Section	Affected ESA Section	Description of ESA Section Affected		Coming Into Force
	12	49.1(12)	Family leave additional to leave under ss. 49.3, 49.4, 49.5, 49.6, 49.7 and 50	Repealed	
	13	49.2(15)	Organ donor leave additional to leave under s. 50	Repealed	
	14	49.3(9)	Family caregiver leave additional to leave under ss. 49.1, 49.4, 49.5, 49.6, 49.7 and 50	Repealed	
	15	49.4(21)	Critical illness leave additional to leave under ss. 49.1, 49.3, 49.5, 49.6, 49.7 and 50	Repealed	
	16	49.5(11)	Child death leave additional to leave under ss. 49.1, 49.3, 49.4, 49.6, 49.7 and 50	Repealed	
	17	49.6(15)	Crime related child disappearance leave additional to leave under ss. 49.1, 49.3, 49.4, 49.5, 49.7 and 50	Repealed	
	18	49.7(16)	Domestic or sexual violence leave additional to leave under ss. 49.1, 49.3, 49.4, 49.5, 49.6 and 50	Repealed	
	19	50	Paid & unpaid personal emergency leave, replaced with 3 unpaid sick leave days, 3 unpaid family responsibility leave days, and 2 unpaid bereavement leave days	Repealed and Replaced	
	20	50.1(7)	Emergency leave for declared emergencies additional to leave under s. 50	Repealed	
	21	53.1	Every entitlement to leave under Part XIV additional to every other entitlement to leave under Part XIV	Added	
	22	74.12(1)(a)(v.1), (v.2), (v.3)	Reprisal against temporary employees, amended to prohibit reprisal against employees who attempted to enforce rights under repealed s. 42.2	Amended	
	23	118(3)	Rules of practice made by the Board to expedite decisions about jurisdiction to come into force on order of the Lieutenant Governor	Repealed	
	24	121(4)	Application of certain subsections to Board proceedings re contravention of Part XIII (Benefit Plans), amended to remove reference to the repealed s. 118(3)	Amended	

Bill 47 — Coming into Force Provision	Bill 47 Section	Affected ESA Section	Description of ESA Section Affected		Coming Into Force
	25	122(7)	Application of certain subsections to Board proceedings re disputing notices of contravention issued under s. 113, amended to remove reference to the repealed s. 118(3)	Amended	
	26(1)	141(1), 2.0.1	Lieutenant Governor to prescribe new classes of employees for the purpose of determining the minimum wage, amended to remove reference to the repealed s. 23.1(1), 2	Amended	
	26(2)	141(2.0.3.1)	Lieutenant Governor to make regulations re transitional matters related to implementing Bill 47	Added	
	26(3)	141(2.0.4)	Conflicts between ESA/regulations and regulations made by the Lieutenant Governor pursuant to s. 141(2.0.3) (transitional matters relating to implementing Bill 148), amended to include reference to s. 141(2.0.3.1)	Amended	
<b>Fair Workplaces, Better Jobs Act, 2017 (Schedule 1)</b>					
<b>s. 29(1)</b> Subject to subsection (2), this Schedule comes into force on the later of January 1, 2019 and the day the <i>Making Ontario Open for Business Act, 2018</i> receives Royal Assent					
	27(1)	Schedule 1, 2(3)	ESA s. 3(5), 6 to be repealed January 1, 2019	Repealed	<b>January 1, 2019</b>
	27(2)	Schedule 1, 8(2)	ESA s. 15(1) to be amended January 1, 2019	Repealed	
	27(3)	Schedule 1, 8(6)	ESA s. 15(5), 3 to be amended January 1, 2019	Repealed	
	27(4)	Schedule 1, 11	ESA to be amended to add Part VII.1 ("Requests for Changes to Schedule or Work Location") January 1, 2019	Repealed	
	27(5)	Schedule 1, 12	ESA to be amended to add Part VII.2 ("Scheduling") January 1, 2019	Repealed	

Bill 47 — Coming into Force Provision	Bill 47 Section	Affected LRA Section	Description of LRA Section Affected	Coming Into Force
<b>Labour Relations Act, 1995 (Schedule 2)</b>				
<b>s. 25</b> This Schedule comes into force on the day the <i>Making Ontario Open for Business Act, 2018</i> receives Royal Assent.				
	1	6.1	Board may order that employer turn over list of employees to organizing union, repealed and replaced with requirement that unions destroy employee lists in their possession after Bill 47 came into force	Repealed and Replaced
	2	11(2)	Board will certify union in circumstances described in s. 11(1), repealed and replaced with provision granting the Board discretion in the same circumstances	Repealed and Replaced
	3	11.2(3)	Applications made but not determined by the Board before Bill 47 came into force shall be determined under the new s. 11	Added
	4	15.1	When the Board may review structure of bargaining units	Repealed
	5	15.2	Application for certification without a vote, repealed and replaced with transitional provisions re applications made after October 23, 2018 but not determined before Bill 47 came into force	Repealed and Replaced
	6	16.1	Minister to make available educational support in the practice of labour relations and collective bargaining	Repealed
	7	18(2.1)	Material to be filed with request for a conciliation officer under ss. 18(1) & 18(2)	Added
	8	43, 43.1	First collective agreement mediation/arbitration, repealed and replaced with a single provision requiring arbitration only	Repealed and Replaced
	9	69.2	S. 69 successor rights to apply to other service providers as prescribed by regulations	Repealed
	10	79(2)	When a strike or lockout permissible where no collective agreement in place, replaced with	Repealed

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Bill 47 — Coming into Force Provision	Bill 47 Section	Affected LRA Section	Description of LRA Section Affected		Coming Into Force
			provisions extending required wait time	and Replaced	
	11(1)	80(1)	Reinstatement of employee engaged in lawful strike, amended by replacing “following” with “within six months from”	Amended	
	11(2)	80(3)-80(7)	Reinstatement after lawful strike or lock-out, repealed and replaced with transitional provision re applications filed before section 11 of Bill 47 came into force	Repealed and Replaced	
	12	90	Collective agreements to be filed with the Minister, amended to require Minister to publish collective agreements	Repealed and Replaced	
	13	95.1	Notice under s. 39(2) of FIPPA required where there is authorized indirect collection of personal information by Minister may be given by public notice on government website	Added	
	14(1)	104(1)(a)	Penalty for contravention of LRA, fine for individual reduced from \$5,000 to \$2,000	Amended	
	14(2)	104(1)(b)	Penalty for contravention of the LRA, fine for organizations reduced from \$100,000 to \$25,000	Amended	
	15	110(19)	Rules made by Board pursuant to s. 110(18) to come into force on order of the Lieutenant Governor	Repealed	
	16(1)	122(1), 122(2)	How notice may be given for the purposes of the LRA, repealed and replaced with provisions specifying fax, email, courier, or other prescribed method(s) are acceptable	Repealed and Replaced	
	16(2)	122(3)	Failure to receive documents a defence, “sent by mail and addressed to” replaced with “sent”	Amended	
	16(3)	122(4)	Second notice of desire to bargain, “by registered mail” struck out, “on which the first notice was mailed” replaced with “on which the first notice was sent”	Amended	

Bill 47 — Coming into Force Provision	Bill 47 Section	Affected LRA Section	Description of LRA Section Affected		Coming Into Force
	17	122.1	When requests/applications to the Minister deemed made/received		Added
	18(1)	125(1)(i)	Lieutenant Governor may make regulations re filing awards of arbitrators and arbitration boards, amended by adding “and providing for the publication of such awards...”		Amended
	18(2)	125(1)(i.1), (i.2), (i.3), (i.4)	Lieutenant Governor may make regulations prescribing classes of employees, etc., replaced with “(i.1) prescribing information for the purposes of subsection 18(2.1)”		Repealed and Replaced
	18(3)	125(1)(j)	Lieutenant Governor to make regulations prescribing amounts or a method of determining amounts payable under subsection 43.1 (11), “subsection 43.1(11)” replaced with “subsection 43(5)”		Amended
	18(4)	125(1)(j.i)	Lieutenant Governor to make regulations prescribing types of service providers for the purposes of s. 69.2, repealed and replaced with provision re regulations specifying other methods of notice/application/filing, etc. for the purposes of s. 122(1.1)(e)		Repealed and Replaced
	18(5)	125(2.1)	Lieutenant Governor to make regulations re transitional matters related to implementing Bill 47		Added
	18(6)	125(3)	Conflicts between LRA and regulations made by the Lieutenant Governor pursuant to s. 125(2) (transitional matters relating to implementing Bill 148), amended to include reference to s. 125(2.1)		Amended
	19	160(2)	Remedial certification under section 11(2), amended to replace “subsection 11(2)” with “clause 11(2)(c)”		Amended
<b>Crown Employees Collective Bargaining Act, 1993 (Schedule 2)</b>					
<b>s. 25</b> This Schedule comes into force on the day the <i>Making Ontario Open for Business Act, 2018</i> receives Royal Assent.					
	20(1)	5(1)	Operation of s. 43.1 of the LRA subject to this section, s. 43.1 replaced with s. 43		Repealed and Replaced
					<b>November 21, 2018</b>



Bill 47 — Coming into Force Provision	Bill 47 Section	Affected LRA Section	Description of LRA Section Affected		Coming Into Force
	20(2)	5(2)	Operation of ss. 43 and 43.1 of the LRA re mediation/arbitration, amended to remove references to mediation/ the repealed s. 43.1	Amended	<b>November 21, 2018</b>
	20(3)	5(3)		Operation of ss. 43 and 43.1 of the LRA re mediation/arbitration, amended to remove references to mediation and replacing “subsection 43.1(15)” with “subsection 43(11)”	
	20(4)	5(4)	Minister’s order where no decision of mediator–arbitrator within time limit, amended to remove references to mediator and replace reference to the repealed s. 43.1 with s. 43	Amended	
	20(5)	5(5)	No mediator-arbitrator may require a collective agreement to include a term compelling an employer to employ an employee whose job has been eliminated, amended to remove reference to mediation/ the repealed s.43.1	Amended	
	20(6)	26	Exception to application of ss. 43 and 43.1 of the LRA for designated bargaining units, amended to remove reference to the repealed s. 43.1	Amended	



Bill 47 — Coming into Force Provision	Bill 47 Section	Affected ESA Section	Description of ESA Section Affected	Coming Into Force
<b>Occupational Health and Safety Act (Schedule 2)</b>				
<b>s. 25</b> This Schedule comes into force on the day the <i>Making Ontario Open for Business Act, 2018</i> receives Royal Assent.				
	21	50(4.2)	Subsections 110 (19), (20), (21) and (22) of the LRA apply to rules made under subsection (4.1), amended to remove reference to the repealed LRA s.110(19)	Amended <b>November 21, 2018</b>