

## Bill 47 Will Reverse Many of Bill 148's Changes



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Bill 47, the Making Ontario Open for Business Act, 2018, passed its third reading on November 21, 2018, and will now become law in Ontario. Bill 47 repeals several provisions introduced by the previous liberal government under [Bill 148, the Fair Workplaces, Better Jobs Act, 2017](#).

Bill 47 contains a number [employer-friendly changes](#) that will come into effect on January 1, 2019, including significant modifications to leave of absence entitlements, scheduling requirements, the minimum wage, and equal pay for equal work provisions under the Employment Standards Act, 2000.

Bill 47 will also affect the Labour Relations Act, 1995. It repeals many of the changes introduced by Bill 148 with respect to union certification, access to employee lists, and first collective agreement arbitration.

Lastly, Bill 47 changes the Ontario College of Trades and Apprenticeship Act, 2009;

the Ontario government plans to develop a replacement model for the regulation of skilled trades and apprenticeship program to replace the Ontario College of Trades.

Changes introduced in the final version of Bill 47 include the following:

- The formula used to calculate public holiday pay will change. The holiday pay rate will be based on the total amount of regular wages earned and vacation pay payable to the employee in the four workweeks before the workweek in which the public holiday occurs, divided by 20.
- The provision affording successor employer rights to service providers that directly or indirectly receive public funds will be repealed.
- The Ontario Labour Relations Board's authority to review the structure of a bargaining unit for any reason other than to determine if the bargaining unit is no longer appropriate for collective bargaining will be eliminated.
- Employees' indefinite right to reinstatement following a strike or lockout will be eliminated. An employee's right to reinstatement will be limited to six months, as it was before Bill 148.

Employers that negotiated collective agreements and employment contracts that incorporate Bill 148 entitlements may want to approach the rollback of the changes with caution. Once the entitlement is a contractual obligation, changing conditions to reflect lesser rights may constitute constructive dismissal.

The good news is that many of Bill 148's changes to scheduling and pay rules that had been scheduled to come into force on January 1, 2019, are no longer going to affect Ontario businesses.

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