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Bill 66 Poised to Bring Additional Employer-Friendly Changes to Ontario

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On December 6, 2018, the government of Ontario unveiled [Bill 66, Restoring Ontario's Competitiveness Act, 2018](#). The bill is designed to reduce the regulatory and financial burden of operating a business in a number of areas, including employment and labour relations. This bill marks yet another proposed adjustment to Ontario's labour and employment laws, and introduces employer-friendly provisions to complement the changes introduced by [Bill 47](#).

The new bill proposes more than 30 actions across 12 Ontario ministries. Below are some of the labour and employment-related changes the bill proposes.

Changes to Employment Standards Act, 2000 (ESA)

- Bill 66 would eliminate the ESA's requirement that employers obtain approval from the director of employment standards for an employee to work more than 48 hours per week. Instead, employers and employees would be able to make their own arrangements, pursuant to a written agreement.
- Bill 66 would eliminate the requirement that employers obtain approval from the director of employment standards for overtime averaging. Instead, parties could make these arrangements on their own, through a written averaging agreement. An employee's hours could be averaged in accordance with the terms of an agreement over a period that does not exceed four weeks.
- If passed, Bill 66 would no longer require employers to post an ESA poster in the workplace. The requirement to provide each employee with a poster would remain.

Changes to the Labour Relations Act, 1995

Bill 66 would "deem municipalities and certain local boards, school boards, hospitals, colleges, universities and public bodies to be non-construction employers." This would quash bargaining rights that currently bind certain public and quasi-public sector entities. Going forward, these entities would be exempt from the provisions of the Labour Relations Act, 1995 pertaining to the construction industry. As a result of this change:

- "[t]rade unions that represent employees of these employers who are employed, or who may be employed, in the construction industry no longer represent those employees."
- "[a]ny collective agreement in this sector is no longer valid in so far as it applies to the construction industry."

This change is significant, as the collective bargaining regime in the construction industry is quite different and



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generally more onerous for employers. Perhaps the greatest beneficiary of this change will be non-unionized construction contractors that will now have the opportunity to bid for work on projects owned or controlled by the affected entities.

Key Takeaways

The bill is intended to help cut business costs, eliminate duplications, and institute regulatory requirements in order to help Ontario compete with other business-friendly jurisdictions and encourage businesses to relocate to and/or expand in Ontario.

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