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Ontario: Bill 66 Receives Royal Assent

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On April 3rd, Ontario's Bill 66, *Restoring Ontario's Competitive Act, 2018* (Bill 66), received Royal Assent and made significant changes to the *Employment Standards Act, 2000* (ESA), the *Labour Relations Act, 1995* and *Pension Benefits Act* (PBA). A summary of these changes is listed below.

- Employers are now able to average an employee's hours of work over a period not exceeding 4 weeks in accordance with the terms of an averaging agreement between the employer and the employee. Although approval from the Director of Employment Standards (Director) is no longer required, an electronic or written agreement must still be in place. Existing overtime averaging agreements in unionized workplaces will continue to be effective until an updated collective agreement comes into effect.
- The Director is also not required to approve work arrangements where employers allow employees to exceed 48 hours of work in a work week. However, an electronic or written agreement for the arrangement must exist.
- Employers are no longer required to post the workers' rights Employment Standards Act poster in the workplace. But employers are still obligated to provide each employee with a copy of a notice outlining these rights.
- The LRA's definition of "non-construction employers" is expanded to include municipalities and certain local boards, school boards, hospitals, colleges, universities and public bodies. Non-construction employers are not required to follow the LRA's construction provisions, which include the prohibition against hiring non-union construction workers.
- Section 80.4(1) of the PBA is repealed so that existing pension plans for single, private sector employers are no longer required to receive approval from the Ministry of Finance (Ministry) before merging with jointly sponsored pension plans. It is imperative to note that this repeal does not affect the existing notice and consent



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requirements for members. Also, the repeal does not affect the provisions of section 81.0.1(1), which still require the Ministry's approval for the conversion of public sector pension plans or prescribed plans into joint sponsored pension plans.

To view Bill 66's text, please see the final version that is available on the Legislative Assembly of Ontario's website at: https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2019/2019-04/b066ra_e.pdf.

Gallagher will continue to monitor this situation and provide any additional information as it becomes available. In the interim, please do not hesitate to contact your consultant if you have any questions.

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