

	Pre-Bill 148	Under Bill 148	Under Bill 47
<b>Changed</b>			
Minimum Wage	<p>Since 2014, minimum wage has been tied to inflation, with the new minimum wage being announced each April and taking effect in October.</p> <p>The general minimum wage was increased to \$11.60 per hour on October 1, 2017.</p>	<p>On January 1, 2018 the general minimum wage was increased to \$14.00 per hour and on January 1, 2019 it will be further increased to \$15.00 per hour.</p> <p>There are separate categories of minimum wage for those who serve liquor, students under 18, and others.</p>	<p>The increase to \$14.00 per hour will be maintained. Minimum wage will now be frozen until 2020, at which time it will go back to the practice of rising with inflation.</p>
Personal Emergency Leave (PEL)	<p>10 unpaid days, per calendar year, due to an illness, injury, or medical emergency or a death, illness, injury, or medical emergency of a prescribed family member (e.g. spouse, parent, child, etc.).</p>	<p>2 paid days and 8 unpaid days, per calendar year, due to an illness, injury, or medical emergency or a death, illness, injury, or medical emergency of a prescribed family member (e.g. spouse, parent, child, etc.), after 1 week of employment.</p> <p>An employer cannot require a medical note for the employee to take a PEL, but may require any reasonable documentation.</p> <p>Reasonable documentation can include a medical note or another type of document (e.g. an obituary).</p>	<p>Changed in its entirety (including pre-Bill 148 language) and replaced with three new unpaid leaves:</p> <ol style="list-style-type: none"> <li>1) 3 annual unpaid personal illness days</li> <li>2) 3 annual unpaid family responsibility days</li> <li>3) 2 annual unpaid bereavement days.</li> </ol> <p>Conditional on the employee having 2 weeks' of service.</p> <p>No prohibition on asking for a medical note as reasonable supporting documentation.</p>
Holiday Pay	<p>Non-salaried employees were paid an average of their daily wage, which was calculated by dividing their earnings during the past 4 weeks by 20.</p>	<p>Public Holiday Pay will be calculated by dividing the employee's earnings during the last pay period by the number of days worked in the pay period.</p>	<p>In May 2018, regulation was introduced to revered back to the original calculation method as of July 1, 2018. The old calculation method will remain in place.</p>
Misclassifying employees as contractors	N/A	<p>It is a violation of the ESA to misclassify an employee as being self-employed. The burden is on the employer to establish there was no misclassification</p>	<p>The violation provision will remain in place. However, the burden of proof will not necessarily be placed on the employer.</p>
<b>Repealed</b>			
Equal Pay	N/A	<p>An equal pay obligation will be established, whereby employees performing substantially the same work must be paid the same rate of pay, unless based on a seniority system, a merit system, and quantitative or quality of production system, or other objective and non-discriminatory system.</p>	Repealed
Equal Pay for Temporary Workers	N/A	<p>Assignment employees must be paid a rate of pay equal to the rate paid to comparable employees of the temporary agency's client.</p> <p>The agency's client cannot lower its rate of pay to its employees, in order to reduce the amount to be paid to the assignment employees.</p>	Repealed
Minimum On-Call Pay	N/A	<p>On-call employees will be paid the greater of:</p> <ol style="list-style-type: none"> <li>i) their hourly rate for each hour of on-call time worked; and</li> <li>ii) 3 hours of pay per 24 hours on-call</li> </ol>	Repealed
Shift Scheduling and Workplace Location	N/A	<p>After 3 months of employment, an employee may request in writing a dialogue with their employer about their schedule or work location.</p> <p>The employer is then to discuss the request and provide a response within a reasonable time.</p> <p>If the employer denies the request, the employer must provide an explanation for the denial.</p>	Repealed

Chart: Wilson Vukelich LLP

	Pre-Bill 148	Under Bill 148	Under Bill 47
<b>Unchanged</b>			
Extended Parental Leave	Employees were entitled to 35 weeks parental leave if they took pregnancy leave and 37 weeks parental leave if they did not take pregnancy leave.	Employees are now entitled 61 weeks parental leave if they take pregnancy leave and 63 weeks parental if they do not take pregnancy leave.  For employees who became a parent before December 3rd, parental leave still must begin within 52 weeks of the employee becoming a parent.	Unchanged
Domestic Violence and Sexual Violence Leave	N/A	Employees who have personally experienced or whose child has experienced harm as a result of domestic or sexual violence up to 10 days and up to 15 weeks of leave per calendar year, the first 5 days of which shall be paid.  In order to be entitled to this leave, the employee must have been employed for at least 13 consecutive weeks.	Unchanged
Child Disappearance or Death	Employees with at least 6 months of service are allowed an unpaid leave with respect to a crime-related disappearance or death of an employee's child.  The length of the leave is 52 weeks if the child disappears and 104 weeks if the child dies.	Two separate child related leaves (one for crime-related disappearances and one for deaths), each of which will be capped at 104 unpaid weeks of leave.	Unchanged
Minimum Shift Pay	N/A	Employees will be entitled to a minimum of 3 hours' pay if they normally work more than 3 hours a day and are sent home after working less than 3 hours.	Unchanged
Vacation Pay	2 weeks' vacation and 4% wages as vacation pay per year.	For employees whose current period of employment (including active and inactive) is 5 years or more, then they are entitled to 3 weeks' vacation and 6% wages as vacation pay per year.	Unchanged
Overtime Pay	For employees with two rates of pay, overtime pay is based on the employee's average wage.	Overtime pay now needs to be calculated based on the regular rate of pay for the work being performed after the overtime threshold is reached.	Unchanged
Family Medical Leave	Up to 8 weeks of unpaid Family Medical Leave ("FML") in a 26 week period to provide care and/or support to a prescribed family member who is at significant risk of death within that 26 week period.	The FML was extended to 28 weeks in a 52 week period, which is reflective of the new federal Employment Insurance regime.	Unchanged

Chart: Wilson Vukelich LLP