



HR Consulting & Recruitment Services

BILL 148 STRIKES AGAIN EQUAL PAY FOR EQUAL WORK LEGISLATION

Effective April 1, 2018, 'Equal Pay for Equal Work' provisions come into effect for most employers in Ontario. This latest legislative change introduced by the *Fair Workplaces, Better Jobs Act, 2017*, (commonly known as 'Bill 148'), requires employers in Ontario to pay casual, part-time, temporary and seasonal employees who do substantially the same work as full-time/permanent employees, the same rate of pay as their full-time/permanent colleagues.

Simply put, employers can no longer pay part-time (or casual, temporary or seasonal) staff less than a full-time/permanent employee if both employees perform substantially the same kind of work and where the work requires substantially the same skill, effort, responsibility and is performed under similar working conditions.

Under these circumstances, if an employee believes they are not receiving the same rate of pay as full-time/permanent employees who perform substantially the same work, they will be permitted to ask their employer to review their rate of pay. The employer will be required to either correct the employee's pay, or provide the employee with a written explanation setting out its reasons for the inequity.

However, this right to equal pay does not apply when the difference in pay is based on a system of seniority, merit, or some other system that provides financial rewards based on quantity or quality of work.

Regardless, the onus will be on the employer to prove the difference in pay is not based on the classification of the employee. This is very similar to pre-existing prohibitions on differentiating employee pay based solely on gender.

So What Should Employers Do About it?

Employers are encouraged to review their differences in compensation between employee classes and objectively consider whether or not employees who are hired as part-time, casual, temporary or seasonal are doing the same 'work' as full-time staff. If the work is the same, pay should be relatively the same as well.

In addition, employers who wish to maintain differentials in pay based on the allowable grounds outlined above (i.e. based on merit, seniority etc.) are encouraged to clearly document their system for allotting pay increases based on these permissible grounds.

An overview of the key changes initiated by Bill 148, which impact most employers in Ontario is outlined [HERE](#).

Mandatory - Updated Employment Standards Act Poster

In alignment with numerous updates to the Employment Standards Act that came into effect on January 1, 2018, the Ministry of Labour also introduced an updated employment standards poster which applies to most employers in Ontario. The poster is a streamlined version of the previous poster and directs readers to the Ministry of Labour website for information about employment rights and duties.

Effective January 1, 2018, this poster (version 7.0) must be posted in the workplace where employees are likely to see it. A copy of the poster must also be provided to every employee. The previous poster (version 6.0) should be taken down and discarded. For a copy of the poster, click [HERE](#).