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ONTARIO TO CONSULT ON LABOUR AND EMPLOYMENT REFORM

On February 17, 2015, the Ontario government announced the launch of public consultations to consider reforms to the *Labour Relations Act, 1995* (“LRA”) and the *Employment Standards Act, 2000* (“ESA”) in light of the “changing nature of the modern workplace.”

In this *FTR Now*, we highlight key issues that will be under review, and how your organization can participate in this important initiative.

“CHANGING WORKPLACES” CONSULTATIONS

In its 2014 Throne Speech, “Building Ontario Up,” the Ontario government committed to engaging with the public to consider the province’s existing labour and employment law regime in the context of a changing economy, and a changing workplace. The “Changing Workplaces” consultations give effect to that commitment.

The Minister of Labour has appointed two Special Advisors with significant and varied experience in labour and employment matters to oversee the consultations and the public engagement process – C. Michael Mitchell (formerly with Sack Goldblatt Mitchell LLP) and the Honourable John C. Murray (retired Justice of the Superior Court, founder of Genest Murray LLP and formerly with Heenan Blaikie LLP).

CONSULTATION PROCESS

At this time, the government has confirmed that the consultations will include the following elements:

- regional consultations;
- “targeted” stakeholder meetings; and
- an opportunity for employers and other stakeholders to provide written submissions.

At the conclusion of the consultation period, the Special Advisors will consider public feedback and provide their recommendations to the Minister – which may include proposed legislative reforms to the LRA and the ESA – by way of a final written report.

KEY ISSUES

The government has indicated that the following key workplace issues will be targeted in this review:

- non-standard working relationships, including temporary jobs, part-time work, and self-employment;
- the service sector;
- globalization and trade liberalization;
- technological change; and
- diversity.

EMPLOYER PARTICIPATION

When conducting consultations of this nature, the government will usually publish a “Consultation Paper” prior to the commencement of stakeholder meetings, which will provide further details with respect to the issues under review, the consultation process and the consultation period. We expect a similar process to be followed in this case.

Employers and employer associations are uniquely positioned to provide critical insight into the changing workplace and economic realities facing modern businesses and other organizations. Moreover, employers have experience in managing complex workplaces in the face of existing government rules and regulations, and can provide important feedback on what works, what does not work, and how government regulation could be improved for all workplace parties.

Accordingly, we would encourage the employer community and representative employer associations to consider participating in this process. Given our firm’s extensive experience with these statutes, public policy development, public policy advocacy and consultations of a similar nature, we would be pleased to assist you in developing a response that ensures your organization’s interests are represented. Please contact your regular Hicks Morley lawyer for assistance.

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