

## Highlights as of September 2017

### ALBERTA:

---

NO UPDATE            The Legislative Assembly will resume on Monday, October 30<sup>th</sup>.

### BRITISH COLUMBIA

---

#### **Bill 1**

#### **An Act to Ensure the Supremacy of Parliament**

**1<sup>st</sup> Reading (Sept. 8<sup>th</sup>, 2017)**

**(HONOURABLE 1)**

This *Act to Ensure the Supremacy of Parliament* is an important part of our democratic process. The purpose of this Bill, and its introduction prior to consideration of the Throne Speech, is to perpetuate the established right of Parliament, through its elected representatives, to sit and act without leave from the Crown. This Bill simply asserts the right of the Legislative Assembly to give precedence to matters other than those expressed by the Sovereign. Introducing it at this point in the opening proceedings of this Legislative Assembly is a tradition that dates back to the reign of Elizabeth I when, on March 22, 1603, Parliament first recorded this assertion of independence from the Crown for purposes of legislation.

#### **Bill M 201**

#### **Election Amendment Act, 2017**

**1<sup>st</sup> Reading (September 13<sup>th</sup>, 2017)**

**Mr. Wilkinson**

This Bill proposes the following amendments:

**SECTION 3** [*Election Act, section 180*] provides that annual membership fees greater than \$25 for a political party or constituency association are political contributions. **SECTION 6** [*Election Act, section 182*] changes the relevant amount for political contributions through fundraising functions to an amount greater than \$100. **SECTION 8** [*Election Act, section 186*] prohibits a person other than an eligible individual from making a political contribution; provides that contributions of money greater than \$25 must be made by specified means; is consequential to amendments made to the Act by this Bill. **SECTION 9** [*Election Act, sections 186.01 and 186.02*] sets political contribution limits; establishes the rules for political contribution limits in testamentary instruments. **SECTION 40** [*Election Act, section 241*] adds recording requirements respecting sponsorship contributions and sponsorship accounts. **SECTION 44** [*Election Act, section 245*] extends by one month the period of time for which amounts of contributions must be reported in an election communications disclosure report; changes the

relevant amount for sponsorship contributions for reporting requirements. **SECTION 47** [*Election Act, section 263*] is consequential to amendments made to the Act by this Bill; adds offences in relation to election financing; increases the fine to \$20000. **SECTION 48** [*Election Act, section 264*] is consequential to amendments made to the Act by this Bill; adds offences in relation to election communications; increases the fine to \$20000.

## NEW BRUNSWICK

---

NO UPDATE            The Third Session of the 58th Legislative Assembly stands adjourned until Tuesday, October 24, 2017.

## NEWFOUNDLAND

---

NO UPDATE            The Legislative Assembly will resume on Monday, November 6<sup>th</sup>, 2017.

## NOVA SCOTIA

---

### **Bill No. 7**

#### **An Act to Amend Chapter 10 of the Acts of 1994-95, the Workers' Compensation Act Labi Kousoulis**

**1<sup>st</sup> Reading (September 27<sup>th</sup>, 2017)**

This Bill provides presumptive benefits to continuing-care assistants, correctional officers, emergency-response dispatchers, firefighters, nurses, paramedics, police officers and persons in occupations prescribed by the regulations who are diagnosed with work-related post-traumatic stress disorder. It also corrects several typographical errors and changes the date by which the Workers' Compensation Board must submit its annual report to June 30th of each year.

### **Bill No. 15**

#### **An act to amend the Environmental Act**

**Ian Rankin**

**1<sup>st</sup> Reading (September 29<sup>th</sup>, 2017)**

This Bill provides for the establishment of a greenhouse gas emissions cap-and-trade program to satisfy the requirement under the Pan-Canadian Framework on Clean Growth and Climate Change that every province and territory of Canada establish a mechanism for pricing carbon. It also authorizes the Minister to impose administrative penalties for the contravention of any aspect of the cap-and-trade program.

## NORTHWEST TERRITORIES

---

NO UPDATE            The Legislative Assembly will resume on February 7<sup>th</sup>, 2018

## MANITOBA

---

NO UPDATE

The 2<sup>nd</sup> Session of the 41<sup>st</sup> Legislature will reconvene on Wednesday, October 4, 2017 at 1:30 p.m.

## ONTARIO

---

### **Bill 158**

#### **Protecting Vulnerable Road Users Act, 2017**

**DiNovo, Cheri**

**First Reading (September 26<sup>th</sup>, 2017)**

The Bill amends the *Highway Traffic Act*. It is about the legal consequences of a collision that seriously injures or kills a pedestrian, a cyclist, a mobility device user, a roadway worker, an emergency responder outside their motor vehicle or another individual listed in the Bill.

Here are some highlights:

The driver who caused the injury or death is guilty of an offence if they caused it by breaking one of the rules of the road listed in the Bill. The listed rules include rules about unlicensed drivers, driving while intoxicated, driving while using a cell phone, speeding, careless driving, disobeying signs or lights at intersections or pedestrian crossovers, proper signalling, sharing the road, safety near emergency vehicles, safely opening car doors, and other rules.

A driver convicted of the offence is subject to the consequences for breaking the rule, and to a mandatory probation order. The order will require the driver to take a driving instruction course and perform community service. The community service must include activity related to improving driving safety and public education on driving safety. Their driver's licence will be suspended during the probation.

The driver must also attend the sentencing hearing. Victim impact statements may be presented during the sentencing hearing.

### **Bill 157**

#### **Domestic and Sexual Violence Protection Act, 2017**

**Horwath, Andrea**

**Standing Committee (September 28<sup>th</sup>, 2017)**

The Bill amends the *Employment Standards Act, 2000* to provide that an employee who has been employed by an employer for at least 13 consecutive weeks and who has experienced domestic or sexual violence or the threat of

domestic or sexual violence is entitled to up to 10 days of paid leave and up to 15 weeks of unpaid leave.

The *Occupational Health and Safety Act* is also amended to require employers to ensure that every supervisor and worker receives information and instruction about domestic violence in the workplace and sexual violence in the workplace.

**Bill 156**

**Indigenous Day Act, 2017**

**Mantha, Michael**

**First Reading Carried (September 21<sup>st</sup> 2017)**

This Bill is to enact June 21 as Indigenous Day.

Indigenous Day will be a public holiday under the *Employment Standards Act, 2000*. It will be a holiday under the *Retail Business Holidays Act*. It will be a school holiday under the *Education Act*. It will be a holiday under Acts and regulations that rely on the definition of holiday in the *Legislation Act, 2006*. It will be a holiday under regulations that have a provision setting out what a holiday is.

**Bill 151**

**Workplace Safety and Insurance Amendment Act (PTSD Benefits), 2017**

**Natyshak, Taras**

**Ordered referred to the Standing Committee on Regulations and Private Bills (September 14<sup>th</sup> 2017)**

The Bill amends the *Workplace Safety and Insurance Act, 1997* to expand the application of the section 14 entitlement to benefits under the insurance plan for posttraumatic stress disorder to nurses, health care workers providing close assistance to first responders, and workers other than police officers who provide police services or support the work of persons who provide police services.

**Bill 148**

**Fair Workplaces, Better Jobs Act, 2017**

**Kevin Flynn**

**Second Reading September 13<sup>th</sup> 2017**

The following changes have been made to the proposed amendments:

BILL 148- ESA Revisions		
Topic	Original Version	Updated Version
Record-Keeping for Employers	The ESA currently stipulates a number of record-keeping	The following will be added to the existing record keeping requirements:

	<p>requirements for the Employer.</p>	<ul style="list-style-type: none"><li>• the dates and times an employee was scheduled to work or to be on-call for work, and any changes to the on-call schedule</li><li>• the dates and times an employee worked</li><li>• where an employer has two or more regular rates of pay, the dates and times an employee worked in excess of the overtime threshold at each rate of pay</li><li>• any cancellations of a scheduled day of work or a scheduled on-call period and the date and time of the cancellation</li><li>• any written notice provided to employees regarding substitute holidays (discussed below)</li><li>• the amount of vacation pay an employee earned during a vacation entitlement year and how the amount was calculated</li><li>• in cases of an alternative vacation entitlement year, the amount of vacation pay an employee earned during the stub period and how that amount was</li></ul>
--	---------------------------------------	--

		<p>calculated and</p> <ul style="list-style-type: none"> <li>documents related to an employee taking the new Domestic or Sexual Violence Leave</li> </ul> <p>The retention period for records of vacation time and vacation pay will increase from three years to five years.</p>
Record Keeping for Temporary Help Agencies	ESA requires agencies to record the number of hours worked by each assignment employee for each client of the agency in each day and each week, in addition to the record-keeping obligations that apply to all employers.	Agencies must also retain a copy of any written notice provided to an assignment employee relating to the termination of assignment
Domestic or Sexual Violence Leave	Bill 148 was to add “sexual or domestic violence, or the threat of sexual or domestic violence” which was either experienced by an employee or a family member as a ground for claiming personal emergency leave under the ESA.	<p>Under the amendments, there is a new leave (not personal emergency). It states that as long as an employee has been employed for 13 consecutive weeks he/she would be entitled to an unpaid leave of absence in relation to “sexual or domestic violence, or the threat of sexual or domestic violence”.</p> <p>The leave must be taken for these specific purposes only:</p> <ul style="list-style-type: none"> <li>to obtain services from a victim services organization</li> <li>to seek medical attention for a physical or psychological injury or disability caused</li> </ul>

		<p>by the domestic or sexual violence</p> <ul style="list-style-type: none"> <li>• to relocate temporarily or permanently</li> <li>• to obtain psychological or other professional counselling</li> <li>• to seek legal or law enforcement assistance or</li> <li>• any other prescribed purposes</li> </ul> <p>In each calendar year, an employee may take up to 10 days of leave <u>and</u> may take up to 15 weeks of leave as well. Employees are to advise the employer of their need for the leave, if possible, and provide evidence if requested and reasonable.</p>
<p>Personal Emergency Leave</p>	<p>Bill 148 states that there will be two paid days of personal emergency leave, of the total ten-day allotment.</p>	<p>Amendments include a caveat that an employee must have worked for an employer for one week before becoming entitled to the two paid days</p> <ul style="list-style-type: none"> <li>- if a personal emergency leave is required in the first week of employment, it will be taken from the 8 unpaid days</li> <li>- It is also clarified that where a paid day of leave occurs when the employee is entitled to overtime pay or a shift premium, the employee will only be entitled to pay at</li> </ul>

		their regular wages and not at the higher rate.
Pregnancy and Parental Leave	The length of pregnancy leave for employees who suffer a still-birth or miscarriage is 6 weeks	<p>The length of pregnancy leave for employees who suffer a still-birth or miscarriage will be extended from 6 weeks to 12 weeks after the pregnancy loss occurs. Effective on January 1, 2018.</p> <p>Second, the length of parental leaves will increase by a total of 26 weeks:</p> <ul style="list-style-type: none"> <li>• from 35 weeks to 61 weeks for employees who took a pregnancy leave and</li> <li>• from 37 weeks to 63 weeks for employees who did not</li> </ul> <p>There may be more amendments with the goal to bring the ESA into line with recent changes to the <i>Employment Insurance Act</i>.</p>
Equal Pay for Equal Work:	There were new equal pay for equal work provisions instituted by Bill 148	The amendments include a new definition of a seniority system which provides for different pay based on the accumulated number of hours worked.
Scheduling/On-Call provisions	1. Bill 148 will provide an employee the right to refuse a work or on-call assignment, where the request is made within 96 hours of the	1. will not apply where the work is to deal with an emergency, to remedy or reduce a threat to public safety or for other prescribed

	<p>start of the shift.</p> <p>2. Bill 148 will create an obligation to pay 3 hours wages at the regular rate where an employer cancels a scheduled work or on-call shift within 48 hours of its commencement. This obligation will not apply in certain cases beyond the employer's control (e.g. fire, power failure, storms).</p> <p>3. Bill 148 amended the ESA's existing 3-hour rule (i.e. the requirement to provide at least 3 hours pay at the regular rate where an employee reports for work and is provided less than 3 hours work) and created a new on-call rule (i.e. a requirement to pay at least 3 hours pay for employees who are on-call and who are either not called in to work or who are called in but work less than 3 hours).</p> <p>4. Bill 148 originally provided that where the terms of a collective agreement conflict with the new scheduling provisions, the collective agreement was to prevail.</p>	<p>reasons.</p> <p>2. Also includes situations where the nature of the employee's work is weather-dependent and the employer cannot provide work for weather-related reasons, or for any other prescribed reasons.</p> <p>3. in order to qualify for these payments, the employee must have been available to work for at least 3 hours at the relevant time.</p> <p>4. Limits this provision: (1) the collective agreement must be in effect on January 1, 2019 and (2) the provision ceases to apply upon the expiry of that agreement or January 1, 2020, <i>whichever is earlier</i>.</p> <p>Part VII.2 - amended to clarify that the 3-hour entitlements do not pyramid, and an employee is limited to receiving only 3 hours pay even if the entitlement arises under more than one provision.</p>
Substitute Holidays	Bill 148 would have made vital changes to the public holidays provisions of the	The new formula for calculating public holiday pay was not amended.

	<p>ESA.          Bill 148 created a new formula for the calculation of public holiday pay which would increase holiday pay amounts for many employees. Second, Bill 148 would have removed most of the substitute holiday provisions of the ESA for employees who work on public holidays</p>	<p>The existing public holiday framework will remain, but the amendments add a requirement that, where employees agree to work on a public holiday and are entitled to a substitute holiday, the employer must provide the employee with a written statement which sets out the public holiday on which the employee will work, the date that is the substitute holiday, and the date on which the statement was provided to the employee. Employers will also be required to keep records of that information</p>
--	---	--

Bill 148- LRA Amendments		
Topic	Original Version	Updated Version
<p>Security and Confidentiality of Employee Lists</p>	<p>Bill 148 will add a provision to the LRA to permit a trade union, in certain circumstances, to apply to the Ontario Labour Relations Board (OLRB) for an order directing an employer to provide it with an employee list.</p>	<p>The Committee amendments address the confidentiality of information:</p> <ul style="list-style-type: none"> <li>• the employer must ensure that all reasonable steps are taken to protect the security and confidentiality of the list, including during its creation, compilation, storage, handling, transportation, transfer and transmission</li> <li>• the trade union must ensure that all reasonable steps are taken to protect the security and confidentiality of the</li> </ul>

		<p>list, and to prevent unauthorized access to the list and</p> <ul style="list-style-type: none"> <li>• where the list is required to be destroyed, destruction of the list must be in such a way that it cannot be reconstructed or retrieved</li> </ul>
Review of Structure of Bargaining Units	Bill 148 would have added a provision to the LRA which would have given the OLRB the power to review and change the structure of bargaining units where the existing units are no longer appropriate.	Although the power to consolidate bargaining units after a successful certification was not revoked, the Committee has struck the provision outlined to the left in its entirety.
Educational Support		Where the union has given notice of intent to bargain or where there is a first agreement arbitration, Committee amendments will permit either party to request educational support in the practice of labour relations and collective bargaining and will require the Minister or first collective agreement mediator, as applicable, to make such supports available.
Extension to Time Limits		<p>The Committee will extend the following time limits with respect to first collective agreement mediation:</p> <ul style="list-style-type: none"> <li>• no employee can strike and no person or trade union can authorize or threaten a strike during a</li> </ul>

		<p>period beginning at the time the Minister appoints a mediator and ending 45 days later (increased from 20 days)</p> <ul style="list-style-type: none"> <li>• the OLRB shall not deal with a decertification or displacement application until 45 days after the Minister appoints a mediator (increased from 20 days) and</li> <li>• at any time after 45 days after the Minister has appointed a mediator and the parties have not entered into a collective agreement, they may apply to the OLRB to direct the settlement of a first agreement by mediation-arbitration (increased from 20 days)</li> </ul>
--	--	---

PRINCE EDWARD ISLAND

---

NO UPDATE

QUEBEC

---

No UPDATE

Quebec is currently sitting, the update will be included in the October legislative Updates.

NUNAVUT

---

**Bill 55**  
**Royal Assent (September 19<sup>th</sup> 2017)**  
**Government Bill**

This Bill amends the Motor Vehicles Act to require an annual report on the administration of the Act and traffic safety, as well as a review of the Act every five years.

SASKATCHEWAN

---

NO UPDATE

YUKON

---

NO UPDATE

PARLIAMENT OF CANADA

---

NO UPDATE          Currently sitting.