



RECENT AMENDMENTS TO THE ONTARIO EMPLOYMENT STANDARDS ACT

Previously, Elect to Work employees were not covered by the public holiday provisions of the Employment Standards Act, 2000 ("ESA") except for the right to be paid one-and-a-half times their regular rate of pay for each hour worked on a public holiday.

As of January 2, 2009, Elect to Work employees will have the same rights to public holiday entitlements as permanent employees under the general public holiday provisions of the Employment Standards Act, 2000. The first public holiday in which this regulation applies is Family Day.

"Elect to Work" employees are defined as employees who have the ability to refuse work assignments offered by their employers without suffering adverse consequences. These employees are also often referred to as "casual employees".

The Government has also introduced Bill 139, the *Employment Standards Amendment Act (Temporary Help Agencies), 2008* and related changes to the ESA Regulations which will affect any organization that employs "Elect to Work" or casual employees, temporary help agencies or uses the services of temporary help agencies.

Although, Bill 139 is focused on rules relating to Temporary Help Agencies, the Government has expressed its intention as part of the amendments accompanying this Bill to eliminate the exceptions presently contained in the legislation relating to notice of termination and severance pay for Elect to Work employees.

Bill 139 went through first reading on December 9, 2008. Upon the Bill receiving Royal Assent, a grace period will be provided for employers to prepare for the new Rules.

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