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## FULLY ACCREDITED IN-CLASS PROGRAM & LIVE WEBINAR

# WORKPLACE LAW REFORM IN THE GIG ECONOMY

NOVEMBER 14 | TORONTO & WEBINAR

Broad legislative reform measures in Ontario and Alberta have highlighted the rapid evolution of workplace law, driven by the increase in "precarious employment" and the "gig economy." The game and the stakes are changing rapidly, and the mantra of the past is becoming a distant echo. Efforts to reduce costs by using temporary workers, contract workers, or other non-traditional relationships may not be effective any more. Make sure you're listening to the right sounds by attending this seminar.



## COURSE LEADER

### STUART RUDNER, RUDNER LAW

Stuart Rudner is an Employment Lawyer and Mediator. He is the founding partner of Rudner Law, a firm that advises employers and employees in all aspects of the employment relationship. Stuart was selected by his peers for inclusion in 'The Best Lawyers in Canada' in the area of Employment Law in 2016, 2017 and 2018, is consistently listed in Canadian HR Reporter's Employment Lawyers Directory of leading lawyers, and has been named one of Canada's top Legal Social Media Influencers.

## COURSE HIGHLIGHTS

- Forces Driving Change
- Components of the Gig Economy and the new rules that apply to them
- Adapting to the new Realities
- Ontario Reforms: Fair Workplaces, BetterJobs Act
- Alberta Reforms: Bill 17, Fair and Family-Friendly Workplaces Act
- Federal Budget Changes
- Down the Road

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## PROGRAM OUTLINE

### 8:00 - 9:00 A.M. REGISTRATION AND BREAKFAST

### 9:00 - 9:10 A.M. INTRODUCTION AND OVERVIEW

- ### 9:10 - 9:45 A.M. FORCES DRIVING CHANGE
- Globalization and increased competitive pressures
  - New technologies
  - Changing generational attitudes
  - Efforts to reduce costs and liability

### 9:45 - 10:15 A.M. COMPONENTS OF THE GIG ECONOMY AND THE NEW RULES THAT APPLY TO THEM

- Part-time employees
- Temporary employees
- Casual employees
- Dependent contractors
- Independent contractors

### 10:15 - 10:30 A.M. REFRESHMENT BREAK

### 10:30 - 11:00 A.M. ADAPTING TO THE NEW REALITIES

- When and how to use the different types of workers
- Dealing with the Employee/Contractor Dilemma: when and how to use the different categories of workers
- Consequences of misclassification including workers' compensation, source deductions, CPP, wrongful dismissal, employment standards, human rights, and employment insurance
- How to integrate independent contractors into the workplace
- Case study: the Uber experience

### 11:00 - 12:15 P.M. ONTARIO REFORMS: FAIR WORKPLACES, BETTER JOBS ACT

#### (a) Employment Standards Act

- Minimum wage rose to \$14 on January 1, 2018, rises further to \$15 on January 1, 2019
- Wage rate distinctions between part-time, casual, temporary, season and full-time workers prohibited
- Temporary help agency employees entitled to same wages as permanent employees
- Vacation pay increases to 3 weeks after five years' service
- All workers presumed to be employees, with employer bearing burden of proof that they are independent contractors
- Paid emergency leave mandatory and not requiring medical note
- Complaints process facilitated without notice to employers
- Public shaming of ESA violators

#### (b) Labour Relations Act

- Facilitation of union access to employee information
- Card-based certification without employee vote in temporary help, building services, home care and community services industries
- Off-site telephone and electronic certification voting
- Automatic successor rights in building services industry
- Government may prescribe successor rights where employers bid for public contract
- OLRB given power to consolidate and restructure bargaining units
- No limitations on when striking workers can apply for reinstatement after strike

#### (c) Labour Relations Act

- Business planning and budgets generally
- Franchise Industry: Impact on Franchisor/Franchisee relationship
- Other Specific Industries

### 12:15 - 1:15 P.M. NETWORKING LUNCH

### 1:15 - 2:30 P.M. ALBERTA REFORMS: BILL 17, FAIR AND FAMILY-FRIENDLY WORKPLACES ACT

#### (a) Employment Standards Code

- New, unpaid categories of leave of absence for long-term and family sickness, bereavement and domestic violence
- Compassionate care leave extended
- Maternity and parental leave extended
- Overtime agreements will allow overtime to be banked for six months at time-and-one-half
- Holiday pay restrictions relaxed, holiday pay calculation clarified
- Employers may not require usage of vacation or overtime during termination notice period
- Notice requirements for group terminations increased and scaled depending on size of layoff
- Temporary layoffs limited to 60 days within 120-day period unless wages and benefits paid and employee consents to extension
- Administrative monetary penalties for non-compliance introduced
- Appeals will now be heard by Labour Relations Board rather than Provincial Court Judges

#### (b) Employment Standards Code

- Certification will change to card-based system, with automatic certification at 65 percent and vote at 40 percent
- Strict time limits on certification vote
- Dependent contractors get bargaining rights
- Liberalized access to employees by union for certification purposes
- Rand Formula for mandatory deduction and remittance of union dues
- First contract arbitration available on application to Board
- Limited secondary picketing allowed
- Designation of health and care facilities as essential services

- Board gets right to impose automatic certification or employer or automatic revocation of union's certification where unfair labour practices have taken place

#### (c) Impact of Changes

- Business planning and budgets
- Specific impact on construction industry
- Other industries

### 2:30 - 2:45 P.M. REFRESHMENT BREAK

### 2:45 - 3:45 P.M. FEDERAL BUDGET CHANGES

#### (a) Canada Labour Code

- Employees get right to request flexible work arrangements
- Elimination of internships that are not part of formal education programs
- Unpaid leave for family responsibilities, traditional indigenous practices and victims of family violence
- More flexibility for bereavement leave
- Additional enforcement funding

#### (b) Employment Insurance Act

- Parental benefits extended to 18 months
- Expectant mothers; maternity benefits extended
- New caregiving benefit
- Greater worker eligibility for skills training and employment support

#### (c) Impact of Changes

- Business planning and budgeting
- Specific industries

- ### 3:45 - 4:15 P.M. DOWN THE ROAD
- Impact of artificial intelligence on the workplace in the gig economy
  - Impact of marijuana liberalization
  - Other impending developments

### 4:15 - 4:30 P.M. QUESTIONS AND ANSWERS AND COURSE CONCLUSION

## SPECIFICALLY DESIGNED FOR:

- Vice Presidents, Directors of Human Resources
- Vice Presidents, Directors of Labour Relations
- HR Professionals
- Employee and Labour Relations Consultants
- In-house Counsel
- Union Officials, Business Agents, and Stewards
- Disability Managers
- Plant Managers
- Attendance Program Specialists
- Industrial Relations Professionals



## ACCREDITATION

### LAW SOCIETY OF BRITISH COLUMBIA

This program has been accredited by the Law Society of British Columbia for up to 6 hours towards the professional development requirement for certification.

### LAW SOCIETY OF ONTARIO

This program can be applied towards the 9 Substantive Hours of Continuing Professional Development (CPD) required by the Law Society of Upper Canada. This program is eligible for up to 6 Substantive Hours

### BARREAU DU QUÉBEC

The Barreau du Québec automatically recognizes the same number of hours for this training activity, as long as it has been accredited by another Law Society that has adopted MCLE.

### LAW SOCIETY OF ALBERTA

For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.

## CONTACT US:

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