

**Ministry of Tourism,  
Culture and Sport**

Minister

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**Ministère du Tourisme,  
de la Culture et du Sport**

Ministre

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Tél. : 416 326-9326



December 1, 2017

Mr. Tony Elenis  
President and CEO  
Ontario Restaurant, Hotel and Motel Association (ORHMA)  
[telenis@orhma.com](mailto:telenis@orhma.com)

Dear Mr. Elenis:

On November 22, 2017, the legislature passed Bill 148, the *Fair Workplaces, Better Jobs Act, 2017*. Bill 148 amends the *Employment Standards Act, 2000*, the *Labour Relations Act, 1995* and the *Occupational Health and Safety Act, 1990*, improving the lives of workers across Ontario, while maintaining the competitiveness of Ontario companies.

Over the past several months, my colleagues, Minister of Labour Kevin Flynn, the Minister Responsible for Small Business Jeff Leal and Minister of Economic Development and Growth Brad Duguid, have met with labour unions and business associations, employees and employers from all regions and every sector of the Ontario economy to hear stakeholder opinions regarding the proposed legislation.

We have also heard about the challenges for some employers in the tourism sector, given the seasonal and part-time nature of some tourism operations. We have heard your concerns, particularly in the hospitality sector regarding personal emergency leave and the scheduling provisions in Bill 148.

Some employers and employees have expressed uncertainty about elements of the personal emergency leave provision and whether their existing policies with respect to paid sick days and other paid days off will fulfill the requirements of personal emergency leave in Bill 148. To address these uncertainties, the Ministry of Labour is developing updated interpretative materials for publication in December 2017. This bulletin will give employees and employers the guidance they need to determine whether existing policies comply with the personal emergency leave provisions and, if not, methods to bring those policies into compliance.

Ensuring there are fair scheduling rules for employees is a core principle of Bill 148. These scheduling provisions will come into force January 1, 2019 (and on January 1, 2020 for many unionized workplaces). We recognize that the tourism and hospitality sectors have specific scheduling requirements, including, in some cases, weather dependency. As a result, amendments to Bill 148 provide exceptions for conditions that are out of an employer's control (fire, power outage, storms) or weather-dependent work that is cancelled for weather-related reasons.

Working together, we are confident that we can create security and opportunity for workers while ensuring the competitiveness of our tourism and hospitality sectors.

Thank you for your continued collaboration on this important legislation.

All my best,

A handwritten signature in black ink, appearing to read "Eleanor McMahon". The signature is fluid and cursive, with a large initial "E" and "M".

Eleanor McMahon  
Minister