

JURISDICTION	PARLIAMENT	BILL #	TITLE	GOVERNMENT/MEMBERS BILL	STATUS	EXPLANATORY NOTE
<u>Ontario</u>	39th Parliament - 1st Session	3	<i>Highway Traffic Amendment Act (School Crossings) 2007</i>	Klees	1st Reading – December 3, 2007	The Bill amends the Highway Traffic Act. At present, subsection 176 (3) of the Act requires that drivers who are required to stop at a school crossing must remain stopped until all persons have cleared the half of the roadway on which they are travelling. The Bill changes the requirement so that drivers must remain stopped until all persons have cleared the entire roadway at the crossing.
		6	<i>Employment Standards Amendment Act (Wage Security) 2007</i>	Miller	2nd Reading – December 6, 2007	<p>The Bill amends the Employment Standards Act, 2000 by adding Part XV.1, which establishes the Employee Wage Security Program and provides for the appointment of a Program Administrator. Under the Program, employees will be eligible for compensation for certain types of unpaid wages.</p> <p>New sections 67.3 to 67.7 set out the eligibility and limiting criteria for receiving compensation which the Program Administrator must use in approving compensation under section 67.8. The Program Administrator is granted certain powers, such as the right to recover overpayments made to employees and to collect interest on compensation that is payable under the Program. In addition, the Program Administrator assumes the rights to the unpaid wages of an employee who receives compensation under the Program.</p> <p>A new section 67.15 directs the Program Administrator to establish and maintain a Program fund to pay compensation to eligible employees and empowers him or her to charge employers premiums to maintain the fund.</p> <p>New sections 67.16 to 67.21 set out the obligations of employers under the Program. Employers must register with the Program Administrator and provide various statements relating to total wages that the employer has paid or estimates it will pay in a given year or other time period specified by the Program Administrator.</p> <p>The accuracy of the statements of wages must be certified by an employer. Employers must maintain accurate records of all wages paid. If an employer does not provide a required statement of wages, the employer may be required to pay a penalty.</p> <p>Under new sections 67.22 to 67.24, the Program Administrator must determine the amount of premiums that are required to maintain the Program fund and is empowered to establish premium rates, which may vary according to the employer's class, subclass or group, and the method by which employers must calculate their total premiums owed. The Program Administrator may adjust the premiums otherwise payable by a particular employer in certain circumstances.</p>

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						<p>A new section 67.25 requires employers to pay the proper premium to the Program Administrator. If an employer incorrectly calculates the amount of premiums owed and thus pays an insufficient amount, the employer must pay additional premiums to satisfy the difference and may have to pay a penalty. Under a new section 67.26, an employer who does not pay premiums when they are due may be required to pay a penalty determined by the Program Administrator.</p> <p>Under a new section 67.27, any amount other than premiums that the Program Administrator recovers or receives must be paid into the Program fund. Under a new section 67.28, the exercise of power conferred on the Program Administrator under Part XV.1 is not subject to the Statutory Powers Procedure Act.</p> <p>The Lieutenant Governor in Council may make regulations concerning the Program under new subsection 141 (2.5).</p>
		9	<i>Motor Vehicle Origin and Components Disclosure Act, 2007</i>	Ouellette	1st Reading – December 5, 2007	The Bill requires advertisers and persons or bodies that sell or offer to sell motor vehicles in Ontario to clearly indicate in the advertising and sales contracts the country in which the vehicles and their constituent components were produced and the proportion in which each of the components makes up the vehicles. Sellers are also required to clearly indicate that information on motor vehicles that are delivered to purchasers. It is an offence to contravene the requirements.
		11	<i>Protecting Children and Youth from Second Hand Smoke in Automobiles Act, 2007</i>	Oraziotti	1st Reading - December 6, 2007	The Bill amends the Smoke-Free Ontario Act to prohibit smoking in a motor vehicle when a person who is less than 16 years of age is present in the vehicle.
		13	<i>Patient-Doctor Ratio Act, 2007</i>	Martiniuk	1st Reading – December 10, 2007	The Bill establishes an acceptable patient-to-doctor ratio for Ontario and a timeline for achieving that ratio. The College of Physicians and Surgeons of Ontario is required to calculate the ratio of family practitioners to patients in Ontario each year. This ratio is compared to the target ratio for that year as set out in the Bill. If the target ratio is not met, then all members of the Executive Council will have their salaries reduced by 10 per cent.
		15	<i>Retail Sales Tax Amendment, 2007</i>	Ouellette	1st Reading - December 10, 2007	The Bill amends the Retail Sales Tax Act to repeal the tax for fuel conservation payable on the purchase of a new passenger vehicle or sport utility vehicle manufactured in North America and the corresponding tax credit.
		17	<i>Pension Benefits Amendment Act, 2007</i>	Miller	1st Reading – December 11, 2007	The Bill amends the Pension Benefits Act to raise the amount guaranteed by the Pension Benefits Guarantee Fund from \$1,000 per month to \$2,700 per month.

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		19	<i>Income Tax Amendment Act (Public Transit Expense Tax Credit) 2007</i>	O'Toole	1st Reading – December 12, 2007	The Bill amends the Income Tax Act to permit taxpayers to obtain a non-refundable income tax credit for expenses that they incur and pay for using public transit after December 31, 2007. If another person pays the expenses on behalf of the taxpayer, that other person is entitled to the tax credit, except if the person makes the payment as part of the taxpayer's remuneration.
		29	<i>Occupational Health and Safety Amendment Act (Harassment and Violence) 2007</i>	Howarth	1st Reading – December 13, 2007	The Bill amends the <i>Occupational Health and Safety Act</i> to require employers to protect workers from harassment and violence in the workplace, to give workers the right to refuse to work in certain circumstances when faced with harassment or violence, to require an investigation of allegations of workplace related harassment and violence, and to require employers to take steps to prevent further occurrences of workplace related harassment or violence.
		34	<i>Made in Ontario Act, 2008</i>	Levac	1st Reading - March 17, 2008	The Bill requires manufacturers to identify as such merchandise that is manufactured in Ontario. The Made in Ontario Commission is established for the purpose of administering and enforcing the Act.
		39	<i>Buy in Canada for Mass Transit Vehicles Act, 2008</i>	Mauro	1st Reading - March 18, 2008	The Bill requires 60 per cent Canadian content, including final assembly in Canada for the purchase of mass transit vehicles that are made in Canada, if the municipality making the purchase receives funds from the Province for the purchase.
		40	<i>Highway Traffic Amendment Act (Cellular Phones), 2008</i>	O'Toole	1st Reading - March 18, 2008	The Bill amends the Highway Traffic Act to prohibit the use of a cellular phone, car phone, pager, personal data assistant, portable computer, fax machine or other equipment prescribed by the regulations made under the Act while a person is driving a motor vehicle. There are exceptions for cases like emergencies, cases where a driver who is not a novice driver as defined in the regulation on drivers' licences uses the equipment entirely through a hands-free feature and other cases prescribed by the regulations made under the Act. The Registrar is required to report cases where the use of a cellular phone, car phone, pager, personal data assistant, portable computer, fax machine or other equipment prescribed by the regulations made under the Act may have contributed to causing a motor vehicle accident. Drivers' licence examinations are required to include a portion testing the applicant's knowledge of the amendments made by the Bill.
		42	<i>Smoke-Free Ontario Amendment Act, 2008</i>	Savoline	2nd Reading - March 27, 2008	The Bill amends the Smoke-Free Ontario Act to extend the prohibition against smoking tobacco in any enclosed public place, any enclosed workplace or other places such as schools to include a prohibition against smoking any controlled substance as set out in the Controlled Drugs and Substances Act (Canada) in that place or within 10 feet of that place.

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		46	<i>Education Amendment Act (Organ Donation Education), 2008</i>	Levac	1st Reading - March 26, 2008	The Bill amends the Education Act by permitting the Minister to establish an organ donation education policy framework and to require that boards include education on the importance of organ donation in the curriculum of students in the senior division such that every student, subject to certain exceptions, receiving their Ontario Secondary School Diploma will have learned of the importance of organ donation.
		47	<i>Right to Housing Act, 2008</i>	DiNovo	1st Reading - March 27, 2008	The Bill enacts the Right to Housing Act, 2008, which recognizes that every person has a right to adequate housing. The Minister is responsible for developing and implementing policies relating to adequate housing. In addition, the Government of Ontario undertakes to recognize, promote and protect the right to adequate housing
		49	<i>Employment Standards Amendment Act (Raising the Minimum Wage), 2008</i>	DiNovo	1st Reading - April 1, 2008	The Employment Standards Act, 2000 currently provides that minimum wage rates are to be prescribed by regulation. The Bill amends the Act to provide that the general minimum wage is either the amount set out in the Bill or the prescribed minimum wage, whichever is greater. The minimum wage is to be indexed to the Consumer Price Index each year. A regulation prescribing the minimum wage rate cannot prescribe a rate lower than the rate for any previous time period.
		51	<i>Peace Officers' Memorial Day and Memorial Act, 2008</i>	Levac	1st Reading - April 3, 2008	The Bill establishes the third Sunday in September in each year as Peace Officers' Memorial Day. The Bill also requires that a memorial be established in or adjacent to the legislative precincts of the Legislative Assembly to honour the memory of peace officers who have died in the line of duty.
		56	<i>Unlawful Firearms in Vehicles Act, 2008</i>	Colle	2nd Reading - April 24, 2008	The purpose of the Bill is to promote public safety and suppress conditions that lead to criminal activities by adding to the Highway Traffic Act new section 172.0.1, which makes it an offence to drive on a highway a motor vehicle in which there is an unlawfully possessed firearm. The penalties associated with the offence are a fine of not less than \$2,000 and not more than \$10,000 or imprisonment of not more than six months, or both, and a driver's licence suspension of one year for a first conviction under the section, five years for a second conviction and indefinitely for a third conviction. A police officer who has reasonable and probable grounds for believing an offence has been committed shall request the surrender of the driver's licence and detain the vehicle. The licence is suspended for seven days and the vehicle is impounded for the same length of time. The new section applies to drivers' licences issued both inside and outside of Ontario.

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		59	<i>Apology Act, 2008</i>	Oraziotti	2nd Reading - May 15, 2008	The Bill provides that an apology made by or on behalf of a person in relation to any civil matter does not constitute an admission of fault or liability by the person or an acknowledgment of liability in respect of a claim in relation to the matter, does not affect the insurance coverage available to the person making the apology and is not admissible in any judicial or quasi-judicial civil proceeding.
		61	<i>Holodomor Memorial Day Act, 2008</i>	Levac	2nd Reading - May 8, 2008	The purpose of the Bill is to make the fourth Saturday in November in each year Holodomor Memorial Day.
		68	<i>Colleges Collective Bargaining Amendment Act, 2008</i>	Marchese	1st Reading - April 29, 2008	The Bill amends the Colleges Collective Bargaining Act to include part-time staff in staff bargaining units. Under the present Act, part-time workers are not included in the bargaining units and have no right to bargain collectively with employers.
		71	<i>Employment Standards Amendment Act, 2008</i>	Hampton	1st Reading - May 7, 2008	The Bill makes several amendments to the Employment Standards Act, 2000. Subsection 58 (1) of the Act requires an employer who terminates the employment of 50 or more employees in the same four-week period to give notice of termination "for the prescribed period". Notice periods are prescribed in Ontario Regulation 288/01, which requires eight weeks notice if up to 199 employees are being terminated, 12 weeks notice for 200 to 499 employees, and 16 weeks for 500 or more employees. The Bill provides for increased notice periods (16, 20 and 24 weeks, respectively), building them into the Act itself, and adds the requirement of a mass layoff agreement between labour and management, dealing with such matters as retraining and restructuring options. If no mass layoff agreement is reached, a uniform 52-week notice period applies instead of the 16, 20 and 24-week periods.

Section 64 of the Act provides that an employee is entitled to severance pay if he or she has worked for the employer for at least five years and the employer has a payroll of at least \$2.5 million. The Bill reduces the qualifying period of employment to one year and the payroll level to \$1 million. Under section 65 of the Act, severance pay is calculated as one week's pay for each year of employment. The Bill increases this to two weeks' pay for each year of employment. Subsection 65 (5) of the Act, which caps severance pay at a 26-week maximum, is repealed.

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		73	<i>Highway Traffic Amendment Act (Cellular Phones), 2008</i>	O'Toole	1st Reading - May 7, 2008	<p>The Bill amends the Highway Traffic Act to prohibit the use of a cellular phone, car phone, pager, personal data assistant, portable computer, fax machine or other equipment prescribed by the regulations made under the Act while a person is driving a motor vehicle in an area prescribed by the regulations made under the Act, including a community safety zone, within 200 metres of the scene of a motor vehicle accident or apparent motor vehicle accident or within 100 metres of a school crossing. There are exceptions for cases like emergencies, cases where a driver who is not a novice driver as defined in the regulation on drivers' licences uses the equipment entirely through a hands-free feature and other cases prescribed by the regulations made under the Act.</p> <p>The Registrar is required to report cases where the use of a cellular phone, car phone, pager, personal data assistant, portable computer, fax machine or other equipment prescribed by the regulations made under the Act may have contributed to causing a motor vehicle accident. Drivers' licence examinations are required to include a portion testing the applicant's knowledge of the amendments made by the Bill.</p>
		76	<i>Community Right to Know Act (Disclosure of Toxins and Pollutants), 2008</i>	Tabuns	1st Reading - May 8, 2008	<p>The Bill adds a provision to the Consumer Protection Act, 2002 that prohibits prescribed suppliers from supplying a consumer with goods or services that expose the consumer to certain toxic chemicals unless the supplier has first warned the consumer of the possible exposure. It is an offence under the Act to contravene the provision.</p> <p>The Bill amends the Environmental Protection Act to require the Minister of the Environment to establish a pollutant inventory containing a variety of information relating to the release of pollutants into the environment and the environmental and health effects of such pollutants.</p> <p>The Bill amends the Occupational Health and Safety Act to require employers to provide to the local fire department all material safety data sheets required by Part IV of the Act and to maintain an inventory of all hazardous materials in the workplace. In addition, the Bill prohibits the use of hazardous materials in a workplace where it is reasonably practicable to substitute a material that is not hazardous.</p>
		84	<i>Occupational Health and Safety Amendment Act (Workplace Death, Critical Injury and Occupational Illness Registry), 2008</i>	Horwath	First Reading - June 2, 2008	<p>The Bill amends the Occupational Health and Safety Act to create a registry of workplace deaths, critical injuries and occupational illnesses</p>

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		86	<i>Labour Relations Amendment Act (Replacement Workers), 2008</i>	Kormos	First Reading - June 3, 2008	The purpose of the Bill is to restore the provisions that were incorporated into the Labour Relations Act by the Labour Relations and Employment Statute Law Amendment Act, 1992 and subsequently repealed by the Labour Relations Act, 1995. The purpose of the provisions being restored is to prevent an employer from replacing striking or locked-out employees with replacement workers. The Bill allows replacement workers to be used in emergencies.
		92	<i>Ministry of Government Services Amendment Act (Canadian Manufacturing and Assembly of Government Vehicles), 2008</i>	Ouellette	Second Reading - October 2, 2008	Currently, there are no legislative requirements relating to vehicles purchased, leased or rented for government use. The Bill amends the Ministry of Government Services Act to establish such requirements. They include that at least 62 per cent of the time spent on the combined total of the manufacturing and assembly of vehicles be spent in Canada if it is cost effective and feasible from an operational perspective, or in North America if it is cost effective and feasible from an operational perspective.
		94	<i>Social Assistance Statute Law Amendment Act (Registered Disability Savings Plans), 2008</i>	Jones	First Reading - June 12, 2008	The Bills amends the Ontario Disability Support Program Act, 1997 and the Ontario Works Act, 1997 to exclude funds held in a registered disability savings plan from the determination of assets. It also amends the Acts to exclude funds withdrawn from a registered disability savings plan from the determination of income.
		95	<i>Occupational Health and Safety Amendment Act (Scented Products), 2008</i>	Levac	First Reading - June 12, 2008	The Bill amends the Occupational Health and Safety Act to require employers to prepare and review annually, in consultation with workers, written policies on the use of scented products in the workplace. Employers are also required to develop and maintain programs to implement the policies.
		96	<i>Registered Retirement Savings Protection Act, 2008</i>	Leal	Second Reading - October 23, 2008	The purpose of the Bill is to protect registered retirement savings plans and registered retirement income funds, as well as deferred profit sharing plans, from most creditors. Those plans are, however, still subject to support orders enforced under the Family Responsibility and Support Arrears Enforcement Act, 1996 and orders respecting the separation of property in family matters
		102	<i>Seniors' Ombudsman Act, 2008</i>	Sergio	Second Reading - October 23, 2008	The Bill creates the office of Seniors' Ombudsman to investigate complaints and make recommendations respecting the impact on seniors of the administration of public bodies in Ontario.
		109	<i>Taxation Amendment Act (Equipment Purchased for Persons with Disabilities), 2008</i>	Murdoch	Second Reading - November 6, 2008	The Bill amends the Taxation Act, 2007 to provide a tax credit to individuals who purchase equipment or devices designed for persons with disabilities for use by the individual or by a member of his or her family.

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		110	<i>Auditor General Amendment Act, 2008</i>	Munro	Second Reading – October 30, 2008	The Bill amends the Auditor General Act to provide for the Auditor General to report in his or her annual report to the Legislative Assembly on circumstances where money was expended for the provision of services or programs without due regard to the equitable provision of those services or programs in all geographic areas in Ontario.
		116	<i>Pension Benefits Amendment Act (Unlocking Pension Funds) 2008</i>	Chudleigh	Second Reading – May 16, 2009 – Lost on Division	Currently, pension funds that are in locked-in accounts cannot be withdrawn except in specified circumstances. The Bill amends the Pension Benefits Act to allow up to the entire amount in the account to be transferred into a registered retirement income fund. The transfer can be made at age 55 or, if the pension plan provides for retirement at an earlier age, at that age.
		117	<i>Highway Traffic Amendment Act (Child Passengers on Motorcycles) 2008</i>	Jaczek	Second Reading – December 4, 2008	The Bill amends the Highway Traffic Act to prohibit driving or operating a motorcycle on a highway while a person under the age of 14 is a passenger on the motorcycle, with a view to promoting safety on Ontario's roads and protecting youth from preventable injuries.
		135	<i>Back to Work Act (York University), 2008</i>	Shurman	First Reading – December 2, 2008	The Bill requires the Minister of Labour to introduce legislation no later than December 11, 2008 to resolve the strike by the employees of York University who are represented by Canadian Union of Public Employees, Local 3903 if the strike is not resolved by that date. The Bill requires the Minister of Labour to make all reasonable efforts to ensure the legislation is passed. The legislation must specify the terms of a new contract between the University and the Union. The new contract must be for a term of three years.
		138	<i>Protection of Public Participation Act, 2008</i>	Horwath	First Reading – December 9, 2008	The Bill protects persons from being subjected to legal proceedings that would stifle their ability to speak out on public issues or to promote, in the public interest, action by the public or by any level of government. Provision is made in the Bill for such legal proceedings to be dismissed at an early stage, for defendants subjected to such proceedings to be indemnified for the costs they incur in responding to those proceedings and for the court or tribunal to award additional damages to those defendants in appropriate circumstances. Communication or conduct constituting public participation is expressly designated as an occasion of qualified privilege in relation to all persons who become aware of that communication or conduct.
		148	<i>Visual Fire Alarm System Act, 2009</i>	Arthurs	Second Reading – February 26, 2009	The Bill requires that all new provincial and municipal public buildings be equipped with a visual fire alarm system so that deaf and hearing impaired people are alerted to fire alarms.
		151	<i>Zero Tolerance to Violence on Public Transit Act, 2009</i>	Colle	First Reading – February 24, 2009	The Bill makes it an offence to threaten, endanger, assault or otherwise harm any person, including passengers and transit system operators and other employees, on property that is part of a public transit system in Ontario. A maximum fine of \$50,000 or a term of imprisonment of two years less a day, or both, is provided where there is a conviction. A convicted person is prohibited from entering any public transit system property.
		156	<i>Healthy Decisions for Healthy Eating Act, 2009</i>	Gelinas	Second Reading – April 9, 2009	The Bill amends the Health Protection and Promotion Act to require food service premises with total gross annual revenues of greater than \$5 million to disclose certain nutritional information for the foods and drinks served at the premises. The Bill also limits the amount of trans fat that may be contained in such foods and drinks.

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						Persons who do not comply with the requirements are subject to fines as well as the potential suspension or revocation of their business licence.
		159	<i>Transparency in Public Matters Act</i>	Craitor	Second Reading – April 23, 2009	<p>The Bill designates certain public bodies and types of public bodies and requires those designated public bodies to give reasonable notice to the public of their meetings and proposed additions to meeting agendas, and to ensure that the meetings are open to the public. A designated public body may exclude the public from a meeting if matters specified in the Bill are going to be discussed at the meeting. A designated public body is required to keep minutes of its meetings and to publish them. The Bill requires a designated public body to make rules respecting specified matters.</p> <p>The Bill establishes a procedure by which a person who believes a designated public body has contravened or is about to contravene the Bill may make a complaint to the Information and Privacy Commissioner. The Commissioner is empowered to review the complaint and to undertake a review on his or her own initiative. The Bill sets out the powers the Commissioner may exercise when reviewing a suspected contravention, including the power to enter and inspect premises, to demand production of documents and things relevant to the review and to require any person to appear before the Commissioner to give evidence.</p> <p>The Bill authorizes the Commissioner to make certain orders after a review, including an order that voids a decision made by a designated public body at a meeting that did not conform to the requirements of the Bill. It is an offence to wilfully fail to comply with an order of the Commissioner. The Bill sets out certain other powers of the Commissioner, including the power to delegate his or her powers, and makes it an offence to wilfully obstruct or attempt to mislead the Commissioner when he or she is performing functions authorized under the Bill.</p> <p>Other provisions of the Bill are a conflict provision in the event of a conflict with another Act or regulation and a provision authorizing the Lieutenant Governor in Council to make specified regulations.</p>
		164	<i>Motor Vehicle Dealers Amendment Act (Disclosure of Lemons), 2009</i>	Flynn	Second Reading – April 23, 2009	The Bill amends the <i>Motor Vehicle Dealers Act, 2002</i> to require motor vehicle dealers to disclose in writing whether a vehicle has been determined to be a lemon under the laws of another jurisdiction.
		165	<i>Employment Standards Amendment Act (Protection for Artists), 2009</i>	Tabuns	Second Reading – April 23, 2009	The Bill amends the Employment Standards Act, 2000 by adding and amending several definitions. The definition of "employee" is amended to include artists, and the definition of "employer" is amended accordingly. Definitions of the terms "artist" and "dependent contractor" are also added.
		168	<i>Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009</i>	Fonseca	First Reading – April 20, 2009	<p>The Bill adds Part III.0.1 (Violence and Harassment) to the Occupational Health and Safety Act. Subsection 1 (1) of the Act is amended to include definitions of workplace violence and workplace harassment.</p> <p>Section 32.0.1 of the Act requires an employer to prepare policies with respect to workplace violence and workplace harassment, and to review the policies at least annually.</p>

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						<p>Section 32.0.2 of the Act requires an employer to develop a program to implement the workplace violence policy. The program must include measures to control risks of workplace violence identified in the risk assessment that is required under section 32.0.3, to summon immediate assistance when workplace violence occurs, and for workers to report incidents or threats of workplace violence. The program must also set out how the employer will deal with incidents, complaints and threats of workplace violence.</p> <p>Section 32.0.3 of the Act requires an employer to assess the risk of workplace violence and to report the results of the assessment to the joint health and safety committee or to a health and safety representative. If there is no committee or representative, the results must be reported to the workers. The risk must be reassessed as often as is necessary to protect workers from workplace violence.</p> <p>Under section 32.0.4 of the Act, if an employer is aware or ought to be aware that domestic violence that is likely to expose a worker to physical injury may occur in the workplace, the employer must take every reasonable precaution to protect the worker.</p> <p>Section 32.0.5 of the Act clarifies that the employer duties in section 25, the supervisor duties in section 27 and the worker duties in section 28 apply, as appropriate, with respect to workplace violence. Section 32.0.5 also requires an employer to provide a worker with information and instruction on the contents of the workplace violence policy and program.</p> <p>Section 32.0.6 of the Act requires an employer to develop a program to implement the workplace harassment policy. The program must include measures for workers to report incidents of workplace harassment and set out how the employer will deal with incidents and complaints of workplace harassment. Section 32.0.7 requires an employer to provide a worker with information and instruction on the contents of the workplace harassment policy and program.</p> <p>The Bill amends section 43 of the Act, which deals with a worker's right to refuse work in various circumstances where health or safety is in danger, to include the right to refuse work if workplace violence is likely to endanger the worker.</p> <p>The Bill provides for authority to make regulations, including the following:</p> <ol style="list-style-type: none"> 1. Requiring an employer to designate a workplace co-ordinator with respect to workplace violence and workplace harassment. 2. In the case of workers with a limited right to refuse work under section 43 of the Act, specifying situations in which a danger to health or safety is inherent in the workers' work or a normal condition of employment. 3. Varying or supplementing subsections 43 (4) to (13) of the Act with respect to workers with a limited right to refuse under section 43 and workers to whom section 43 applies by reason of a regulation made for the purposes of subsection 3 (3) of the Act. 4. Governing the application of the duties and rights set out in Part III.0.1 to the taxi industry.

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		169	<i>Workplace Safety and Insurance Amendment Act (Firefighters), 2009</i>	Arnott	Second Reading – May 14, 2009 – Lost on Division	<p>The Bill amends the Workplace Safety and Insurance Act, 1997. Section 15.1 of the Act contains presumptions that if a worker who is prescribed by the regulations made under the Act sustains an injury to the heart or is impaired by a disease, the injury or disease is presumed to have arisen out of the worker's employment as a firefighter or fire investigator. At present, under the regulations, the presumptions apply only to full-time firefighters. The Bill would make the presumptions applicable to all firefighters, including volunteer firefighters, without the need to make a regulation. A regulation can still make the presumptions apply to fire investigators or other workers or still impose conditions and restrictions on the presumptions.</p>
		175	<i>Ontario Labour Mobility Act, 2009</i>	Milloy	First Reading – May 5, 2009	<p>The Bill sets out a Labour Mobility Code (in Part II) that must be complied with by all Ontario regulatory authorities. A regulatory authority is an individual or body that is authorized by law to grant authorizing certificates to individuals for one or more occupations. An authorizing certificate is a document, regardless of its form or its name, that attests to an individual being qualified to practise an occupation and authorizes the individual to practise the occupation or use a title or designation relating to the occupation.</p> <p>The Ontario regulatory authorities to which the Labour Mobility Code applies are those listed in Column 3 of Table 1 at the end of the Bill. They grant authorizing certificates under the statutes set out in Column 2 of Table 1. Table 1 may be amended by regulation from time to time to add or remove Ontario regulatory authorities. The Colleges of the health professions governed by the Regulated Health Professions Act, 1991 are not listed in Table 1, but are made subject to similar labour mobility rules through amendments made to the Regulated Health Professions Act, 1991 itself.</p> <p>The Labour Mobility Code prohibits Ontario regulatory authorities from requiring individuals to reside in Ontario as a condition of certification, if the applicants reside in a province or territory that is a party to the Agreement on Internal Trade. An Ontario regulatory authority that is a municipality is also prohibited from requiring individuals to reside within the geographic area of the municipality as a condition of eligibility for employment by the municipality, if the individuals reside in a province or territory that is a party to the Agreement on Internal Trade.</p> <p>The Labour Mobility Code also provides that when an individual applies to an Ontario regulatory authority for an authorizing certificate for a regulated occupation and the individual already holds an authorizing certificate for the same occupation granted by an out-of-province regulatory authority, the Ontario regulatory authority shall not require the individual to have, undertake, obtain or undergo any material additional training, experience, examinations or assessments as a condition of certifying the individual in Ontario. An occupation is defined as a set of jobs which, with some variation, are similar in their main tasks or duties or in the type of work performed. A regulated occupation is an occupation for which an Ontario regulatory authority grants a specific authorizing certificate under an Act. An out-of-province regulatory authority is a regulatory authority of any party to the Agreement on Internal Trade other than Ontario.</p>

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						<p>The Labour Mobility Code contains the following exceptions to the rule against imposing material additional training, experience, examinations or assessments. (1) An Ontario regulatory authority is not prohibited from imposing on the applicant any requirement that is identified on the website of the Ministry of Training, Colleges and Universities as a permissible certification requirement for the regulated occupation adopted by the Government of Ontario under Article 708 of the Agreement on Internal Trade. (2) An Ontario regulatory authority is not prohibited from requiring the applicant to demonstrate proficiency in English or in French if equivalent proficiency in the language was not a condition of certification of the applicant by the out-of-province regulatory authority. (3) An Ontario regulatory authority is not prohibited from requiring the applicant to undertake, obtain or undergo material additional training, experience, examinations or assessments if the applicant has not practised the regulated occupation within a period of time fixed by the Ontario regulatory authority, before submitting his or her application for certification to the Ontario regulatory authority.</p> <p>The Labour Mobility Code clarifies that it does not prohibit Ontario regulatory authorities from requiring that the applicant pay an application or processing fee; obtain malpractice or other insurance or similar protection; post a bond; undergo a criminal background check; provide evidence of good character; provide confirmation from the out-of-province regulatory authority that the authorizing certificate held by the applicant is in good standing; demonstrate knowledge of matters applicable to the practice of the regulated occupation in Ontario; or meet any other requirement specified by the Ontario regulatory authority that does not involve material additional training, experience, examinations or assessments.</p> <p>The Labour Mobility Code also clarifies that an Ontario regulatory authority may refuse to certify the applicant or may impose terms, conditions or limitations on the applicant's authorizing certificate if, in its opinion, such action is necessary to protect the public interest as a result of complaints or criminal, disciplinary or other proceedings against the applicant in any jurisdiction relating to his or her competency, conduct or character. In addition, if the authorizing certificate granted to the applicant by the out-of-province regulatory authority is subject to a term, condition or limitation, the Ontario regulatory authority may impose an equivalent term, condition or limitation on the authorizing certificate it grants to the applicant or, if the Ontario regulatory authority does not impose an equivalent term, condition or limitation on its authorizing certificate for that occupation, it may refuse to certify the applicant.</p> <p>The right of Ontario regulatory authorities to impose the above requirements and measures on applicants who are already certified by an out-of-province regulatory authority is subject to the following conditions. (1) The requirement or measure must not be a disguised restriction on labour mobility. (2) The requirement or measure must not prevent the expeditious certification of the individual. (3) Any requirement or measure imposed by the Ontario regulatory authority on applicants who are certified by an out-of-province regulatory authority must be the same as, or substantially similar to but no more onerous than, the requirement or measure imposed by the Ontario regulatory authority on applicants who are not certified by an out-of-province regulatory authority. However, imposing a higher fee or other cost on applicants who are certified by an out-of-province regulatory authority is permitted if that reflects the actual cost differential to the Ontario regulatory authority.</p>

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						<p>The Labour Mobility Code applies to applications for certification made to an Ontario regulatory authority on or after the day the Bill comes into force and also to applications for certification made to an Ontario regulatory authority before the day the Bill comes into force if the application has not been finally decided before that day.</p> <p>The Bill encourages Ontario regulatory authorities, when establishing occupational standards for an occupation, to make those standards consistent with such common interprovincial or international occupational standards as may have been developed for the occupation. This does not prevent a regulatory authority from establishing occupational standards that it considers appropriate to protect the public if its authorizing statute permits it to do so. In addition, every Ontario regulatory authority is required to notify its counterparts in the other provinces and territories of Canada of any new or amended occupational standards that it proposes to adopt and afford them an opportunity to comment on the development of those standards.</p> <p>The Bill provides that the Labour Mobility Code prevails in the case of a conflict with an Ontario regulatory authority's authorizing statute or an instrument of a legislative nature made under that statute. Instruments of a legislative nature include but are not limited to regulations, by-laws, rules, directives, guidelines and orders of a legislative nature. The Bill also requires every Ontario regulatory authority, other than a municipality, to take such steps as are within its power to amend the instruments of a legislative nature under its authorizing statute, if necessary, so that they conform with the Labour Mobility Code, within 12 months after the Bill comes into force.</p> <p>Table 1 divides Ontario regulatory authorities into four categories: (1) non-governmental regulatory authorities operating under private Acts, (2) non-governmental regulatory authorities operating under public Acts, (3) municipal governmental regulatory authorities, and (4) provincial governmental regulatory authorities. The reason for the categorization is that there are some differences in the enforcement mechanisms that the Bill provides for the different categories of regulatory authorities.</p> <p>Every non-governmental regulatory authority will have a monitor. The monitor for a non-governmental regulatory authority operating under a public Act is the Minister who is responsible for the administration of that Act or such other person as is designated by regulation. The monitor for a non-governmental regulatory authority operating under a private Act is to be designated by regulation. Monitors are authorized by the Bill to review the certification practices of their non-governmental regulatory authorities in order to assess their compliance with the Labour Mobility Code. Monitors are also authorized to request their non-governmental regulatory authorities to do things that the monitor considers necessary or advisable for implementing, or carrying out the intent and purposes of, the Labour Mobility Code or a decision of a presiding body under the Agreement on Internal Trade.</p>

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						<p>If a non-governmental regulatory authority is requested by its monitor to take such steps as are within its power to amend an instrument of a legislative nature under its authorizing statute so that it conforms with the Labour Mobility Code, and the regulatory authority does not comply with the request, the Lieutenant Governor in Council is authorized to amend the instrument in question for the purpose of ensuring that it conforms with the Labour Mobility Code.</p> <p>Administrative penalties may be imposed on non-governmental regulatory authorities that do not comply with any request by the monitor relating to the Labour Mobility Code or to a decision of a presiding body under the Agreement on Internal Trade. The monitor is required to give the regulatory authority notice of the intent to issue an order imposing an administrative penalty and is required to afford the regulatory authority an opportunity to make written submissions with respect to the proposed order. In addition, the regulatory authority has a right to require that the Minister of Training, Colleges and Universities or his or her designate review the order imposing the administrative penalty.</p> <p>If the Crown in right of Ontario is ordered to pay a penalty or tariff costs under a final order made by a presiding body under the Agreement on Internal Trade, and the order is wholly or partially the result of non-compliance by a non-governmental or municipal governmental regulatory authority with the Labour Mobility Code or non-compliance by the College of a health profession with the labour mobility provisions added to Schedule 2 to the Regulated Health Professions Act, 1991, the Minister of Training, Colleges and Universities may issue a payment order to the regulatory authority or the College, as the case may be, ordering it to pay to the Minister of Finance all or part of the amount paid by the Crown under the presiding body's final order. The regulatory authority or College has the right to appeal the payment order to the Superior Court of Justice on a question of law or fact or both.</p> <p>The Bill also makes consequential amendments to various Acts to bring them in line with the requirements of the Labour Mobility Code.</p>
		180	<i>Capping Executive Compensation Act</i>	Horwath	Second Reading – May 28, 2009 – Lost on Division	<p>The Bill provides that any corporation that receives a grant or loan from Ontario shall not compensate any officer, director, executive or employee of the corporation in an amount greater than \$400,000. The Bill requires that the prohibition be reflected in any contract signed between Ontario and a corporation regarding the grant or loan.</p> <p>If compensation greater than \$400,000 is given, Ontario may require repayment of the grant and may seize and dispose of any of the corporation's assets for the purpose of recovering the value of the grant or loan.</p>
		181	<i>Highway Traffic Amendment Act (Aftermarket Brake Pad Standards), 2009</i>	Sandals	Second Reading – June 4, 2009	<p>The Bill amends the <i>Highway Traffic Act</i> to require that motor vehicles, other than motorcycles, that are equipped with aftermarket brake pads be equipped with brake pads that meet the prescribed standards and specifications and that do not contain asbestos.</p>

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		189	<i>Employment Standards Amendment Act, 2009</i>	DiNovo	First Reading – June 1, 2009	<p>The Bill re-enacts new definitions of employee and employer. An employee is defined to include anyone who works on a personal basis or supplies services on a personal basis in an activity or enterprise whether a person receives wages directly or indirectly from the employer. An employer includes every entity or person involved in an activity or enterprise who is directly or indirectly responsible for the work of a person in it.</p> <p>A provision is added to the Act specifying that all employers of an employee are jointly and severally liable for any contravention of this Act and the regulations and for wages owing to any of their employees.</p> <p>The Bill makes various amendments relating to unpaid wages. The Bill provides that any unauthorized deductions from an employee's wages are deemed to be unpaid wages owing to the employee, that unpaid wages earn interest and that unpaid wages constitute a lien, charge and secured debt against the employer.</p> <p>A new Part respecting employment agencies is added to the Act. Employment agencies are prohibited from charging or receiving a fee for employing or obtaining employment for a person or providing information about employers seeking employees.</p> <p>The Bill also adds a new Part allowing a person to file a claim for unjust dismissal in the specified circumstances. If an employment standards officer decides that a person has been unjustly dismissed, the officer may order the employer to pay compensation to the dismissed person, to reinstate the person to their previous position and may order any other thing that is equitable in the circumstances.</p> <p>Currently, wages have priority over the claims of other unsecured creditors to a maximum of \$10,000 per employee. The Bill amends the maximum to \$25,000 per employee.</p> <p>The Bill adds a provision prohibiting an employer from paying different employees at different rates of pay or providing different employment benefits to different employees solely on the basis of factors such as the number of hours that an employee works, where their work is otherwise similar.</p> <p>A number of changes are made to the procedures regarding complaints and enforcement. Currently, an employment standards officer has the discretion to respond to complaints by making various types of orders. The Bill would require that orders must be made in the specified circumstances. Complaints regarding termination due to alleged reprisals are to be dealt with under an expedited procedure and the terminated person may, at their request, be reinstated to their position pending resolution of the complaint.</p>
		195	<i>Pension Benefits Statute Law Amendment Act, 2009</i>	Wilson	First Reading – June 4, 2009	<p>The Bill amends the Pension Benefits Act to allow an employee to consent to the transfer of assets in respect of the pension benefits and ancillary benefits of the employee if, on or after January 1, 1985, a successor employer takes over the business of the employee's employer, a pension plan is established as the successor to a pension plan in respect of the employee's employment or assets of a pension fund in respect of the employee's employment are transferred in other circumstances. At present, no such transfer can be made without the prior consent of the Superintendent of Financial Services.</p>

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						<p>The administrators of the transferring pension plan and the receiving pension plan are required to enter into an agreement that sets out the manner of determining the amount of assets that the administrator of the transferring pension plan is required to transfer to the receiving pension plan in respect of the pension benefits and ancillary benefits of the employee. The agreement must provide for notice to be given to the employee that advises the employee of the option of consenting to the transfer and that gives sufficient information to allow the employee to make an informed decision about whether to consent to the transfer.</p> <p>The Superintendent of Financial Services is required to determine whether, in his or her opinion, the transfer protects the pension benefits and any other benefits of the employee and to give notice of the determination to the employee and the administrator of the transferring pension plan. The administrator is required to make the transfer if the employee consents to the transfer or, if the employee does not indicate any option to the administrator, the Superintendent's notice of determination indicates that the Superintendent is of the opinion that the transfer protects the pension benefits and any other benefits of the employee.</p>
		197	<i>Human Rights Code Amendment Act (Freedom of Expression), 2009</i>	Klees	First Reading – June 4, 2009	The Bill repeals section 13 of the Human Rights Code which prohibits a person from publishing or displaying before the public material that indicates the intention of the person to infringe a right under Part I of the Code.
		201	<u><i>Public Sector Expenses Review Act, 2009</i></u>	Takhar	<u>First Reading – September 16, 2009</u>	<p><u>The purpose of the Public Sector Expenses Review Act, 2009 is to enable the Integrity Commissioner to review the expense claims of certain persons who are employed in or appointed to public entities.</u></p> <p><u>Any entity in the public service of Ontario or in Ontario's broader public sector may be prescribed in the regulations as a public entity that is subject to the Act. An expenses officer will be prescribed for each public entity (separate expenses officers may be prescribed for employees and appointees). This individual is required to submit the expense claims of certain persons designated in the regulations to the Commissioner for review.</u></p> <p><u>The Commissioner may review the expense claims of designated persons for each public entity and determine if the claims are allowable in accordance with standards set out in the regulations. These regulations may incorporate by reference Government of Ontario policies and directives.</u></p> <p><u>If the Commissioner determines that all or part of a claimed expense is not allowable, the Commissioner shall notify the expenses officer, may require repayment of all or part of the expense, and may recommend other remedial action. The expenses officer is required to report back to the Commissioner as to whether the expense has been repaid or the remedial action undertaken.</u></p> <p><u>Each year the Commissioner is required to give a written report about his or her review of expense claims under the Act to the Speaker. The Commissioner also has discretion to make a public report respecting any matter related to the Commissioner's functions under the Act.</u></p>