

MEMBER BULLETIN

December 6, 2018

Reducing 'Red Tape' through the *Restoring Ontario's Competitiveness Act, 2018*

On December 6, the government tabled the *Restoring Ontario's Competitiveness Act, 2018* (the Bill). The Bill is a 'red tape' reduction Bill that makes changes across numerous pieces of legislation with the intention of cutting business costs, harmonizing regulatory requirements with other jurisdictions, ending duplication, and reducing barriers to investment in the province.

This Bill is the second (following [Bill 47](#)) in a planned series that will make up the government's *Open for Business Action Plan* which seeks to reduce regulatory 'red tape' affecting businesses by 25%. It includes over 30 actions to reduce regulatory burdens. Key highlights of the Bill for the sewer and watermain construction sector include:

Open Tendering

The Bill proposes to modify the Ontario Labour Relations Act (OLRA) to deem public bodies (i.e. municipalities, school boards, colleges, and universities) as "non-construction employers." This change will open up the procurement processes in municipalities that are presently 'closed' because they are bound to collective agreements for the construction industry. This change will encourage greater competition for bidding, and as a result more competitive prices, on publicly-funded projects across the province.

Permit to Take Water

The Bill proposes to expand the Environmental Activity and Sector Registry (EASR) for low-risk water takings (i.e. pump-arounds, in-stream diversions, etc.). These types of activities, where water is removed for a short time and returned to a nearby point with no significant change to water quantity or quality will be moved to a permit-by-rule system.

ESA Poster in the Workplace

The Bill proposes to no longer require employers to post the Employment Standards Act poster in the workplace. They will still be required to provide a copy of the poster to each of its employees but aims to reduce the duplication.

Employment Standards Act

The Bill proposes to no longer require businesses to obtain approval from the Director of Employment Standards for excess hours of work and overtime averaging. The changes would set four weeks as the maximum time that an employer could average an employee's hours of work for the purposes of determining overtime pay.

To view the full text of the Bill and all of its proposed changes, please click on the following link: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-66#BK11>

If you have any questions or concerns with this Act, please contact Patrick McManus (905-629-7766 ext. 222 or patrick.mcmanus@oswca.org).