

November 7, 2018

**Further to March 16, 2018 Directive Issued to  
Ontario Member Contractors:  
Bill 148 – Fair Workplaces, Better Jobs Act  
Substituting Paid Personal Emergency Leave**

Further to the March 16, 2018 directive issued to Ontario Member contractors regarding Bill 148 – Fair Workplaces, Better Jobs Act – Substituting Paid Personal Emergency Leave, please see update below.

Recap:

As of January 1, 2018, under the Employment Standards Act, employees are entitled to two (2) of the ten (10) Personal Emergency Leave (PEL) days to be paid if they have been employed by an employer for one week or more. The employee is entitled to these two (2) paid PEL days prior to taking the remaining eight (8) unpaid PEL days in a calendar year.

For the construction sector, supporting regulations were passed. The supporting regulations provided that if a construction employee received 0.8% or more of his/her hourly rates for PEL pay, the employee is:

- a) Not entitled to paid days of PEL
- b) Is entitled to take a total of 10 days of unpaid leave under section 50 of the Act in each calendar year.

Due to the mobile/transient nature of the Boilermaker workforce, the potential for misuse/requests of PEL days from multiple employers and the potential for disruption to tight project timelines, the BCA issued a directive to its members contractors to pay employees 0.8% on the hourly base rate on hours earned effective March 18, 2018. This was to be in lieu of employees receiving 2 paid PEL days.

Update:

As a result of an Ontario Labour Relations Board (OLRB) arbitration decision, guidance/direction for the *new* Bill 148 legislation/regulation was provided with respect to the application and payment of the 0.8% for construction employees as follows:

- 0.8% payment is required to include holiday pay, vacation pay and overtime
- 0.8% payment to be retroactive to January 1, 2018 (when the legislation came into place)
- Construction employees are not entitled to both 0.8% and two paid PEL days. If a construction employee has already claimed one paid PEL day in 2018, the employer could elect to either pay the employee the 0.8% retroactive to January 1, 2018 OR grant the employee a second paid PEL day upon request
- Did not require agreement from unions for Association to unilaterally implement the 0.8% payment

During this time, lobbying efforts through the Construction Employers’ Coordinating Council of Ontario (CECCO) continued to try to delay or exempt the impact of Bill 148 legislation on the construction industry.

On October 23, 2018, the Government proposed to repeal certain sections of Bill 148 (specifically paid PEL days). The legislation is expected to pass before January 1, 2018.

Impact on the BCA:

The IBB has indicated they will be filing a grievance and pursuing before the OLRB if amendments to the Ontario Wage and Benefit Schedule are not made to align with the OLRB arbitration decision regarding 0.8% PEL payment referenced above.

As a result, the BCA has amended the Ontario Wage and Benefit Schedule. Please see attached.

Application of the 0.8% in Lieu of 2 Paid PEL Days

Previously the 0.8% applied to the hourly base wage rate only effective March 18, 2018.

Based on the OLRB arbitration decision, the 0.8% should now be paid on the hourly base wage rate **plus vacation and statutory holiday pay**. The 0.8% payment in lieu of 2 paid PEL is to be retroactive to January 1, 2018.

Journeyperson Illustration:

<b>Bill 148 – 0.8% Paid to Employees in Lieu of 2 Paid PEL Days</b>			
Effective Date:	<u>March 18, 2018</u> Directive (Previous): 0.8% on Hourly Base Wage Rate Only	<u>November 7, 2018</u> Directive (NEW): 0.8% on Hourly Base Wage Rate <b>PLUS</b> Vacation and Statutory Holiday Pay	Difference
January 1, 2018	-	<b>0.38</b>	-
March 18, 2018	0.33	<b>0.38</b>	<b>0.05 / hour earned</b>
July 1, 2018	0.34	<b>0.38</b>	<b>0.04 / hour earned</b>
July 15, 2018	0.35	<b>0.39</b>	<b>0.04 / hour earned</b>

The BCA is aware of some member contractors that have elected not to implement the 0.8%. Based on the OLRB decision, construction employees are not entitled to both 0.8% and 2 paid PEL days. Accordingly, if a construction employee had already claimed 1 paid PEL day in 2018, an Employer could elect to either pay the employee the 0.8% retroactive to January 1, 2018 OR grant the employee a second paid PEL day upon request.

The BCA will issue a new Wage and Benefit Schedule removing the 0.8% immediately following the repeal of Bill 148 by the new Ontario Government.

**PLEASE ENSURE A COPY OF THIS NOTICE IS PROVIDED TO YOUR PAYROLL DEPARTMENT**

**BOILERMAKER CONTRACTORS' ASSOCIATION &  
INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS,  
FORGERS AND HELPERS (LOCAL LODGE 128)**

**APPENDIX: ONTARIO  
WAGE AND BENEFIT SCHEDULE**

(REVISED FOR NEW DIRECTIVE ISSUED NOVEMBER 7, 2018 - BILL 148 - PEL 0.8%)

Classification	Effective Date	Hourly Wage Rate	Vacation Pay 9%	Statutory Holiday Pay 3%	Employer Contributions (Outside the Total Wage Package)							Total Wage Package	Employer Contributions (A)			Total Cost	Employee Deduction (B)
					Health & Welfare (A)	Pension (1) (A)	Union Promotion (A)	Educational Training (A)	Apprenticeship (A)	National Training (2) (A)	Educational Training (3) (A)		Administration & Workforce Planning (4) (A)	De Novo (\$0.04 = \$0.02 from Employer + \$0.02 from Employee) (A)	Bill 148 - PEL 0.8% (5) (Paid to Employee) (A)		
General Foreperson	Jan 1, 2018	48.85	4.40	1.47	2.25	8.74	0.39	0.38	0.08	0.36	66.92	0.45	0.31	0.04	<b>0.44</b>	68.16	0.01
	Jan 7, 2018	48.85	4.40	1.47	2.25	8.74	0.39	0.38	0.08	0.36	66.92	0.45	0.29	0.04	<b>0.44</b>	68.14	0.01
	May 6, 2018	49.51	4.46	1.49	2.25	8.74	0.39	0.38	0.08	0.36	67.66	0.45	0.29	0.04	<b>0.44</b>	68.88	0.01
	July 1, 2018	49.46	4.45	1.48	2.25	8.74	0.39	0.38	0.08	0.41	67.64	0.45	0.29	0.04	<b>0.44</b>	68.86	0.01
	July 15, 2018	50.57	4.55	1.52	3.25	6.50	0.39	0.38	0.08	0.41	67.65	0.45	0.29	0.04	<b>0.45</b>	68.88	0.01
Foreperson	Jan 1, 2018	46.85	4.22	1.41	2.25	8.74	0.39	0.38	0.08	0.36	64.68	0.45	0.31	0.04	<b>0.42</b>	65.90	0.01
	Jan 7, 2018	46.85	4.22	1.41	2.25	8.74	0.39	0.38	0.08	0.36	64.68	0.45	0.29	0.04	<b>0.42</b>	65.88	0.01
	May 6, 2018	47.51	4.28	1.43	2.25	8.74	0.39	0.38	0.08	0.36	65.42	0.45	0.29	0.04	<b>0.43</b>	66.63	0.01
	July 1, 2018	47.46	4.27	1.42	2.25	8.74	0.39	0.38	0.08	0.41	65.40	0.45	0.29	0.04	<b>0.43</b>	66.61	0.01
	July 15, 2018	48.57	4.37	1.46	3.25	6.50	0.39	0.38	0.08	0.41	65.41	0.45	0.29	0.04	<b>0.44</b>	66.63	0.01
Assistant Foreperson	Jan 1, 2018	43.85	3.95	1.32	2.25	8.74	0.39	0.38	0.08	0.36	61.32	0.45	0.31	0.04	<b>0.39</b>	62.51	0.01
	Jan 7, 2018	43.85	3.95	1.32	2.25	8.74	0.39	0.38	0.08	0.36	61.32	0.45	0.29	0.04	<b>0.39</b>	62.49	0.01
	May 6, 2018	44.51	4.01	1.34	2.25	8.74	0.39	0.38	0.08	0.36	62.06	0.45	0.29	0.04	<b>0.40</b>	63.24	0.01
	July 1, 2018	44.46	4.00	1.33	2.25	8.74	0.39	0.38	0.08	0.41	62.04	0.45	0.29	0.04	<b>0.40</b>	63.22	0.01
	July 15, 2018	45.57	4.10	1.37	3.25	6.50	0.39	0.38	0.08	0.41	62.05	0.45	0.29	0.04	<b>0.41</b>	63.24	0.01
Journeyperson	Jan 1, 2018	41.85	3.77	1.26	2.25	8.74	0.39	0.38	0.08	0.36	59.08	0.45	0.31	0.04	<b>0.38</b>	60.26	0.01
	Jan 7, 2018	41.85	3.77	1.26	2.25	8.74	0.39	0.38	0.08	0.36	59.08	0.45	0.29	0.04	<b>0.38</b>	60.24	0.01
	May 6, 2018	42.51	3.83	1.28	2.25	8.74	0.39	0.38	0.08	0.36	59.82	0.45	0.29	0.04	<b>0.38</b>	60.98	0.01
	July 1, 2018	42.46	3.82	1.27	2.25	8.74	0.39	0.38	0.08	0.41	59.80	0.45	0.29	0.04	<b>0.38</b>	60.96	0.01
	July 15, 2018	43.57	3.92	1.31	3.25	6.50	0.39	0.38	0.08	0.41	59.81	0.45	0.29	0.04	<b>0.39</b>	60.98	0.01
4th Year Apprentice (1) (90%)	Jan 1, 2018	37.47	3.37	1.12	2.25	8.74	0.39	0.38	0.08	0.36	54.16	0.45	0.31	0.04	<b>0.34</b>	55.30	0.01
	Jan 7, 2018	37.47	3.37	1.12	2.25	8.74	0.39	0.38	0.08	0.36	54.16	0.45	0.29	0.04	<b>0.34</b>	55.28	0.01
	May 6, 2018	38.06	3.43	1.14	2.25	8.74	0.39	0.38	0.08	0.36	54.83	0.45	0.29	0.04	<b>0.34</b>	55.95	0.01
	July 1, 2018	38.01	3.42	1.14	2.25	8.74	0.39	0.38	0.08	0.41	54.82	0.45	0.29	0.04	<b>0.34</b>	55.94	0.01
	July 15, 2018	39.12	3.52	1.17	3.25	6.50	0.39	0.38	0.08	0.41	54.82	0.45	0.29	0.04	<b>0.35</b>	55.95	0.01
3rd Year Apprentice (1) (80%)	Jan 1, 2018	33.08	2.98	0.99	2.25	8.74	0.39	0.38	0.08	0.36	49.25	0.45	0.31	0.04	<b>0.30</b>	50.35	0.01
	Jan 7, 2018	33.08	2.98	0.99	2.25	8.74	0.39	0.38	0.08	0.36	49.25	0.45	0.29	0.04	<b>0.30</b>	50.33	0.01
	May 6, 2018	33.61	3.02	1.01	2.25	8.74	0.39	0.38	0.08	0.36	49.84	0.45	0.29	0.04	<b>0.30</b>	50.92	0.01
	July 1, 2018	33.57	3.02	1.01	2.25	8.74	0.39	0.38	0.08	0.41	49.85	0.45	0.29	0.04	<b>0.30</b>	50.93	0.01
	July 15, 2018	34.68	3.12	1.04	3.25	6.50	0.39	0.38	0.08	0.41	49.85	0.45	0.29	0.04	<b>0.31</b>	50.94	0.01
2nd Year Apprentice (1) (70%)	Jan 1, 2018	28.70	2.58	0.86	2.25	8.74	0.39	0.38	0.08	0.36	44.34	0.45	0.31	0.04	<b>0.26</b>	45.40	0.01
	Jan 7, 2018	28.70	2.58	0.86	2.25	8.74	0.39	0.38	0.08	0.36	44.34	0.45	0.29	0.04	<b>0.26</b>	45.38	0.01
	May 6, 2018	29.16	2.62	0.87	2.25	8.74	0.39	0.38	0.08	0.36	44.85	0.45	0.29	0.04	<b>0.26</b>	45.89	0.01
	July 1, 2018	29.12	2.62	0.87	2.25	8.74	0.39	0.38	0.08	0.41	44.86	0.45	0.29	0.04	<b>0.26</b>	45.90	0.01
	July 15, 2018	30.22	2.72	0.91	3.25	6.50	0.39	0.38	0.08	0.41	44.86	0.45	0.29	0.04	<b>0.27</b>	45.91	0.01
1st Year Apprentice (1) (60%)	Jan 1, 2018	24.31	2.19	0.73	2.25	8.74	0.39	0.38	0.08	0.36	39.43	0.45	0.31	0.04	<b>0.22</b>	40.45	0.01
	Jan 7, 2018	24.31	2.19	0.73	2.25	8.74	0.39	0.38	0.08	0.36	39.43	0.45	0.29	0.04	<b>0.22</b>	40.43	0.01
	May 6, 2018	24.71	2.22	0.74	2.25	8.74	0.39	0.38	0.08	0.36	39.87	0.45	0.29	0.04	<b>0.22</b>	40.87	0.01
	July 1, 2018	24.68	2.22	0.74	2.25	8.74	0.39	0.38	0.08	0.41	39.89	0.45	0.29	0.04	<b>0.22</b>	40.89	0.01
	July 15, 2018	25.79	2.32	0.77	3.25	6.50	0.39	0.38	0.08	0.41	39.89	0.45	0.29	0.04	<b>0.23</b>	40.90	0.01

Refer to Footnotes on page 2

(A) = Based on Hours Earned  
(B) = Based on Hours Worked

**BOILERMAKER CONTRACTORS' ASSOCIATION &  
INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS,  
FORGERS AND HELPERS (LOCAL LODGE 128)**

**APPENDIX: ONTARIO  
WAGE AND BENEFIT SCHEDULE**

(REVISED FOR NEW DIRECTIVE ISSUED NOVEMBER 7, 2018 - BILL 148 - PEL 0.8%)

Effective Date	May 7, 2017	May 6, 2018
<b>Hours of Work</b>	8	8
	(See Article 14.00)	
<b>Shift Premium</b>		
<b>2nd Shift</b>	1 1/5	1 1/5
<b>3rd Shift</b>	1 1/5	1 1/5
<b>Overtime</b>	2	2
<b>Transportation Rate</b>	0.54	0.55
<b>Subsistence Southern Ontario</b>	\$119 / Day Worked	\$119 / Day Worked
	(Toronto, Sarnia, Hamilton, Kingston Out of Work List Areas)	
<b>Subsistence Northern Ontario</b>	\$125 / Day Worked	\$125 / Day Worked
	(Winnipeg, Thunder Bay, Sudbury Out of Work List Areas)	

<b>Summary of Contributions contained in National Training Column (on page 1)</b>	
National Training (NTTF)	\$0.10
Common Arc	\$0.10
<b>IBB/Union Funds</b>	
National Organizing	\$0.04
National Health & Safety	\$0.10
Union Promotion	\$0.03
National Marketing	\$0.04

**FOOTNOTES:**

- (1) Effective July 15, 2018, the Pension 'Special Funding Contribution' will cease. Previously the Pension contribution was comprised of two components, a Basic Pension Deduction and a "Special Funding Contribution" of \$2.24 May 3, 2015 to July 14, 2018. Rates for First, Second & Third year Apprentices, and Helper were inclusive of the Collective Agreement Rate plus the "Special Funding Contribution (SFC)" for the Pension Plan from May 3, 2015 to July 14, 2018.
- (2) See above for breakdown of National Training.
- (3) (a) Effective June 23, 2013, the Educational Training Fund increased by \$0.30 for the province of Ontario. This increase is outside the total wage package until April 30, 2019.  
(b) Effective May 8, 2016, the Educational Training Fund will increase by an additional \$0.15 for the province of Ontario to provide for training expense reimbursements. Effective April 30, 2019, this additional \$0.15 to Educational Training (outside the total wage package) will be sun-setted and subject to review and discussion at that time.
- (4) Effective June 23, 2013, \$0.01/hour worked will be deducted from each employee and will be directed to Helmets to Hardhats (H2H). This employee deduction can be remitted to the BCA/IBB Administrator (Boilermaker National Benefit Funds).
- (5) **Per November 7, 2018 Directive to BCA of Ontario Member Contractors, as a result of the OLRB Decision, the employee receives 0.8% on their hourly base rate plus vacation and statutory holiday pay in lieu of two (2) paid Personal Emergency Leave days (Bill 148).**
- (6) Effective May 6, 2012, a contribution of \$0.05/hour, directed to the BCA to provide for a Resource Manager/Workforce Planning. Effective January 7, 2018, this contribution will decrease by \$0.02 to \$0.03/hour.

**NOTES**

**Employee Deduction Helmets to Hardhats (H2H)**                      \$0.01 PER HOUR WORKED

(A) = Based on Hours Earned  
(B) = Based on Hours Worked

Refer to Footnotes on page 2

(A) = Based on Hours Earned  
(B) = Based on Hours Worked