

December 11, 2018

**Further to November 7, 2018 Directive Issued to
Ontario Member Contractors:**
Bill 47 – Making Ontario Open for Business Act
**Repeal of Personal Emergency Leave and
New Three Hour Rule - Effective January 1, 2019**

Further to the November 7, 2018 directive issued to Ontario Member contractors regarding Bill 148 – Fair Workplaces, Better Jobs Act – Substituting Paid Personal Emergency Leave, please see update below as a result of the Bill 47 – Making Ontario Open for Business Act receiving royal assent.

Personal Emergency Leave:

Recap:

Effective January 1, 2018, under the Employment Standards Act (ESA), employees were 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 per Bill 148.

For the construction sector, if a construction employee received 0.8% or more of his/her hourly rates for PEL pay, the employee was not entitled to two (2) paid days of PEL but was entitled to a total of ten (10) days of unpaid leave.

The BCA issued directive(s) to its member contractors to pay employees the 0.8% on the hourly base wage rate plus vacation and statutory holiday pay. The 0.8% payment was in lieu of two (2) paid PEL days.

UPDATE:

With Bill 47 receiving royal assent, the Ontario Government has repealed/removed the Bill 148 PEL provisions contained in the ESA. Bill 47 eliminates the two (2) paid PEL days and the eight (8) unpaid PEL days effective January 1, 2019.

In its place Bill 47 has added three (3) types of unpaid leave, once an employee has been employed for two (2) consecutive weeks, as follows:

- Sick Leave - Up to three (3) days in each calendar year for personal illness, injury or medical emergency
- Family Responsibility Leave – Up to three (3) days in each calendar year for the illness, injury, medical emergency or other urgent matter concerning a prescribed family member
- Bereavement Leave – Up to two (2) days in each calendar year because of the death of a prescribed family member

As a result of these Bill 47 ESA changes, effective January 1, 2019, the 0.8% payment in lieu of two (2) paid PEL days will cease. Employees will no longer be entitled to ten (10) 'PEL' days.

The Ontario Wage and Benefit Schedule has been updated to reflect this change effective January 1, 2019 (*shown in the Bill 148 – PEL 0.8% column*).

New Three Hour Rule:

Effective January 1, 2019 – Under the ESA:

(1) If an employee who regularly works more than three hours a day is required to present himself or herself for work but works less than three hours, despite being available to work longer, the employer shall pay the employee wages for three hours, equal to the greater of the following:

1. The sum of,
 - i. the amount the employee earned for the time worked, and
 - ii. wages equal to the employee's regular rate for the remainder of the time.
2. Wages equal to the employee's regular rate for three hours of work.

Exception:

(2) Subsection (1) does not apply if the employer is unable to provide work for the employee because of fire, lightning, power failure, storms or similar causes beyond the employer's control that result in the stopping of work.

As a result of Bill 47, the existing language under Article 18.03 (a) and (b) – Waiting and Reporting Time of the BCA / IBB Local 128 Collective Agreement which provides for a minimum of two (2) hours of pay will not meet the minimum standards under the ESA.

Effective January 1, 2019, Employers should be paying a minimum of 3 hours of pay under Article 18.03 (a) and (b) in order to meet minimum standards required under the ESA.

Note: Article 18.02 of the BCA/IBB Local 128 Collective Agreement covers circumstances that are generally exempted under the ESA. There is no statutory requirement to pay a minimum of hours if the inability to assign work is due to fire, lightning, power failure, storms or similar causes beyond the employer's control.

Ontario College of Trades and Apprenticeship Act

The changes to the Ontario College of Trades and Apprenticeship Act (OCTAA), currently in place now as a result of Bill 47, are outlined below:

- Moratorium of trade classification and reclassifications (compulsory vs voluntary trade) reviews
- Journeyman to apprentice ratios for all trades that are subject to ratios shall not exceed one apprentice for each journeyman. Under the BCA / IBB Local 128 Collective Agreement, the current ratio of 1 Apprentice to 3 Journeymen (per the Letter of Understanding dated November 12, 2018) shall continue at this time.
- New section grants special power to the Minister of Labour to dissolve the Ontario College of Trades
- The OCTAA will be repealed on a date to be named later

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 BILL 47 - REPEAL OF PERSONAL EMERGENCY LEAVE - 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) (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	0.44	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	0.44	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	0.44	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	0.44	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	0.45	68.88	0.01
	Jan 1, 2019	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	-	68.43	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	0.42	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	0.42	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	0.43	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	0.43	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	0.44	66.63	0.01
	Jan 1, 2019	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	-	66.19	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	0.39	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	0.39	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	0.40	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	0.40	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	0.41	63.24	0.01
	Jan 1, 2019	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	-	62.83	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	0.38	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	0.38	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	0.38	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	0.38	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	0.39	60.98	0.01
	Jan 1, 2019	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	-	60.59	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	0.34	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	0.34	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	0.34	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	0.34	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	0.35	55.95	0.01
	Jan 1, 2019	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	-	55.60	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	0.30	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	0.30	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	0.30	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	0.30	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	0.31	50.94	0.01
	Jan 1, 2019	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	-	50.63	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	0.26	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	0.26	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	0.26	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	0.26	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	0.27	45.91	0.01
	Jan 1, 2019	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	-	45.64	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	0.22	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	0.22	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	0.22	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	0.22	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	0.23	40.90	0.01
	Jan 1, 2019	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	-	40.67	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 BILL 47 - REPEAL OF PERSONAL EMERGENCY LEAVE - 0.8%)

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

Summary of Contributions contained in National Training Column (on page 1)	
National Training (NTTF)	\$0.10
Common Arc	\$0.10
IBB/Union Funds	
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) Effective January 1, 2019, the 0.8% payment in lieu of two (2) paid PEL days will cease per Bill 47. Previously per the November 7, 2018 Directive to BCA of Ontario Member Contractors, the employee received 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

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(B) = Based on Hours Worked