

Emond Harnden's view on the proposed ESA amendments

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In recent submissions to the Legislative Standing Committee on Resources Development on Bill 49, Emond Harnden supported the revisions which would require employees pursuing claims against employers to choose between proceeding under the Act or going to court. The firm agrees as well with the amendment that would oblige unionized employees to pursue *ESA* claims solely through arbitration, but suggests that the role and powers of arbitrators hearing *ESA* claims be clarified.

Emond Harnden is in favour of the provision that extends the time period for applying for a review of an order from 15 to 45 days. However, it asks that changes be considered to the requirement that, to be entitled to apply for review, employers satisfy the order to pay.

The firm expressed support for the proposed changes clarifying that pregnancy or parental leave is to be included in the calculation of service and seniority. However, it urged that this provision apply to parties to a collective agreement only upon the commencement of the next agreement. (For a description of the earlier version of the Bill, see "[Changes to Employment Standards Act imminent](#)" on our Publications page; for a description of more recent developments, see "[ESA amendments receive royal assent](#)" and "[Red Tape Commission urges key amendments to Ontario employment statutes](#)" on our Publications page).