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Social Contract Act, 1993

S.O. 1993, CHAPTER 5

**Consolidation Period:** From September 25, 2023 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Note: On a day to be named by proclamation of the Lieutenant Governor, this Act, except subsections 24 (7) and (8) and section 51, is repealed by the Statutes of Ontario, 1993, chapter 5, subsection 57 (1). See: 1993, c. 5, s. 57 (1).

Last amendment: [2023, c. 4, Sched. 1, s. 84](http://www.ontario.ca/laws/statute/S23004" \l "sched1s84).

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Preamble

In order to achieve significant savings in public sector expenditures in a fair and equitable manner, the Government is committed to facilitating negotiations between representatives of public sector employers and their employees for the purpose of maintaining effective and efficient public services.

To this end, the Government invited public sector employer and employee representatives and representatives of independent health practitioners to negotiate a Social Contract with the Government. During the negotiations, which took place in April, May and June of 1993, the Government tabled a framework agreement that included provisions for:

— savings through unpaid leaves of absence while protecting public services and accommodating the preference of individual employees.

— job security including redeployment and training and adjustment for employees.

— the encouragement of efficiency and productivity savings in the public sector.

— access to a fund to supplement unemployment insurance benefits or to permit the extension of notice periods or to allow for retraining.

— protection for those earning less than $30,000 a year.

It is desirable that legislation be enacted that carries out the general intent of the framework Social Contract by encouraging negotiated settlements while recognizing that a resolution is essential so that the necessary savings in public expenditures may be realized in a fair and equitable manner.

Purposes

**1** The purposes of this Act are as follows:

1. To encourage employers, bargaining agents and employees to achieve savings through agreements at the sectoral and local levels primarily through adjustments in compensation arrangements.

2. To maximize the preservation of public sector jobs and services through improvements in productivity, including the elimination of waste and inefficiency.

3. To provide for expenditure reduction for a three-year period and to provide criteria and mechanisms for achieving the reductions.

4. To provide for a job security fund. 1993, c. 5, s. 1.

PART I  
GENERAL

Definitions

**2** In this Act,

“Administrator” means the person appointed to administer the Fund; (“administrateur”)

“bargaining agent” means a trade union or other organization that, under any Act, has bargaining rights in respect of any unit of employees and includes any other organization that is recognized under section 5 as a bargaining agent; (“agent négociateur”)

“bargaining unit employee” means an employee for whom there is a bargaining agent; (“employé compris dans une unité de négociation”)

“collective agreement” means an agreement in writing between an employer and a bargaining agent providing for compensation of those covered by the agreement; (“convention collective”)

“compensation” means all payments and benefits paid or provided to or for the benefit of a person who performs functions that entitle the person to be paid a fixed or ascertainable amount; (“rétribution”)

“employee” means an employee of an employer in the public sector and includes the officers of employers and, unless exempted by the regulations, the holders of offices elected or appointed under the authority of any Act; (“employé”)

“employer” means an employer in the public sector; (“employeur”)

“Fund” means the Public Sector Job Security Fund; (“Fonds”)

“local agreement” means an agreement entered into for the purposes of this Act between one employer and one or more of the bargaining agents that have bargaining rights in respect of employees of the employer; (“accord local”)

“Minister” means the member of the Executive Council to whom the administration of this Act is assigned; (“ministre”)

“non-bargaining unit employee” means an employee who is not represented by a bargaining agent; (“employé non compris dans une unité de négociation”)

“non-bargaining unit plan” means a plan established under section 16; (“plan s’appliquant aux employés non compris dans une unité de négociation”)

“public sector” means the public sector as described in the Schedule; (“secteur public”)

“regulation” means a regulation made under this Act; (“règlement”)

“sectoral framework” means a plan designated under section 11 or 36 as a sectoral framework; (“cadre sectoriel”)

“year” means the period beginning April 1 and ending with March 31 in the following year unless otherwise provided in the regulations. (“exercice”) 1993, c. 5, s. 2.

Sectors

**3** (1) For the purposes of this Act, the public sector is divided into the following sectors:

1. The Ontario Public Service Sector.

2. The Health Sector.

3. The Community Services Sector.

4. The Schools Sector.

5. The Colleges Sector.

6. The Universities Sector.

7. The Agencies, Boards and Commissions Sector.

8. The Municipalities Sector.

Same

(2) Unless otherwise provided by the Minister, each sector consists of the same parties as were in that sector during the Social Contract negotiations.

Same

(3) The Minister may assign employers to sectors.

Same

(4) A sector may contain one or more than one employer.

Same

(5) Every employer belongs to a sector; it is the responsibility of an employer to determine, through the ministry of the Minister, the sector to which the employer belongs.

Same

(6) The Minister may divide a sector into two or more subsectors and name the parties in respect of negotiating in the subsectors.

Same

(7) For the purposes of this Act, a subsector shall be deemed to be a sector. 1993, c. 5, s. 3.

Persons bound

**4** This Act binds the Crown in right of Ontario and all employers, employees and bargaining agents in the public sector. 1993, c. 5, s. 4.

Additional bargaining agents

**5** (1) The Minister may recognize as a bargaining agent for the purposes of this Act an organization that in his or her opinion represents employees but that does not have bargaining rights under an Act.

Same

(2) The recognition may be subject to such restrictions as the Minister specifies.

Limitation

(3) The Minister shall not designate an organization as a bargaining agent under subsection (1) for employees who are represented by a bargaining agent.

Bargaining rights

(4) A bargaining agent designated under subsection (1) has the right to bargain on behalf of the employees for the purposes of this Act. 1993, c.5, s. 5.

*Human Rights Code*, *Pay Equity Act*

**6** Nothing in this Act shall be interpreted or applied so as to reduce any right or entitlement under the Human Rights Code or under the Pay Equity Act. 1993, c. 5, s. 6.

PART II  
EXPENDITURE REDUCTION TARGETS

Expenditure reduction targets

**7** (1) The Minister shall establish expenditure reduction targets for sectors and for employers.

Reduced targets if sectoral framework

(2) If there is a sectoral framework in respect of a sector, the Minister shall establish lower expenditure reduction targets for every employer in the sector who,

(a) enters into a local agreement, not later than August 1, 1993, that implements the sectoral framework; or

(b) implements a non-bargaining unit plan, not later than August 1, 1993, that implements the sectoral framework.

Ten-day delay

(3) For the purpose of clause (2) (a), a local agreement shall be deemed to have been entered into on August 1, 1993 if the Minister makes a direction under subsection 13 (4) that applies to the local agreement and the local agreement is entered into not later than August 10, 1993.

Expression of target

(4) The Minister may express an expenditure reduction target as a specific amount of money or by means of a formula or other method for determining an amount of money. 1993, c. 5, s. 7.

PART III  
PUBLIC SECTOR JOB SECURITY FUND

Fund

**8** (1) A fund to be known in English as the Public Sector Job Security Fund and in French as Fonds de securité d’emploi du secteur public is established.

Purpose

(2) The purpose of the Fund is to provide, in accordance with this Act and the regulations,

(a) payments to employees who are released from employment by their employers; and

(b) payments to employers for the purpose of extending the employment of employees who will be released from employment by the employers. 1993, c. 5, s. 8.

Administration

**9** (1) The Lieutenant Governor in Council shall appoint a person to administer the Fund. 1993, c. 5, s. 9 (1).

Audit

(2)  The accounts and financial transactions of the Fund shall be audited annually by the Auditor General. 1993, c. 5, s. 9 (2); 2004, c. 17, s. 32.

Annual report

(3)  The Administrator shall make an annual report to the Minister on the operation of the Fund. 1993, c. 5, s. 9 (3).

Tabling

(4)  The Minister shall submit the report to the Lieutenant Governor in Council and shall then table the report in the Assembly. 1993, c. 5, s. 9 (4).

Other reports

(5)  The Administrator shall submit to the Minister such other reports as the Minister may require. 1993, c. 5, s. 9 (5).

**Section Amendments with date in force (d/m/y)**

[2004, c. 17, s. 32](http://www.ontario.ca/laws/statute/S04017" \l "s32) - 30/11/2004

Payments from Fund

**10** An employee, bargaining agent or employer may apply to the Administrator for payments out of the Fund in accordance with Part V, Part VI and the regulations. 1993, c. 5, s. 10.

PART IV  
SECTORAL FRAMEWORK

Designation of sectoral framework

**11** (1) The Minister may designate, as a sectoral framework, a plan that relates to a sector.

Deadline for designation

(2) The Minister shall not designate a plan as a sectoral framework after August 1, 1993.

Criteria

(3) The Minister shall not designate a plan as a sectoral framework unless, in the opinion of the Minister, the plan meets the following criteria:

1. There is sufficient support for the plan, based on negotiations leading to the development of the plan, for the plan to form the basis for local agreements in the sector.

2. The plan includes provisions that will assist employers in the sector in achieving the expenditure reduction target established by the Minister for the sector.

3. The plan will not adversely affect employees in the sector who earn less than $30,000 annually, excluding overtime pay.

4. The plan contains appropriate provisions to minimize job losses in the sector, appropriate provisions respecting the redeployment of employees in the sector who are released from employment or who receive notice that they will be released from employment, and appropriate provisions relating to employee training and adjustment programs.

5. The plan will be fair and equitable in its application to all employees.

Special circumstances

(4) Subsection (3) does not apply to a plan if, in the opinion of the Minister, special circumstances apply and it is desirable to designate the plan as a sectoral framework.

Standard form local agreement

(5) A sectoral framework may contain a standard form of local agreement to implement the framework. 1993, c. 5, s. 11.

Negotiation of sectoral framework

**12** In addition to the provisions referred to in subsection 11 (3), persons seeking to negotiate the contents of a sectoral framework may consider including the following provisions in the framework:

1. Provisions relating to organizational restructuring, including early retirement options and labour adjustment programs.

2. Provisions relating to improvements in productivity, including the elimination of waste and inefficiency.

3. Provisions relating to alternate work arrangements.

4. Provisions relating to the binding resolution of disputes.

5. Provisions relating to the sharing of information and decision-making by employers and employee representatives, including the sharing of financial and planning information.

6. Provisions relating to sectoral bargaining.

7. Provisions relating to the establishment of joint committees at the sectoral and local level.

8. Provisions relating to pensions, including the joint trusteeship of pension funds.

9. Any other provisions proposed by a party to the negotiations. 1993, c. 5, s. 12.

PART V  
LOCAL AGREEMENTS WITH BARGAINING AGENTS

Local agreements

**13** (1) One or more bargaining agents may, not later than August 1, 1993, enter into a local agreement with an employer.

Provincial, national and international trade unions

(2) A provincial, national or international trade union may enter into local agreements on behalf of bargaining agents that are affiliated with the trade union and have authorized the trade union to act on their behalf.

Employer associations

(3) An employer association may enter into local agreements on behalf of employers that are members of the association and have authorized the employer association to act on their behalf.

Ten-day delay

(4) Despite subsection (1), a local agreement may be entered into not later than August 10, 1993 if there is a sectoral framework that relates to the sector of the employer and the Minister directs that this subsection applies to the sector.

Interpretation

(5) For the purposes of this Act, a local agreement is entered into when it has been signed by the parties and has been ratified, if ratification is required. 1993, c. 5, s. 13.

Payments out of Fund to bargaining unit employees

**14** (1) Subject to the regulations, a bargaining unit employee who is released from employment by his or her employer is entitled to payments out of the Fund if the following criteria are met:

1. The employer has entered into a local agreement that,

i. implements the sectoral framework, if there is a sectoral framework that relates to the sector of the employer, or

ii. meets the criteria set out in subsection (2), if there is no sectoral framework that relates to the sector of the employer.

2. The bargaining agent that has bargaining rights in respect of the employee is a party to the local agreement.

3. The local agreement is entered into and comes into force not later than August 1, 1993 or, if subsection 13 (4) applies to the agreement, not later than August 10, 1993.

4. The local agreement applies until March 31, 1996.

5. The employee is released from employment on or after June 14, 1993 and before April 1, 1996.

Criteria for local agreement if no sectoral framework

(2) The criteria referred to in subparagraph ii of paragraph 1 of subsection (1) are:

1. The agreement includes provisions that will assist the employer in achieving the expenditure reduction target established by the Minister for the employer.

2. The agreement will not adversely affect employees who earn less than $30,000 annually, excluding overtime pay.

3. The agreement contains appropriate provisions to minimize job losses, appropriate provisions respecting the redeployment of employees who are released from employment or who receive notice that they will be released from employment, and appropriate provisions relating to employee training and adjustment programs.

4. The agreement will be fair and equitable in its application to all employees.

Other payments

(3) Subject to the regulations, the Administrator shall make payments out of the Fund to a bargaining unit employee who is released from employment by his or her employer if,

(a) the employee is released from employment on or after June 14, 1993 and before April 1, 1996;

(b) there is a sectoral framework that relates to the sector of the employer;

(c) the employer and the bargaining agent that has bargaining rights in respect of the employee have not entered into a local agreement that complies with the criteria set out in paragraphs 1, 3 and 4 of subsection (1); and

(d) the Administrator is satisfied that the bargaining agent that has bargaining rights in respect of the employee made all reasonable efforts to enter into a local agreement with the employer to implement the sectoral framework. 1993, c. 5, s. 14.

Effect on holidays, vacations, etc.

**15** (1) The provisions of a local agreement that apply to employees in respect of whom a party to the agreement has bargaining rights prevail over any provision in any other Act or the regulations thereunder that relates to holidays, vacations, hours of work or overtime pay if the agreement meets the criteria set out in paragraphs 1, 3 and 4 of subsection 14 (1).

Conflict with collective agreement

(2) The provisions of a local agreement prevail over the provisions of a collective agreement. 1993, c. 5, s. 15.

PART VI  
NON-BARGAINING UNIT PLANS

Non-bargaining unit plans

**16** (1) An employer may establish a plan that applies to the employer’s non-bargaining unit employees.

Requirements of plan

(2) A plan established under subsection (1) must,

(a) if there is a sectoral framework that relates to the sector of the employer, implement the sectoral framework, at least to the extent that the sectoral framework provides for measures that would be authorized under Part VII if that Part applied to the employer’s non-bargaining unit employees;

(b) if there is no sectoral framework that relates to the sector of the employer, meet the criteria set out in subsection (3); or

(c) if the employer has entered into one or more local agreements that meet the criteria set out in paragraphs 1, 3 and 4 of subsection 14 (1), provide for the application to the employer’s non-bargaining unit employees of provisions that apply to bargaining unit employees under one of the local agreements, with necessary modifications, at least to the extent that the local agreement provides for measures that would be authorized under Part VII if that Part applied to the employer’s non-bargaining unit employees.

Criteria for plan if no sectoral framework

(3)  The criteria referred to in clause (2) (b) are:

1. The plan established under subsection (1) includes provisions that will assist the employer in achieving the expenditure reduction target established by the Minister for the employer.

2. The plan will not adversely affect employees who earn less than $30,000 annually, excluding overtime pay.

3. The plan established under subsection (1) contains appropriate provisions to minimize job losses, appropriate provisions respecting the redeployment of employees who are released from employment or who receive notice that they will be released from employment, and appropriate provisions relating to employee training and adjustment programs.

4. The plan established under subsection (1) will be fair and equitable in its application to all employees.

Plan overrides contracts

(4)  A plan established under subsection (1) applies to a non-bargaining unit employee despite any contract to which the employee is a party, but this subsection does not give an employer any protection from liability greater than the protection provided by section 22. 1993, c. 5, s. 16.

Written summary

**17** (1) A written summary of the plan shall be made containing sufficient details so that employees are aware of how they will be affected.

Posting

(2) The summary of the plan and a copy of this Part shall be posted in such a manner that they are likely to come to the attention of the employees affected by the plan. 1993, c. 5, s. 17.

Objection

**18** (1) A non-bargaining unit employee who objects to the plan because it fails to comply with subsection 16 (2) may within ten days of the summary of the plan being posted request in writing that the employer amend it.

Reasons

(2) The request for amendment shall set out the reasons for the objection.

Review

(3) The employer shall, within ten days after the objection period has expired, review the objections and post in the same manner,

(a) a notice of confirmation of the original plan; or

(b) a summary of the amended plan.

Implementation

(4) The plan may take effect on the day the summary is posted under subsection 17 (2) and shall remain in effect even though a request for amendment has been made under this section or a request for a review has been made under section 19.

Amendments

(5) If at any time during the currency of the plan the employer considers it necessary to further amend it, the amended plan shall be treated as a new plan and section 17, this section and sections 19 and 20 apply with necessary modifications. 1993, c. 5, s. 18.

Request for further review

**19** (1) If following the employer review under subsection 18 (3), a non-bargaining unit employee considers that the plan or amended plan still does not comply with subsection 16 (2), he or she may, within ten days after the posting under subsection 18 (3), request a review of the plan by the person or body designated in the regulations as an adjudicator for that purpose.

Written request

(2) The request shall be in writing and shall specify the grounds for the objection to the plan. 1993, c. 5, s. 19.

Procedures

**20** (1) Subject to the regulations, if any, the adjudicator may establish procedures for carrying out the review.

Powers

(2) The adjudicator shall review the plan and shall,

(a) confirm the plan if it complies with subsection 16 (2); or

(b) amend the plan so that, in the opinion of the adjudicator, it is consistent with subsection 16 (2).

Written submissions

(3) The adjudicator may make the decision based on the written submissions of the employer and non-bargaining unit employees and is not required to hold a hearing.

One decision

(4) The adjudicator shall make only one decision on the plan irrespective of the number of requests made for a review.

Decision final

(5) The decision of the adjudicator is final. 1993, c. 5, s. 20.

Payments out of Fund to non-bargaining unit employees

**21** Subject to the regulations, a non-bargaining unit employee who is released from employment by his or her employer is entitled to payments out of the Fund if,

(a) the employer implements a non-bargaining unit plan not later than August 1, 1993; and

(b) the employee is released from employment on or after June 14, 1993 and before April 1, 1996. 1993, c. 5, s. 21.

Effect on holidays, vacations, etc.

**22** (1)  The provisions of a non-bargaining unit plan prevail over any provision in any other Act or the regulations thereunder that relates to holidays, vacations, hours of work or overtime pay, but only to the extent that the provisions authorize measures that would be authorized under Part VII if that Part applied to the employer’s non-bargaining unit employees. 1993, c. 5, s. 22 (1).

Effect on certain proceedings

(2)  Actions of an employer taken in accordance with a non-bargaining unit plan shall not be the subject of any proceeding brought by any person against an employer. 1993, c. 5, s. 22 (2).

Grievance rights

(3)  A non-bargaining unit employee has no right to grieve under the Public Service of Ontario Act, 2006 or any other Act in respect of actions taken by his or her employer in accordance with a non-bargaining unit plan. 1993, c. 5, s. 22 (3); 2006, c. 35, Sched. C, s. 123 (1).

Applications

(4)  Subsections (2) and (3) apply only if the actions taken by the employer would have been authorized under section 24, 25 or 26 if Part VII applied to the employer’s non-bargaining unit employees. 1993, c. 5, s. 22 (4).

**Section Amendments with date in force (d/m/y)**

[2006, c. 35, Sched. C, s. 123 (1)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs123s1) - 20/08/2007

PART VII  
WHERE NO AGREEMENT OR PLAN

Employees affected

**23** (1) This Part applies to,

(a) those bargaining unit employees in respect of whom there is no local agreement that meets the criteria set out in paragraphs 1, 3 and 4 of subsection 14 (1); and

(b) those non-bargaining unit employees whose employer has not implemented a non-bargaining unit plan under section 16 by August 1, 1993.

Exclusion

(2) This Part does not apply to employees who earn less than $30,000 annually, excluding overtime pay. 1993, c. 5, s. 23.

No increase in compensation

**24** (1) The rate of compensation of an employee is, for the period beginning June 14, 1993 and ending with March 31, 1996, fixed at the rate that was in effect immediately before June 14, 1993.

Same

(2) For greater certainty, “compensation” in this section includes,

(a) merit increases;

(b) cost-of-living increases or other similar movement of or through ranges; and

(c) increases resulting from any movements on any pay scale or other grid system.

Promotions

(3) Nothing in this section prevents increases in compensation as a result of a promotion or acting promotion of an employee to a different position.

Existing collective agreements

(4) An increase in compensation after June 14, 1993 under a collective agreement existing on that date is void.

Election re: certain increases

(5) Despite subsection (4), a bargaining agent, by written notice to the employer, may elect to preserve increases in compensation provided for in a collective agreement existing on June 14, 1993, other than compensation described in clause (2) (a), (b) or (c).

Notice

(6) The notice of the election must be delivered to the employer not later than when the bargaining agent gives notice to the employer to bargain a renewal or new collective agreement which may extend beyond March 31, 1996.

Deferral

(7) If an election is made under subsection (5),

(a) any increase in compensation shall be deferred until the third anniversary following the day on which it would have occurred under the collective agreement; and

(b) no increase in compensation, other than those preserved by the election, shall be given before the third anniversary following the day the collective agreement expires, or, if the collective agreement has been extended under section 35, before the third anniversary of the day it would have expired had it not been extended.

Post-1995 merit increases, etc.

(8) An employee is not entitled to any increases in compensation after March 31, 1996 by way of,

(a) merit increases;

(b) cost-of-living increases or other similar movement of or through ranges; or

(c) increases resulting from any movements on any pay scale or other grid system, except as prescribed by regulation,

in respect of employment during the period beginning June 14, 1993 and ending March 31, 1996.

Expired collective agreement

(9) If a collective agreement has expired before June 14, 1993 and on that date the employees that were formerly bound by it are without a collective agreement, the compensation of these employees is fixed at the amount they were receiving under the last collective agreement in force before June 14, 1993.

First collective agreements

(10) Despite subsection (1), if employees are represented by a bargaining agent that,

(a) was certified or recognized as the employees’ bargaining agent before June 14, 1993; or

(b) applied for certification as the employees’ bargaining agent before June 14, 1993,

and a first collective agreement comes into force on or after June 14, 1993, the rate of compensation of an employee to whom the first collective agreement applies is, for the period beginning on the day the first collective agreement comes into force and ending with March 31, 1996, fixed at the rate first payable under the first collective agreement.

New employees

(11) The compensation of an employee who starts employment after June 14, 1993 is fixed at the starting amount until March 31, 1996 and the employee is bound by the program established under section 27 if the program is applicable to that employee. 1993, c. 5, s. 24.

Unpaid leaves of absence

**25** (1) If necessary to meet the expenditure reduction target established by the Minister, an employer may require employees to take unpaid leaves of absence to a maximum of twelve days or their equivalent in each of the following periods:

1. June 14, 1993 to March 31, 1994.

2. April 1, 1994 to March 31, 1995.

3. April 1, 1995 to March 31, 1996.

Adjustments

(2) The Minister may make necessary adjustments to the periods set out in subsection (1) to take into consideration the annual cycle of operations of an employer or class of employers.

Variation

(3) If a full-time employee normally works a longer than regular work day, excluding overtime, in return for working fewer days in a year, the maximum number of days set out in subsection (1) shall be reduced by a proportionate amount.

Pension

(4) Despite any provision to the contrary in any Act, or any regulation thereunder or any pension plan, an employer’s or employee’s obligation to contribute to a pension plan and an employee’s entitlement under a pension plan are not affected by any reduction in earnings that results from the employee taking unpaid leaves of absence under subsection (1) or special leave under section 26.

Restriction

(5) If the employer utilizes the provisions in a collective agreement to provide for unpaid leaves, the number of days specified in subsection (1) is reduced by the number of days of unpaid leave of absence taken under the agreement.

Voluntary leaves

(6) If an employee takes voluntary unpaid leave after June 14, 1993 and before the program under section 27 is implemented, the number of days specified in subsection (1) is reduced for that employee for the applicable period by the same number of days taken as unpaid leave.

Restriction

(7) An employer may not require an employee to take unpaid leaves of absence under this section or section 26 before the program has been posted under section 29. 1993, c. 5, s. 25.

Special leave

**26** (1) If employees perform critical functions as prescribed by regulation and the employer is unable, without impairing those functions, to meet its expenditure reduction target by utilizing unpaid leaves of absence under section 25, the employer may require those employees to take special leaves.

Interpretation

(2) For the purposes of this section, a special leave is an unpaid leave on days when the employee would normally be absent from work on paid holidays or paid vacation.

Consequences

(3) If an employee is required to take a special leave, the employer shall grant to the employee the same number of compensating days off.

Same

(4) If an employee is required to take special leave on a day to which premium pay applies, the number of compensating days shall be increased by a proportionate amount.

Compensating days

(5) The compensating days off,

(a) shall be paid days off, taken on mutually convenient dates;

(b) may be carried forward to future years including years after March 31, 1996; and

(c) may not be converted to money.

Same

(6) For the purpose of clause (5) (a), the employer shall make all reasonable efforts to accommodate an employee’s request for compensating days off.

Same

(7) Despite clause (5) (c), compensating days off may be converted to money for an employee who ceases to be employed by the employer. 1993, c. 5, s. 26.

Obligations of employer

**27** (1) If the fixing of compensation under section 24 does not result in an employer achieving its expenditure reduction target, the employer shall,

(a) make all reasonable efforts to achieve its target by utilizing unpaid leaves of absence under section 25 or, if applicable, special leaves under section 26 before taking other actions available to it at law; and

(b) develop a program setting out the manner in which these leaves are to be implemented.

Criteria

(2) The program shall be developed consistent with the following criteria:

1. Employees described in subsection 23 (2) will not be adversely affected.

2. Employees will not be required to take an unpaid leave of absence to the extent that it would result in their annual earnings, excluding overtime pay, being reduced to under $30,000.

3. The program will assist the employer in achieving the expenditure reduction target established by the Minister for the employer.

4. The program will be fair and equitable in its application to all employees.

5. The employer will participate in any redeployment plan that exists under a sectoral framework for the applicable sector or that is established by the Minister under section 50 for the applicable sector.

Duration

(3) The program shall apply from the day of posting under section 29 to March 31, 1996 or to the last date adjusted by the Minister under subsection 25 (2), as appropriate.

Financial records

(4) In order to enable employees to evaluate the basis for the program, the employer shall, upon request, make such financial information available to the employees as is prescribed in the regulations.

Mandatory participation

(5)  For the purposes of this Part, the employer shall participate in any sectoral redeployment plan that exists in the sector applicable to that employer. 1993, c. 5, s. 27.

Written summary

**28** (1) A written summary of the program shall be made setting out,

(a) the manner in which the unpaid leaves of absence are to be administered;

(b) whether the employer intends to use special leaves to meet the expenditure reduction targets;

(c) a statement that the compensation of all employees to whom this Part applies has been fixed in accordance with subsection 24 (1); and

(d) a statement that a sectoral redeployment plan applies to the employees, if such is the case.

Details

(2) The summary of the program shall contain sufficient details so that employees are aware of how they will be affected. 1993, c. 5, s. 28.

Posting

**29** (1) The summary of the program and a copy of this Part shall be posted in such a manner that they are likely to come to the attention of the employees affected by the program.

Posting date

(2) The summary of the program shall not be posted before August 2, 1993.

Objection

(3) An employee or bargaining agent who objects to the program because it fails to meet the criteria set out in section 27 may within ten days of the summary of the program being posted request in writing that the employer amend it.

Reasons

(4) The request for amendment shall set out the reasons for the objection.

Review

(5) The employer shall, within ten days after the objection period has expired, review the objections and post in the same manner,

(a) a notice of confirmation of the original program; or

(b) a summary of the amended program.

Implementation

(6) The program may take effect on the day the summary is posted under subsection (1) and shall remain in effect even though a request for amendment has been made under this section or a request for a review has been made under section 30.

Amendments

(7) If at any time during the currency of the program the employer considers it necessary to further amend it, the amended program shall be treated as a new program and this section and sections 30 and 31 apply with necessary modifications. 1993, c. 5, s. 29.

Request for further review

**30** (1) If following the employer review under subsection 29 (5), an employee or a bargaining agent considers that the program or amended program still does not meet the criteria set out in section 27, he, she or it may, within ten days after the posting under subsection 29 (5), request a review of the program by the person or body designated in the regulations as an adjudicator for that purpose.

Written request

(2) The request shall be in writing and shall specify the grounds for the objection to the program. 1993, c. 5, s. 30.

Procedures

**31** (1) Subject to the regulations, if any, the adjudicator may establish procedures for carrying out the review.

Powers

(2) The adjudicator shall review the program and shall,

(a) confirm the program if it meets the criteria set out in section 27; or

(b) amend the program so that, in the opinion of the adjudicator, it is consistent with the criteria set out in section 27.

Written submissions

(3) The adjudicator may make the decision based on the written submissions of the employer, bargaining agent, if any, and employees and is not required to hold a hearing.

One decision

(4) The adjudicator shall make only one decision on the program irrespective of the number of requests made for a review.

Decision final

(5) The decision of the adjudicator is final. 1993, c. 5, s. 31.

Special leaves

**32** If the program being objected to contains provisions requiring special leaves under section 26, the adjudicator shall not confirm those provisions unless the adjudicator is satisfied that the employer has made reasonable efforts to achieve the savings required to meet the expenditure reduction target by utilizing unpaid leaves of absence. 1993, c. 5, s. 32.

Grievances under collective agreement

**33** (1) An employee to whom a collective agreement applies may use the grievance or arbitration procedures under the collective agreement to decide any difference between the employee and his or her employer arising out of the interpretation, application, administration or alleged contravention of a program developed by the employer under this Part.

Limitation

(2) In a grievance or arbitration under subsection (1), the arbitrator or board of arbitration shall not make any decision that an adjudicator is entitled to make under subsection 31 (2). 1993, c. 5, s. 33.

Limitation

**34** (1)  Nothing in this Part alters the termination date of a collective agreement. 1993, c. 5, s. 34 (1).

Same

(2)  Nothing in this Part interferes with any right to carry on collective bargaining so long as any collective agreement reached is not inconsistent with this Act. 1993, c. 5, s. 34 (2).

Effect on holidays, vacations, etc.

(3)  This Part prevails over any provision that relates to holidays, vacations, hours of work or overtime pay in any other Act or the regulations thereunder or in any collective agreement. 1993, c. 5, s. 34 (3).

Effect on certain proceedings

(4)  Actions of an employer taken in accordance with section 24, 25 or 26 shall not be the subject of any proceeding brought by any person against an employer. 1993, c. 5, s. 34 (4).

Grievance rights

(5)  An employee has no right to grieve under the Public Service of Ontario Act, 2006 or any other Act or a collective agreement in respect of actions taken by his or her employer in accordance with section 24, 25 or 26. 1993, c. 5, s. 34 (5); 2006, c. 35, Sched. C, s. 123 (2).

**Section Amendments with date in force (d/m/y)**

[2006, c. 35, Sched. C, s. 123 (2)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs123s2) - 20/08/2007

Extension of collective agreement

**35** (1) A bargaining agent may, by written notice to the employer of employees to whom this Part applies, require that a collective agreement be extended to March 31, 1996 if the agreement was or is governed by an Act that permits the employees to strike.

Notice

(2) The notice may be given before or after the collective agreement expires.

Application

(3) The giving of the notice extends an existing collective agreement or, in the case of a collective agreement that has expired, revives and extends the expired agreement to March 31, 1996.

Same

(4) This section applies despite subsections 34 (1) and (2) and is subject to,

(a) regulations excluding from the application of this section collective agreement provisions respecting staffing levels or workplace restructuring; and

(b) subsections 24 (4) to (9).

Same

(5) This section is not limited to collective agreements that expire after June 14, 1993. 1993, c. 5, s. 35.

PART VIII  
TWO-YEAR SECTORAL FRAMEWORKS AND LOCAL AGREEMENTS

Sectoral framework after August 1, 1993

**36** (1) Despite subsection 11 (2), the Minister may, after August 1, 1993 and not later than March 1, 1994, designate as a sectoral framework a plan that relates to a sector and that applies to the period beginning April 1, 1994 and ending with March 31, 1996.

Application

(2) Subsection (1) does not apply to a sector in respect of which a sectoral framework is designated under section 11 on or before August 1, 1993.

Application of subss. 11 (3) to (5) and s. 12

(3) Subsections 11 (3) to (5) and section 12 apply to a sectoral framework designated under this section.

Effect on existing local agreements

(4) If a local agreement is entered into under section 13 and a sectoral framework that relates to the sector of the employer is designated under this section,

(a) it is not necessary for the local agreement to implement the sectoral framework for the purpose of obtaining payments out of the Fund under subsection 14 (1) if the local agreement meets the criteria set out in subsection 14 (2); and

(b) the employer shall participate in any redeployment plan that exists under the sectoral framework. 1993, c. 5, s. 36.

Local agreement after August 1, 1993

**37** (1) Despite subsection 13 (1), one or more bargaining agents may, after August 1, 1993 and not later than March 1, 1994, enter into a local agreement with an employer.

Term of agreement

(2) A local agreement under this section shall apply to the period beginning April 1, 1994 and ending with March 31, 1996.

Application

(3) Subsection (1) does not apply to a bargaining agent and employer who entered into a local agreement under section 13.

Ten-day delay

(4) Despite subsection (1), a local agreement may be entered into under this section not later than March 10, 1994 if a sectoral framework is designated under section 36 that relates to the sector of the employer and the Minister directs that this subsection applies to the sector.

Application of subss. 13 (2), (3) and (5)

(5) Subsections 13 (2), (3) and (5) apply to a local agreement entered into under this section. 1993, c. 5, s. 37.

Expenditure reduction targets

**38** (1) If a sectoral framework is designated under section 11 or 36 in respect of a sector, the Minister shall establish lower expenditure reduction targets under section 7 for the period beginning April 1, 1994 and ending with March 31, 1996 for every employer in the sector who enters into a local agreement under section 37, not later than March 1, 1994, that implements the sectoral framework.

Ten-day delay

(2) For the purpose of subsection (1), a local agreement shall be deemed to have been entered into on March 1, 1994 if the Minister makes a direction under subsection 37 (4) that applies to the local agreement and the local agreement is entered into not later than March 10, 1994. 1993, c. 5, s. 38.

Payments out of Fund to bargaining unit employees

**39** (1) Subject to the regulations, a bargaining unit employee who is released from employment by his or her employer is entitled to payments out of the Fund if the following criteria are met:

1. The employer has entered into a local agreement under section 37 that,

i. implements the sectoral framework, if there is a sectoral framework designated under section 11 or 36 that relates to the sector of the employer, or

ii. meets the criteria set out in subsection 14 (2), if there is no sectoral framework that relates to the sector of the employer.

2. The bargaining agent that has bargaining rights in respect of the employee is a party to the local agreement.

3. The employee is released from employment on or after April 1, 1994 and before April 1, 1996.

Other payments

(2) Subject to the regulations, the Administrator shall make payments out of the Fund to a bargaining unit employee who is released from employment by his or her employer if,

(a) the employee is released from employment on or after April 1, 1994 and before April 1, 1996;

(b) a sectoral framework has been designated under section 36 that relates to the sector of the employer;

(c) the employer and the bargaining agent that has bargaining rights in respect of the employee have not entered into a local agreement under section 37 that implements the sectoral framework; and

(d) the Administrator is satisfied that the bargaining agent that has bargaining rights in respect of the employee made all reasonable efforts to enter into a local agreement with the employer under section 37 to implement the sectoral framework. 1993, c. 5, s. 39.

Effect on holidays, vacation, etc.

**40** (1) The provisions of a local agreement entered into under section 37 that apply to employees in respect of whom a party to the agreement has bargaining rights prevail over any provision in any other Act or the regulations thereunder that relates to holidays, vacations, hours of work or overtime pay if the agreement,

(a) implements the sectoral framework, if there is a sectoral framework designated under section 11 or 36 that relates to the sector of the employer; or

(b) meets the criteria set out in subsection 14 (2), if there is no sectoral framework that relates to the sector of the employer.

Conflict with collective agreement

(2) The provisions of a local agreement entered into under section 37 prevail over the provisions of a collective agreement. 1993, c. 5, s. 40.

Part VII ceases to apply

**41** On April 1, 1994, Part VII ceases to apply to employees in respect of whom a local agreement is entered into under section 37 if the agreement,

(a) implements the sectoral framework, if there is a sectoral framework designated under section 11 or 36 that relates to the sector of the employer; or

(b) meets the criteria set out in subsection 14 (2), if there is no sectoral framework that relates to the sector of the employer. 1993, c. 5, s. 41.

**PART IX** (ss. 42-47) Repealed: 1993, c. 5, s. 57 (2).

**42-47**

**Section Amendments with date in force (d/m/y)**

1993, c. 5, s. 57 (2) - 1/04/1996

PART X  
MISCELLANEOUS

Salary arbitration

**48** (1) No increase in compensation shall be given as a result of any arbitration award or decision made on or after June 14, 1993.

Same

(2) Despite subsection (1), if one or more days of hearings have been held before June 14, 1993 in an arbitration, but the award or decision is not made until on or after that date, any increase in compensation awarded to take effect before June 14, 1993 is valid, but any increase to take effect on or after that date is suspended.

Same

(3) Despite subsection (1), an arbitration award or decision may increase the annual earnings of employees to a maximum of $30,000.

Same

(4) Despite subsection (1), an arbitration award or decision may increase compensation to an employee to the extent required to redress any improper denial of a promotion or improper classification.

Same

(5) Subsection (1) does not apply to an arbitration award or decision that settles a first collective agreement applicable to employees represented by a bargaining agent that,

(a) was certified or recognized as the employees’ bargaining agent before June 14, 1993; or

(b) applied for certification as the employees’ bargaining agent before June 14, 1993.

Same

(6) For greater certainty, “compensation” in this section includes,

(a) merit increases;

(b) cost-of-living increases or other similar movement of or through ranges; and

(c) increases resulting from any movements on any pay scale or other grid system. 1993, c. 5, s. 48.

Regulations

**49** (1) The Lieutenant Governor in Council may make such regulations as the Lieutenant Governor in Council considers necessary or advisable for carrying out the intent and purposes of this Act, including, without limiting the generality of the foregoing,

(a) adding to the Schedule any person or class of persons or any agency, authority, board, commission, corporation or other organization of any kind or exempting any of them from the application of this Act;

(b) defining any word or expression used in this Act or the regulations for the purposes of the Act and the regulations;

(c) fixing the amount of the Fund and governing the operation of the Fund;

(d) prescribing procedures to be used by the Administrator;

(e) establishing adjudicators, designating adjudicators and prescribing procedures to be used by them;

(f) prescribing amounts for the purposes of sections 42, 43, 44 and 45;

(g) designating employers for the purpose of section 43;

(h) identifying persons and entities for the purpose of section 43;

(i) prescribing the manner in which and the time or times at which amounts shall be paid or credited under section 43;

(j) establishing maximum amounts for the purpose of subsection 45 (3);

(k) prescribing percentages for the purposes of subsections 46 (1) and (2);

(l) relating to authority of trade unions and employer associations for the purposes of section 13;

(m) relating to or providing for any matter referred to in this Act as being prescribed or as being dealt with by regulation.

Same

(2) A regulation made under subsection (1) may be general or particular in its application and may be restricted in its application to such class or classes of employers or employees as is set out in the regulations.

Same

(3) A regulation under subsection (1) may be made retroactive to such date, not earlier than June 14, 1993, as is set out in the regulation.

Payments out of Fund

(4) Regulations under clause (1) (c) may prescribe criteria for payments out of the Fund and may regulate the amounts payable out of the Fund.

Effect of certain regulations

(5) A regulation made under clause (1) (f) or (j) is not effective to reduce an amount payable referred to in section 44 or 45 if an agreement reciting that it is made for the purpose of this Act is made between the Government of Ontario and the physician, practitioner, health facility, health service organization, other person or entity referred to in subsection 44 (2), independent health facility or operator of a pharmacy concerned or his, her or its agent before August 2, 1993.

Same

(6) A regulation made under clause (1) (k) is not effective to increase a threshold payment adjustment referred to in subsection 46 (1) or to reduce a threshold level referred to in subsection 46 (2) if an agreement reciting that it is made for the purpose of this Act is made between the Government of Ontario and the Ontario Medical Association before August 2, 1993.

Same

(7) An agreement referred to in subsection (5) or (6) that needs to be ratified shall be deemed to have been made before August 2, 1993 for the purpose of this Act, if it is signed before that date by the parties to it and ratified no later than August 10, 1993. 1993, c. 5, s. 49.

Redeployment plans, implementation

**50** The Minister may require employers in any sector to implement a redeployment plan established by the Minister. 1993, c. 5, s. 50.

Transition

**51** (1) The repeal of this Act does not affect the right of a person in respect of access to the Fund or to retraining and adjustment or redeployment benefits provided pursuant to this Act or pursuant to a plan, agreement or program under this Act if the person had an enforceable claim in respect of the right at the time of the repeal.

Same

(2) Despite the repeal of this Act, the provisions respecting the Fund, retraining and adjustment, and redeployment in this Act and the regulations and in plans and agreements shall be deemed to continue in force to the extent necessary to protect the rights described in subsection (1). 1993, c. 5, s. 51.

Conflict with other Acts, etc.

**52** The provisions of this Act and the regulations prevail over the provisions of any other Act and the regulations thereunder but only to the extent necessary to carry out the intent and purposes of this Act. 1993, c. 5, s. 52.

Office holders

**53** The following provisions apply to elected and to appointed office holders:

1. The Legislative Assembly, on motion of the Minister of Finance, may by resolution take such action as it considers appropriate for carrying out the intent and purposes of this Act, including reducing the indemnities and allowances of members.

2. The Minister, for the purposes of carrying out the intent and purposes of this Act, may perform the functions and duties of an employer in respect of persons appointed by the Lieutenant Governor in Council to any office.

3. The body to which a person is elected or appointed shall be deemed to be the employer of any other office holder. 1993, c. 5, s. 53.

Non-application of *S.P.P.A.*

**54** Despite anything in the Statutory Powers Procedure Act, that Act does not apply to any review conducted by an adjudicator under this Act or any decision of the Administrator under this Act. 1993, c. 5, s. 54.

Delegation of powers

**55** (1) Any power or duty conferred or imposed on the Minister under this Act may be delegated by the Minister to any person designated by the Minister and, when purporting to exercise a delegated power or duty, the delegate shall be presumed conclusively to act in accordance with the delegation.

Same

(2) Any power or duty conferred or imposed on the Administrator or an adjudicator may be delegated by the Administrator or adjudicator, as the case may be, to a person designated by him or her and, when purporting to exercise a delegated power or duty, the delegate shall be presumed conclusively to act in accordance with the delegation.

Conditions

(3) A delegation under this section shall be in writing and may be subject to such limitations, conditions and requirements as are set out in it.

Subdelegation

(4) In a delegation under this section, the Minister, Administrator or adjudicator may authorize a person to whom a power or duty is delegated to delegate to others the exercise of the delegated power or duty, subject to such limitations, conditions and requirements as the person may impose.

Facsimile signature

(5) The Minister, Administrator or an adjudicator may authorize the use of a facsimile of his or her signature on any document except an affidavit or statutory declaration and may authorize a person to whom a power or duty is delegated under this section to authorize the use of a facsimile of the person’s signature on any document except an affidavit or statutory declaration.

Same

(6) A facsimile signature referred to in subsection (5) shall be deemed to be the signature of the person who authorized its use. 1993, c. 5, s. 55.

Appropriation

**56** (1) Money required for the purposes of this Act before April 1, 1994 shall be paid out of the Consolidated Revenue Fund and thereafter, subject to subsection (2), out of the money appropriated for those purposes by the Legislature.

Same

(2) Money required for the purposes of the Fund shall be paid by the Minister of Finance out of the Consolidated Revenue Fund. 1993, c. 5, s. 56.

Repeal

57 (1)  Subject to subsection (2), this Act, except subsections 24 (7) and (8) and section 51, is repealed on a day to be named by proclamation of the Lieutenant Governor. 1993, c. 5, s. 57 (1).

(2)  Spent: 1993, c. 5, s. 57 (2).

58Omitted (provides for coming into force of provisions of this Act). 1993. c. 5, s. 58.

**59** Omitted (enacts short title of this Act). 1993, c. 5, s. 59.

schedule

1 The public sector in Ontario consists of,

(a) the Crown in right of Ontario, every agency thereof, and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;

(b) the corporation of every municipality in Ontario, every local board as defined by the Municipal Affairs Act, and every authority, board, commission, corporation, office or organization of persons some or all of whose members, directors or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario;

(c) every board as defined in the Education Act (R.S.O. 1990, c. E.2), the Metropolitan Toronto School Board and the Ottawa-Carleton French-language School Board, including its public sector and its Roman Catholic sector;

(d) every university in Ontario and every college of applied arts and technology and post-secondary institution in Ontario whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating annual operating grants entitlements;

(e) every hospital listed in the Schedule to the Classification of Hospitals Regulation made under the Public Hospitals Act and every private hospital operated under the authority of a licence issued under the Private Hospitals Act;

(f) every corporation with share capital, at least 90 per cent of the issued shares of which are beneficially held by or for an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;

(g) every corporation without share capital, the majority of whose members, directors or officers are members of, or are appointed or chosen by or under the authority of, an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;

(h) every board of health under the Health Protection and Promotion Act, and every board of health under an Act of the Legislature that establishes or continues a regional municipality;

(i) the Office of the Lieutenant Governor of Ontario, the Office of the Assembly, members of the Assembly and the offices of persons appointed by order of the Assembly; and

(j) any authority, board, commission, corporation, office, person or organization of persons, or any class of authorities, boards, commissions, corporations, offices, persons or organizations of persons, set out in the Appendix to this Schedule or added to the Appendix by the regulations made under this Act.

2 For the purposes of this Schedule,

“municipality” includes a metropolitan, regional or district municipality and the County of Oxford.

2018, c. 17, Sched. 45, s. 15.

**Section Amendments with date in force (d/m/y)**

[2017, c. 25, Sched. 9, s. 119 (1)](http://www.ontario.ca/laws/statute/S17025" \l "sched9s119s1) - no effect - see [2023, c. 4, Sched. 1, s. 67](http://www.ontario.ca/laws/statute/S23004" \l "sched1s67) - 18/05/2023

[2018, c. 17, Sched. 45, s. 15](http://www.ontario.ca/laws/statute/S18017" \l "sched45s15) - 06/12/2018

APPENDIX

MINISTRY OF AGRICULTURE AND FOOD

1. Ontario Dairy Herd Improvement Corporation.

2. Ontario Food Terminal Board.

3. Ontario Stock Yards Board.

MINISTRY OF THE ATTORNEY GENERAL

1 Community legal clinics that receive funding from the legal aid plan established under the Legal Aid Act.

2 Supervised access centres that receive funding from the Ministry of the Attorney General.

MINISTRY OF CITIZENSHIP

1 Organizations providing services for immigrants and other newcomers to Ontario that receive funding through the Ontario Settlement and Integration Program of the Ministry of Citizenship.

MINISTRY OF CULTURE, TOURISM AND RECREATION

1. The Art Gallery of Ontario.

2. CJRT-FM Inc.

3. Royal Botanical Gardens.

4. Community information centres.

5. The Northern Ontario Library Service Board.

6. The Southern Ontario Library Service Board.

7. St. Clair Parkway Commission.

8. Ontario Educational Communications Authority.

9. Ontario Lottery Corporation.

10. Ontario Trillium Foundation.

11. Ottawa Congress Centre.

12. Province of Ontario Council for the Arts.

13. Royal Ontario Museum.

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

1 Any authority, board, commission, corporation, office, person or organization of persons that,

(a) operates a children’s residence under the authority of a licence issued under clause 193 (1) (a) of the Child and Family Services Act (R.S.O. 1990, c. C.11);

(b) provides residential care under the authority of a licence issued under clause 193 (1) (b) of the Child and Family Services Act (R.S.O. 1990, c. C.11);

(c) Repealed: 2007, c. 8, s. 228 (1).

(d) provides counselling services and staff training if the provision of those services is funded under the General Welfare Assistance Act (R.S.O. 1990, c. G.6);

(e) provides counselling services if the provision of those services is funded under the Ministry of Community and Social Services Act (R.S.O. 1990, c. M.20);

(f) operates a hostel providing services if the provision of those services is funded under the General Welfare Assistance Act (R.S.O. 1990, c. G.6);

(g) provides community services for adults if the provision of those services is funded by the Ministry of Community and Social Services under the Ministry of Community and Social Services Act (R.S.O. 1990, c. M.20);

(h) provides vocational rehabilitation services if the provision of those services is funded under the Vocational Rehabilitation Services Act (R.S.O. 1990, c. V.5);

(i) provides the services of homemakers or nurses if the provision of those services is funded under the Homemakers and Nurses Services Act (R.S.O. 1990, c. H.10);

(j) operates an approved home or auxiliary residence if the operation is funded under the Homes for Retarded Persons Act (R.S.O. 1990, c. H.11);

(k) operates a child care centre or is a home child care agency under the authority of a licence issued under the Child Care and Early Years Act, 2014;

(l) provides services for young offenders under Part IV of the Child and Family Services Act (R.S.O. 1990, c. C.11) or under an agreement with the Ministry of Community and Social Services under the Ministry of Community and Social Services Act (R.S.O. 1990, c. M.20);

(m) provides services under the Young Offenders Act (Canada) if the provider receives funding from the Ministry of the Solicitor General and Correctional Services;

(n) provides children’s services funded or purchased by the Ministry of Community and Social Services under the Child and Family Services Act (R.S.O. 1990, c. C.11).

2 Municipalities and other corporations operating child care centres under the Child Care and Early Years Act, 2014 and receiving direct subsidies from the Ministry of Education.

3 Societies within the meaning of the Child and Family Services Act (R.S.O. 1990, c. C.11) and agencies from whom such societies purchase services for children.

4, 5 Repealed: 2007, c. 8, s. 228 (1).

6 District Welfare Administration Boards operating under the District Welfare Administration Boards Act (R.S.O. 1990, c. D.15).

7 Approved corporations as defined in the Elderly Persons Centres Act (R.S.O. 1990, c. E.4).

MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE

1. Ortech Corporation.

MINISTRY OF EDUCATION AND TRAINING

1. Youth employment centres providing community-based planning and counselling that receive funding from the Ministry of Education and Training.

2. The Ontario School for the Deaf and any other school for the deaf established under section 13 of the Education Act (R.S.O. 1990, c. E.2).

3. The Ontario School for the Blind and any other school for the blind established under section 13 of the Education Act (R.S.O. 1990, c. E.2).

4. Any demonstration school established under section 13 of the Education Act (R.S.O. 1990, c. E.2).

5. Ontario Institute for Studies in Education.

MINISTRY OF ENVIRONMENT AND ENERGY

1. Ontario Energy Corporation.

2. Ontario Hydro.

MINISTRY OF FINANCE

1. Stadium Corporation of Ontario Ltd.

MINISTRY OF Health and Long-Term Care

1 Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) an ambulance service, under the authority of a licence issued under the Ambulance Act (R.S.O. 1990, c. A.19);

(b) a long-term care home, under the authority of a licence or an approval under the Long-Term Care Homes Act, 2007;

(c) a laboratory or a specimen collection centre, under the authority of a licence issued under the Laboratory and Specimen Collection Centre Licensing Act (R.S.O. 1990, c. L.1);

(d) a psychiatric facility within the meaning of the Mental Health Act (R.S.O. 1990, c. M.7), the operation of which is funded in whole or in part by the Ministry of Health or a local health integration network as defined in section 2 of the Local Health System Integration Act, 2006;

(e) a home for special care established, approved or licensed under the Homes for Special Care Act (R.S.O. 1990, c. H.2);

(f) a home care facility within the meaning of the General Regulation made under the Health Insurance Act (R.S.O. 1990, c. H.6) or a facility which, by arrangement with any such home care facility,

(i) provides nursing, physiotherapy, occupational therapy, speech therapy, nutritional counselling, social work, homemaking or other services to persons in their homes that are insured home care services under the General Regulation made under the Health Insurance Act (R.S.O. 1990, c. H.6), and

(ii) is entitled to payment from the home care facility for or in respect of supplying such services;

(g) a rehabilitation centre or a crippled children’s centre listed in the relevant Schedule to the General Regulation made under the Health Insurance Act (R.S.O. 1990, c. H.6);

(h) a detoxification centre that receives funding from the Ministry of Health or a local health integration network as defined in section 2 of the Local Health System Integration Act, 2006;

(i) services relating to addiction if the provider of the services receives funding from the Ministry of Health or a local health integration network as defined in section 2 of the Local Health System Integration Act, 2006;

(j) an adult community mental health service the operation of which is, pursuant to an agreement in writing, funded in whole or in part by the Ministry of Health or a local health integration network as defined in section 2 of the Local Health System Integration Act, 2006;

(k) a placement service the operation of which is, pursuant to a “Placement Co-ordination Service Agreement” or other agreement in writing, funded in whole or in part by the Ministry of Health or a local health integration network as defined in section 2 of the Local Health System Integration Act, 2006.

2 Repealed: 2006, c. 4, s. 53 (2).

3 A laundry that is operated exclusively for one or more than one hospital.

4 Hospital Food Services - Ontario Inc.

5 Alcoholism and Drug Addiction Research Foundation.

6 The Canadian Red Cross Society in respect of its operations in Ontario.

7 The Hospital Council of Metropolitan Toronto.

8 The Hospital Medical Records Institute.

9 The Ontario Cancer Institute.

10 The Ontario Cancer Treatment and Research Foundation.

11 Repealed: 2017, c. 25, Sched. 8, s. 4.

12 Michener Institute for Applied Health Sciences.

13 A community health centre, being an employer,

(a) who provides primary health services primarily to,

(i) a group or groups of individuals who, because of culture, language, socio-economic factors or geographic isolation, would be unlikely to receive some or all of those services from other sources, or

(ii) a group or groups of individuals who, because of age, socio-economic factors or environmental factors, are more likely to be in need of some or all of those services than other individuals; and

(b) who receives funding from the Ministry of Health and Long-Term Care or a local health integration network as defined in section 2 of the Local Health System Integration Act, 2006 in accordance with the number or type of services provided.

14 A comprehensive health care organization, being a non-for-profit corporation that,

(a) provides or arranges for the provision of comprehensive health care services for individuals who are enrolled as members of the patient roster of the corporation; and

(b) receives funding from the Ministry of Health and Long-Term Care or a local health integration network as defined in section 2 of the Local Health System Integration Act, 2006 in accordance with the number of individuals on the roster.

15. A person operating an integrated community health services centre to which the Integrated Community Health Services Centres Act, 2023 applies.

16 A practitioner whose services are insured services under the Health Insurance Act (R.S.O. 1990, c. H.6).

17 Repealed: 2017, c. 25, Sched. 8, s. 4.

18 A community advisory board for a psychiatric hospital whose members are appointed by the Minister of Health.

19 An operator of a pharmacy receiving payments under the Ontario Drug Benefit Act (R.S.O. 1990, c. O.10).

MINISTRY OF HOUSING

1 A non-profit housing corporation or co-operative receiving funding under the Housing Development Act (R.S.O. 1990, c. H.18).

2 North Pickering Development Corporation.

MINISTRY OF LABOUR

1 The Pay Equity Advocacy and Legal Service.

2 A help centre, being an employer providing unemployment and vocational counselling services to adults that receives funding from the Ontario Help Centre Program of the Ministry of Labour.

3 The Workplace Health and Safety Agency.

MINISTRY OF MUNICIPAL AFFAIRS

1 Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) the collection, removal and disposal of garbage and other refuse for a municipality;

(b) the operation and maintenance of buses for the conveyance of passengers under an agreement with a municipality.

2 Ontario Municipal Employees Retirement Board.

3 Toronto District Heating Corporation.

4 Police Villages.

5 Moosonee Development Area Board.

MINISTRY OF NATURAL RESOURCES

1 Conservation Authorities established under the Conservation Authorities Act (R.S.O. 1990, c. C.27).

MINISTRY OF THE SOLICITOR GENERAL AND CORRECTIONAL SERVICES

1 Any agency, board, commission, person or partnership that, under funding from the Ministry of the Solicitor General and Correctional Services,

(a) provides community residential or non-residential services; or

(b) supervises persons who have been convicted or found guilty of a criminal or provincial offence or who have been accused of a criminal or provincial offence.

2 Sexual assault centres.

1993, c. 5, Sched.; 2006, c. 4, s. 53; 2007, c. 8, s. 228; 2009, c. 33, Sched. 18, s. 32; 2014, c. 11, Sched. 6, s. 9; 2017, c. 25, Sched. 8, s. 4; 2023, c. 4, Sched. 1, s. 84.

**Section Amendments with date in force (d/m/y)**

[2006, c. 4, s. 53 (1-4)](http://www.ontario.ca/laws/statute/S06004" \l "s53s1) - 28/03/2006

[2007, c. 8, s. 228 (1, 2)](http://www.ontario.ca/laws/statute/S07008" \l "s228s1) - 1/07/2010

[2009, c. 33, Sched. 18, s. 32 (1, 2)](http://www.ontario.ca/laws/statute/S09033" \l "sched18s32s1) - 15/12/2009

[2014, c. 11, Sched. 6, s. 9 (1, 2)](http://www.ontario.ca/laws/statute/S14011" \l "sched6s9s1) - 31/08/2015

[2017, c. 25, Sched. 8, s. 4](http://www.ontario.ca/laws/statute/S17025" \l "sched8s4) - 31/03/2018; [2017, c. 25, Sched. 9, s. 119 (2)](http://www.ontario.ca/laws/statute/S17025" \l "sched9s119s2) - no effect - see [2023, c. 4, Sched. 1, s. 67](http://www.ontario.ca/laws/statute/S23004" \l "sched1s67) - 18/05/2023

[2023, c. 4, Sched. 1, s. 84](http://www.ontario.ca/laws/statute/S23004" \l "sched1s84) - 25/09/2023

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