

August 2014 Legislative Updates

JURISDICTION	PARLIAMENT	BILL #	TITLE	GOVERNMENT/M EMBERS	STATUS	EXPLANATORY NOTE
Ontario	Parliament 41 - Session 1	Bill 2	Workplace Safety and Insurance Amendment Act (Post-Traumatic Stress Disorder), 2014	Premier Wynne	First Reading, June 7, 2014	The Workplace Safety and Insurance Act, 1997 is amended to create a rebuttable presumption relating to post-traumatic stress disorder affecting emergency response workers. Subsection 15.3 (1) defines emergency response worker to mean a firefighter, paramedic or police officer. Subsection 15.3 (2) states that if an emergency response worker suffers from post-traumatic stress disorder, the disorder is presumed to be an occupational disease that occurred due to the employment as an emergency response worker, unless the contrary is shown. The Bill sets out procedural and transitional rules governing claims to which a presumption applies.
		Bill 6	Infrastructure for Jobs and Prosperity Act, 2014	Hon. Brad Duquid	First Reading, June 7, 2014	The Bill enacts the Infrastructure for Jobs and Prosperity Act, 2014. Highlights of the Act include the following: 1. The Government, and every broader public sector entity (as defined in section 2), must consider a specified list of infrastructure planning principles when making decisions respecting infrastructure. (Section 3.) 2. The Minister of Economic Development, Employment and Infrastructure must periodically develop a long-term infrastructure plan setting out, among other things, a description of the current state of wholly or partly Government-owned infrastructure assets, a description of the Government's anticipated infrastructure needs for at least the next 10 years, and a strategy to meet those needs. Each long-term infrastructure plan must be made public. (Sections 4 and 5.)
		Bill 12	Protecting Employees' Tips Act, 2014	Arthur Potts	Ordered referred to Standing Committee - July 17, 2014	The Bill amends the Employment Standards Act, 2000. The new Part V.1 prohibits employers from withholding tips or other gratuities from employees, from making deductions from an employee's tips or other gratuities, or from causing the employee to return or give his or her tips or other gratuities to the employer except as authorized under the new Part.

August 2014 Legislative Updates

Bill 17 Protecting Child Performers Act, 2014 Paul Miller First Reading, June 16, 2014

The Bill enacts the Protecting Child Performers Act, 2014. The paramount purpose of the Act is to promote the best interests, protection and well being of child performers in the live entertainment industry and the recorded entertainment industry. Parts II, III and IV of the Act set out rules relating to the disclosure of terms of employment, tutoring requirements, income protection, hours of work and adult supervision for child performers. Most provisions in Parts II, III and IV are enforced as if they formed part of the Employment Standards Act, 2000. Part V of the Act sets out rules relating to the health and safety of child performers. Part V and the remaining provisions in Parts II, III and IV are enforced as if they formed part of the Occupational Health and Safety Act. The Act provides that if there is a conflict between a provision of the Act and a rule contained in a collective agreement, a contract, or another Act, the rule that provides the greatest protection to the child performer prevails

Bill 22 Employment Standards Amendment Act (Greater Protection for Interns and Vulnerable Workers), 2014 Sattler First Reading - June 22, 2014

Under subsection 1 (2) of the Employment Standards Act, 2000, only some individuals receiving training from an employer are considered to be employees. The Bill amends the Act to deem additional individuals receiving training to be employees for the purposes of specified parts of the Act. New requirements are imposed on employers with respect to certain individuals receiving training, including the requirement to provide information, the requirement to provide a day off work on a public holiday, and the requirement to provide vacation without pay.

Parliament 40-Session 2

Bill 3 Gasoline Tax Fairness for All Act, 2013 Yakabuski Ordered referred to Standing Committee - March 7, 2013

The Bill amends the Public Transportation and Highway Improvement Act. If the Minister, under section 116 of the Act, enters into an agreement with a municipality to provide a rebate of tax under the Gasoline Tax Act to the municipality for the purpose of constructing, maintaining or operating a rapid transit or public transportation system, the Minister shall not refuse to enter into an agreement to provide a rebate of tax under that Act to any other municipality for a purpose related to public highways under the jurisdiction of the latter municipality. The amount of the rebate that the latter municipality receives shall be based on the number of inhabitants in the municipality and the total distance of public highways under the jurisdiction of the municipality.

August 2014 Legislative Updates

Bill 5	<i>An Act to freeze compensation for two years in the public sector</i>	Shurman	Second Reading - Ordered referred to Standing Committee - February 28, 2013	The Bill freezes the annual compensation of employees in the public sector for a period of two years.
Bill 10	<i>Taxation Amendment Act (Public Transit Expense Tax Credit), 2013</i>	O'Toole	First Reading - February 25, 2013. Carried.	<p>The Bill amends the Taxation Act, 2007 to permit taxpayers to obtain a non-refundable income tax credit for expenses that they incur and pay for using public transit after December 31, 2012. The tax credit is a share of the tax credit offered by the Income Tax Act (Canada). If another person pays the expenses on behalf of the taxpayer, that other person is entitled to the tax credit, except if the person makes the payment as part of the taxpayer's remuneration. Section 9 of the Taxation Act, 2007 is amended by adding the following subsection:</p> <p>Public transit expense tax credit</p> <p>(23) If an individual is entitled to a deduction under section 118.02 of the Federal Act for a taxation year ending after December 31, 2012, the individual is entitled to a tax credit for the year equal to the amount that would be determined in respect of the individual for the year under that section of the Federal Act if the references in that section to the appropriate percentage were read as references to the lowest tax rate.</p> <p>2. Part IV of the Act is amended by adding the following section before the heading "Division C — Corporations":</p> <p>Public transit expense tax credit for payer</p> <p>89.1 (1) Subject to subsection (2), a taxpayer who pays amount B as described in subsection 118.02 (2) of the Federal Act on behalf of an individual who would be entitled to the tax credit described in subsection 9 (23) for a taxation year ending after December 31, 2012 if the individual paid that amount is entitled to a tax credit for the year not exceeding the amount of the tax credit to which the individual would have been entitled under that subsection 9 (23) for the taxation year.</p> <p>Exception, employer</p> <p>(2) A person who employs or retains the services of an individual and who pays amount B as described in subsection 118.02 (2) of the Federal Act on behalf of the individual for a taxation year ending after December 31, 2012 as part of the individual's remuneration is not entitled to a tax credit under subsection (1).</p>
Bill 12	<i>Jayesh's Law (Worker Safety at Service Stations), 2013</i>	Colle	Second Reading - Ordered referred to Standing Committee - February 28, 2013	<p>The Bill amends various Acts with respect to worker safety at service stations and other places that sell fuel at retail.</p> <p>The Employment Standards Act, 2000 is amended to prohibit employers from penalizing employees if a fuel theft occurs while the employees are working.</p> <p>The Highway Traffic Act is amended to provide that a person's driver's licence is suspended if the person is convicted for an offence involving the theft of fuel.</p> <p>The Occupational Health and Safety Act is amended to require employers who engage in the business of selling fuel at service stations and other places that sell fuel at retail to require customers to provide payment before being given the fuel. A municipality may by by-law provide that the requirement does not apply in the municipality. The Act is also amended to require employers to provide training to employees involved in the sale of fuel at service stations and other places that sell fuel at retail.</p>

August 2014 Legislative Updates

Bill 17	<i>Workplace Safety and Insurance Amendment Act (Alternate Insurance Plans), 2013</i>	Hillier	First Reading - February 28, 2013	The Bill amends the Workplace Safety and Insurance Act, 1997 to allow an employer, at any time, to opt to participate in an insurance plan that is offered by a private sector insurer, instead of the insurance plan established under the Act, if the alternate plan offers benefits to the employer's workers that are comparable to those offered by the insurance plan as it exists under the Act as of the date that the amendments to the Act come into force. To exercise the option, an employer is required to file a notice with the Workplace Safety and Insurance Board containing the particulars specified in the regulations made under the Act. If an alternate plan is in force, the employer or any workers of the employer who are affected by a decision of the insurer under the alternate plan may appeal the decision to the Financial Services Tribunal. The Bill also repeals amendments to the Act made by the Workplace Safety and Insurance Amendment Act, 2008 which came into force on January 1, 2013. Those amendments made insurance coverage mandatory in the construction industry for independent operators, sole proprietors, partners in partnerships and executive officers of corporations. As a result, insurance coverage for those categories of persons in the construction industry reverts to being optional.
Bill 21	<i>Employment Standards Act Amendment Act (Leaves to Help Families), 2013</i>	Naqvi	Royal Assent - April 29, 2014	The Bill amends the <i>Employment Standards Act</i> , 2000. Section 49.3, which creates family caregiver leave, is added to the Act. Under section 49.3, an employee is entitled to a leave of absence without pay to provide care or support to a family member who has a serious medical condition. An employee may take up to eight weeks per calendar year with respect to each family member described in the section or prescribed by regulation. Entitlement to family caregiver leave is in addition to any entitlement to family medical leave under section 49.1, critically ill child care leave under section 49.4, crime-related child death or disappearance leave under section 49.5 and personal emergency leave under section 50.
Bill 34	<i>Highway Traffic Statute Law Amendment Act, 2013</i>	Murray	Second Reading - Debate, October 23, 2013	The Bill amends the Highway Traffic Act with respect to permit denials in response to unpaid fines and out-of-province service and evidence of vehicle ownership in certain proceedings. Current subsections 7 (10) to (12) of the Highway Traffic Act address the refusal to validate or issue a permit where payment of a fine imposed on conviction of certain specified offences is in default. These subsections are re-enacted to provide that a refusal to validate a permit only applies in respect of one permit held by the convicted person at any given time. New subsection 7 (12.0.1) of the Act provides that if a person is in default of payment of a fine imposed for an offence described in subsection 46 (1) of the Act, no permit held by that person shall be validated and no permit shall be issued to that person until the fine is paid. New clause 7 (24) (n.1) of the Act authorizes regulations to be made that provide for exemptions from the application of subsection 7 (12.0.1). A consequential amendment is made to the Provincial Offences Act. The amendments to clauses 175 (15) (i) and 205.25 (f) of the Act authorize the service of offence notices outside Ontario on vehicle owners for failing to stop for a school bus and in proceedings based on evidence obtained from a red light camera system. New section 210.1 of the Act permits documents obtained from other provinces, territories and states of the United States in respect of vehicle ownership and certified by an Ontario provincial offences officer to be admissible in evidence as proof of vehicle ownership in proceedings relating to the parking, standing or stopping of a vehicle, in proceedings against the owner of a vehicle for failing to stop for a school bus and in proceedings based on evidence obtained from a red light camera system.
Bill 44	<i>Public Sector Capacity to Pay Act (An Act to deal with arbitration in the public sector)</i>	Wilson	Lost on Recorded Division -April 11, 2013	The Bill enacts the Public Sector Capacity to Pay Act, 2013 and makes related amendments to 11 Acts in connection with interest arbitration in the public sector, which is broadly defined. The Bill implements many of the recommendations contained in the report submitted on February 15, 2012 by the Commission on the Reform of Ontario's Public Services led by Don Drummond.

August 2014 Legislative Updates

Bill 45	<i>An Act to proclaim Constitution Day</i>	Hillier	First Reading - March 28, 2013	<p>In accordance with the process specified by the regulations made under the Act, the Minister of Labour is required to establish a roster of arbitrators having the qualifications specified by the regulations. A single arbitrator is to conduct an arbitration. The Minister appoints the arbitrator after having provided the parties with a list of at least three available arbitrators taken from the roster of arbitrators. If the parties jointly propose the name of a person who is not on the list but who is on the roster, the Minister may appoint that person as the arbitrator. The arbitrator is required to convene a conference for the parties to the arbitration to disclose the issues that they intend to raise during the arbitration and the evidence that they intend to present during the arbitration. A party is precluded from raising an issue or presenting evidence after the end of the conference if the party has not disclosed it during the conference. The arbitrator is required to take into account the criteria set out in section 8, in the case of employers in the municipal sector, or section 9, in the case of employers in the rest of the public sector, in addition to any other criteria provided by law. The criteria include economic indicators of particular communities and employment contracts. The arbitrator is required to render decisions within nine months after having been appointed. If this deadline is not met, the responsible Minister or other official has the power to make an order to ensure that a decision will be rendered within a reasonable time. The arbitrator is required to provide written reasons clearly demonstrating that he or she has given proper consideration to the criteria and has applied the criteria on the basis that no tax rate will be increased to pay the costs of the decision. The Minister of Finance is required to establish, within existing resources of the</p> <p>It is important to recognize the legal and political importance of Canada's written constitution. Additionally, we should not forget the historical and global importance that the Canadian Constitution has served. The full patriation of powers to Canada as provided through the Canada Act, 1982 served as a model for the Australia Act, 1986 and the New Zealand Act, 1986, which patriated powers to those countries. The Constitution of Canada has also been a benchmark and an example for non-Commonwealth countries throughout the world adopting their own constitutional documents. Accordingly, it is appropriate to recognize March 29 formally as Constitution Day, to celebrate it, our heritage and our natural rights of life, liberty and property.</p>
Bill 46	<i>Safe Roundabouts Act, 2013</i>	Michael Harris	First Reading - March 28, 2013	<p>The Bill amends the Highway Traffic Act to enable the Minister to make regulations establishing rules of the road that apply to roundabouts. Before making a regulation, the Minister must conduct a study about the safe use of roundabouts and must consult with members of the public. The Minister is required to table a progress report in the Legislative Assembly every year until a regulation is made.</p>
Bill 49	<i>Protecting Employees' Tips Act, 2013</i>	Prue	Ordered for 3rd Reading - December 4, 2013	<p>The Bill prohibits employers from taking any portion of an employee's tips or other gratuities.</p>
Bill 50	<i>Pooled Registered Pension Plans Act, 2013</i>	Munro	Ordered referred to Standing Committee - April 25, 2013	<p>The Bill requires the Minister of Finance to introduce a bill in the Assembly to allow for pooled registered pension plans.</p>
Bill 62	<i>Defending Employees' Rights Act (Certification of Trade Unions), 2013</i>	Hillier	First Reading - May 1, 2013	<p>The Bill amends the Labour Relations Act, 1995 to prohibit the Ontario Labour Relations Board from certifying a trade union as the bargaining agent of the employees in a bargaining unit unless a representation vote is held among the employees.</p>

August 2014 Legislative Updates

Bill 63	<i>Labour Relations Amendment Act (Ontario Labour Relations Board), 2013</i>	Hillier	First Reading - May 1, 2013	<p>The Bill amends the Labour Relations Act, 1995 to remove the stated purposes of the Act. The practice and procedure of the Ontario Labour Relations Board is no longer determined by rules made by the Board but is determined by regulations made by the Lieutenant Governor in Council under the Act.</p> <p>At present, a party affected by a decision of the Ontario Labour Relations Board has no right of appeal. The Bill provides a right of appeal to the Divisional Court in accordance with the rules of court. It also makes members of the Board and other officers compellable witnesses in an appeal or on a judicial review of the Board's proceedings and makes the Minister of Labour and other Ministry officials compellable witnesses before a court or tribunal.</p>
Bill 64	<i>An Act to amend the</i>	Hillier	First Reading - May 1,	The Bill amends the Labour Relations Act, 1995.
Bill 65	<i>Prosperous and Fair Ontario Act (Budget Measures), 2013</i>	Sousa (Minister of Finance)	Royal Assent - June 13, 2013. Royal Assent received.	<p>The Bill implements measures contained in the 2013 Ontario Budget and enacts or amends various Acts. The major elements of the Bill are described below.</p> <p>AUTOMOBILE INSURANCE RATE STABILIZATION ACT, 2003</p> <p>Amendments to the Automobile Insurance Rate Stabilization Act, 2003 provide that the Act governs all applications by insurers for approval of their rates and their risk classification system for a specified category of automobile insurance.</p>

August 2014 Legislative Updates

Bill 67	<i>Workplace Safety and Insurance Amendment Act (Post-Traumatic Stress Disorder), 2013</i>	DiNovo	Ordered Referred to Standing Committee on General Government, February 27, 2014.	The Workplace Safety and Insurance Act, 1997 is amended to create a rebuttable presumption relating to post-traumatic stress disorder affecting emergency response workers. Subsection 15.3 (1) defines emergency response worker to mean a firefighter, paramedic or police officer. Subsection 15.3 (2) states that if an emergency response worker suffers from post-traumatic stress disorder, the disorder is presumed to be an occupational disease that occurred due to the employment as an emergency response worker, unless the contrary is shown.
Bill 69	<i>Prompt Payment Act, 2013</i>	Del Duca (Liberal)	Consideration of a Bill - April 2, 2014	The Bill enacts the Prompt Payment Act, 2013. The Act sets out various rules and requirements in relation to payments made under construction contracts. Among other things, Part II of the Act entitles contractors and subcontractors to receive progress
Bill 71	<i>Protecting Child Performers Act, 2013</i>	Paul Miller (NDP)	Ordered for 3rd Reading - December 12, 2013	An Act to promote the best interests, protection and well-being of child performers.
Bill 73	<i>Fair and Open Tendering Act (Labour Relations for Certain Public Sector Employers in the Construction Industry), 2013</i>	Michael Harris (PC)	Second Reading, lost on recorded division - September 19, 2013	The Bill amends the Labour Relations Act, 1995 to clarify that the requirement for province-wide bargaining in the construction industry does not apply to certain public sector employers such as municipalities and school boards.
Bill 74	<i>Fairness and Competitiveness in Ontario's Construction Industry Act, 2013</i>	Monte McNaughton (PC)	Third reading, lost on division - October 29, 2013	The Bill amends the Labour Relations Act, 1995 to end bargaining rights recognized and conferred by certain working agreements entered into before May 1, 1979 between an employer and a council of trade unions. Those bargaining rights were conferred on the trade unions affiliated with the council that was a party to each agreement and related to the construction industry with respect to a geographic area of Ontario set out in each agreement.

August 2014 Legislative Updates

Bill 75	<i>Health Insurance Amendment Act (Celiac Disease Screening), 2013</i>	Bill Mauro (Liberal)	First Reading - May 28, 2013	The Bill amends the Health Insurance Act by making screening for celiac disease through the use of specified tests an insured service under the Act
Bill 76	<i>Workers' Death Benefits Protection Act, 2013</i>	Rick Bartolucci (Liberal)	First Reading - May 28, 2013	The Bill amends the Workplace Safety and Insurance Act, 1997 to provide that if a deceased worker was diagnosed with an occupational disease after he or she retired, the deceased worker's net average earnings shall, for the purposes of calculating death benefits, be determined as of the date of the deceased worker's last exposure to the biological, chemical or physical agent that caused the occupational disease.
Bill 79	<i>Public Transportation and Highway Improvement Amendment Act, 2013</i>	Norm Miller (PC)	First Reading - May 29, 2013	<p>The Bill amends the Public Transportation and Highway Improvement Act to require the Minister of Transportation to construct paved shoulders on prescribed portions of the King's Highway.</p> <p>The Minister is required to construct paved shoulders on prescribed portions of the King's Highway when there is a significant undertaking to repave or resurface that portion. However, the Minister is not required to construct a paved shoulder where doing so would be impracticable. These paved shoulders must be at least one metre wide and must be marked with a sign warning drivers to watch out for and share the road with pedestrians and cyclists.</p> <p>If the Minister has not made any regulations prescribing portions of the King's Highway within one year after this Bill receives Royal Assent, the Minister must table a report in the Legislative Assembly that provides reasons why such regulations have not been made and that describes the progress that has been made in identifying the portions that will be prescribed.</p>

August 2014 Legislative Updates

Bill 80	<i>Fairness is a Two-Way Street Act (Construction Labour Mobility), 2013</i>	Jack MacLaren (PC)	Seond Reading, lost on recorded division, September 12, 2013	<p>The Bill revives an Act of the same name that was enacted in 1999 to regulate construction contractors and construction workers from Quebec and other designated jurisdictions who wish to do construction work in a designated area of Ontario. The Lieutenant Governor in Council is authorized to make the designations. The main requirements of the revived Act are as follows.</p> <p style="margin-left: 20px;">Section 3</p> <p style="margin-left: 20px;">Construction contractors from a designated jurisdiction are required to register with the Jobs Protection Office before doing construction work or submitting a bid for construction work in a designated area.</p> <p style="margin-left: 20px;">Sections 4 and 5</p> <p style="margin-left: 20px;">Construction contractors required to register under section 3 are not permitted to obtain a certificate, registration, licence, permit or authorization under certain specified business Acts or other Acts prescribed by regulations made under the Act without providing proof of registration under section 3.</p> <p style="margin-left: 20px;">Sections 6 and 7</p> <p style="margin-left: 20px;">Construction contractors required to register under section 3 are not permitted to obtain a certificate, registration, licence, permit or authorization under prescribed Acts or municipal by-laws without providing proof of registration under section 3 and compliance with sections 4 and 5</p>
Bill 81	<i>Workplace Safety and Insurance Amendment Act (Presumptions for Firefighters), 2013</i>	Del Duca (Liberal)	First Reading - May 30, 2013	<p>The Bill amends the Workplace Safety and Insurance Act, 1997 to add to the presumptions with respect to occupational disease that apply to firefighters and fire investigators.</p> <p style="margin-left: 20px;">Section 15.1 of the Act is amended to include six additional occupational diseases that are presumed to be occupational diseases if diagnosed on or after January 1, 1980.</p>
Bill 83	<i>Protection of Public Participation Act, 2013</i>	Hon John Gerretsen (Liberal)	Second Reading, Debate - March 6, 2014	<p>An Act to amend the Courts of Justice Act, the Libel and Slander Act and the Statutory Powers Procedure Act in order to protect expression on matters of public interest. The Bill amends the Courts of Justice Act to add sections 137.1 to 137.5, which create a process for getting a proceeding against a person dismissed if it is shown that the proceedings arises from an expression made by the person that relates to a matter of public interest (section 2 of the Bill). The purposes of this section 137.1(1) and sections 137.2 to 137.5 are: (a) to encourage individuals to express themselves on matters of public interest; (b) to promote broad participation in debates on matters of public interest; (c) to discourage the use of litigation as a means of unduly limiting expression on matters of public interest; and (d) to reduce the risk that participation by the public in debates on matters of public interest will be hampered by fear of legal action.</p> <p style="margin-left: 20px;">The Bill also amends the Libel and Slander Act to add section 25, which states that any qualified privilege that applies in respect of an oral or written communication on a matter of public interest between two or more persons who have a direct interest in the matter applies regardless of whether the communication is witnessed or reported on by media representatives or other persons (section 3 of the Bill).</p> <p style="margin-left: 20px;">Lastly, the Bill amends section 17.1 of the <i>Statutory Powers Procedure Act</i> to provide that submissions for a costs order in a proceeding must be made in writing unless a tribunal determines that to do so is likely to cause a party to the proceeding significant prejudice. In addition, three spent subsections in that section are repealed (section 4 of the Bill).</p>

August 2014 Legislative Updates

Bill 84	<i>Metrolinx Amendment Act, 2013</i>	Jonah Schein (NDP)	Lost on Recorded - December 12, 2013	<p>The Bill amends the <i>Metrolinx Act, 2006</i> to require Metrolinx to ensure that any passenger railway system established between downtown Toronto and Toronto Pearson International Airport is not powered by diesel fuel.</p>
Bill 94	<i>Labour Relations Amendment Act (Bargaining Units and Certification of Trade Unions), 2013</i>	Jim McDonell (PC)	First Reading - June 10, 2013	<p>The Bill amends the Labour Relations Act, 1995.</p> <p>A trade union is no longer required to include a written description of the proposed bargaining unit in an application for certification. If it does not include one, the bargaining unit for the purposes of the application consists of all of the employees of the employer at the time of the application, subject to the regulations made under the Act.</p> <p>The Ontario Labour Relations Board is required to hold a hearing when determining whether to direct a representation vote under section 8 of the Act. The Board is required to base the voting constituency for the vote on the determination of the bargaining unit that it makes under section 9 of the Act. The Bill adds another circumstance in which the Board is required to order a representation vote, specifically if the Board determines that the employer or a person acting on behalf of the employer has interfered improperly with the activities of the trade union to achieve the threshold of 40 per cent membership among individuals in the bargaining unit which triggers a representation vote. The Bill extends the time limit for an order for the holding of a representation vote from five days to 10 days after the day on which the application for certification is filed with the Board.</p> <p>The Board is prohibited from certifying a trade union as the bargaining agent of the employees in a bargaining unit unless a representation vote is held among the employees.</p> <p>At present, employees in the construction industry are exempt from certain restrictions in section 79 of the Act against striking. The Bill removes that exemption.</p> <p>At present, if a complaint alleges that an employer or employers' organization has contravened the Act with respect to employment practices, the burden of proof in an inquiry by the Board into the complaint lies with the employer or employers' organization. The Bill transfers the burden of proof to the complainant.</p> <p>At present, a party affected by a decision of the Board has no right of appeal. The Bill provides a right of appeal to the Divisional Court in accordance with the rules of court.</p> <p>In determining the unit of employees in the construction industry that is appropriate for collective bargaining, the Board is no longer permitted to refer to a geographic area and is not permitted to confine the unit to a particular work site or shift.</p> <p>The Board is required to hold a hearing to determine whether section 128.1 of the Act authorizes it to certify a trade union as the bargaining agent of the employees in a bargaining unit in the construction industry.</p>