Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. *Distribution List*
☐
☐
☐
☐

O'BRIEN'S DIVISION VII —
LABOUR RELATIONS AND EMPLOYMENT
Release No. 4, November 2026

What's New in this Update

This release includes updates to Chapter 1 (Human Rights), Chapter 2 (Pay Equity), Chapter 3 (Employment Equity), Chapter 6 (Private Pension Plans), Chapter 14 (First Contract Arbitration), Chapter 15 (Strike and Lockout) and Chapter 16 (Judicial Review) and Appendix 1, Terms Legislatively Defined.

Thomson Reuters®

Customer Support
1-416-609-3800 (Toronto & International)
1-800-387-5164 (Toll Free Canada & U.S.)
E-mail CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Highlights of this release include:

Chapter 1 – Human Rights – Ontario

- In recent years, the Human Rights Tribunal of Ontario (HRTO) considered proposals around the imposition of mandatory mediation; elimination of case management conference calls, summary hearings, requests to expedite, requests for interim remedies; simplification of withdrawal processes, and limits on requests for orders. In 2025, the HRTO updated its Rules of Procedure to adopt some of these proposals. The Rules now provide for mandatory mediation in every file, though parties may request an exemption: The remaining amendments to the Rules relate to requirements for filing documents: The HRTO also updated its processes related to requests for adjournments, extensions, rescheduling, and the assignment of members or panels, and issued new Practice Directions setting out the new processes.

Chapter 2 – Pay Equity – Federal

- As contemplated in s. 127 of the *Pay Equity Act* (PEA), the *Pay Equity Regulations* (PER) establish a detailed framework for calculating penalties for non-compliance with the PEA, the PER, and orders made or issued under the PEA: PER ss. 55-59. Under the PER, penalties are calculated based on the size and kind of employer, the employer's history of violations, and a series of factors connected to the seriousness of the violation: PER ss. 56-59.

Chapter 14 – First Contract Arbitration – Manitoba

- Disputes regarding first contracts in Manitoba may be resolved pursuant to s. 87 of the *Labour Relations Act*. Access to first contract in Manitoba is not dependent upon proof of bargaining in bad faith. Rather, where notice has been given to bargain a first collective agreement between an employer and a bargaining agent (s. 87(1)(a)); and a conciliation officer has been appointed (s. 87(1)(b)) and has either reported or 120 days have expired since the appointment; and at least 90 days have expired since the certification of the bargaining agent (ss. 68(3.1), 87(1)(b.1)); then either party may apply in writing to the Manitoba Labour Board to settle the provisions of a first collective agreement if the parties have been unable to reach an agreement on their own.

  Upon receiving notice that the other party wishes to utilize the first contract provisions of the Act, the parties may jointly agree to appoint an arbitrator to set the provisions of a first collective agreement (87(2)), or the Manitoba Labour Board inquires into the negotiations and either settle the provisions of a first contract or express its opinion to the parties that they might settle the matter on their own. Ultimately, if the parties cannot, contrary to the Labour Board's hopes, settle the matter between themselves within 60 days after the date of application, including a lack of agreement to proceed by

arbitration under s. 87(2), The Board shall set the provisions of a first collective agreement and notify the parties in writing within three days.

Now available on WestlawNext Canada

The following O'Brien's Divisions are available on WestlawNext Canada:

Division I, Commercial and General
Division II, Corporations
Division IV, Leases
Division V, Wills and Trusts
Division VI, Ontario — Family Law
Division VII, Labour Relations and Employment
Division VIII, Ontario — Court Forms
Division IX, Municipal Corporations
Division X, Computers and Information Technology

Please contact Customer Support at **CustomerSupport.LegalTaxCanada@TR.com** or call **1-416-609-3800**, toll free **1-800-387-5164**.