



Toronto Real Estate Board

SERVING GREATER TORONTO REALTORS® September 17, 2015

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Mr. Michael Mitchell and the Hon. John C. Murray
Special Advisors for Changing Workplaces Consultation
Changing Workplaces Review, Employment Labour and Corporate Policy Branch
400 University Avenue, 12th Floor
Toronto, Ontario M7A 1T7

Dear Sirs,

On behalf of the over 42,000 Members of the Toronto Real Estate Board (TREB), I am writing to provide input to the review of the *Employment Standards Act, 2000* (ESA).

TREB respectfully submits that the exclusion of salespersons and brokers, as those terms are defined in the *Real Estate and Business Brokers Act, 2002* (REBBA), from Parts VII to XI of the ESA be retained for the following reasons:

- Realtors are highly regulated professionals with strict controls under REBBA. The current exemption from the ESA recognizes that the proper place for regulation of salespersons and brokers is under REBBA, and that they require flexibility to meet the needs of the marketplace, which revolves around the needs of property buyers and sellers.
- Removing the exemption for salespersons and brokers would harm the industry by significantly increasing costs, forcing many brokerages out of business and leaving consumers with fewer choices.
- Salespersons and brokers in Ontario overwhelmingly practice their profession as independent contractors. Absent the current exclusion, salespersons and brokers who are employees of brokerages would be subject to Parts VII to XI of the ESA and salespersons and brokers who are independent contractors would not. This would create a serious inconsistency and would be contrary to REBBA, which applies equally to employees and independent contractors.

I hope you find this input helpful.

Sincerely,

Mark McLean
President

c.c. Matthew Thornton, Ontario Real Estate Association



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