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PUBLICATION

Ontario Introduces the Working for Workers Five Act, 2024

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The Ontario government continues to make significant legislative changes to the province's employment law regime in its *Working for Workers Act* series. On May 6, 2024, the Ontario government introduced Bill 190, the *Working for Workers Five Act, 2024*. If passed, Bill 190 will amend various workplace legislation, including the *Employment Standards Act, 2000* ("*ESA*") the *Occupational Health and Safety Act* ("*OHSA*") and the *Workplace Safety and Insurance Act, 1997* ("*WSIA*"), among others.

We highlight some of these proposed changes below.

PROPOSED AMENDMENTS TO THE *ESA*

- **Job posting requirements:** Requiring publicly advertised job postings to include a statement disclosing whether the posting is for an existing vacancy. Exemptions from this requirement may be prescribed by regulation.
- **Responding to interviewees:** Requiring employers who interview applicants for publicly advertised job postings to respond to the applicants and provide prescribed information within a certain time period, to be determined by regulation. Copies of this information must be retained for three (3) years from the date provided to job applicants.
- **Doctor's notes:** Prohibiting employers from requiring employees to provide certificates from a qualified health practitioner as evidence of their entitlement to statutory sick leave. However, employers may request other forms of evidence that are "reasonable in the circumstances."
- **Maximum fines:** Doubling the maximum fine for individuals convicted of violating the *ESA* from $50,000 to $100,000.

PROPOSED AMENDMENTS TO THE *OHSA*

- **Application of OHSA:** Extending the application of the *OHSA* to include a private residence where telework is performed, and amending the definition of an "industrial establishment" to exclude any office in a private residence.
- **Workplace harassment:** Expanding the definitions of "workplace harassment" and "workplace sexual harassment" to include "virtual harassment" that occurs through the use of information and communications technology.
- **Electronic postings:** Permitting employers to post required information under the *OHSA* in electronic format, provided that the information is readily accessible to all workers.

- **Remote JHSC meetings:** Permitting joint health and safety committee meetings to occur remotely rather than exclusively in-person.
- **Washroom facilities:** Requiring employers and constructors to ensure that washroom facilities provided to workers are clean and sanitary, and maintaining cleaning records, as prescribed.

On May 6, 2024, the Ontario government also filed O. Reg. 194/24, amending O. Reg. 213/91 (Construction Projects) under the *OHSA*. The amendment will require constructors to provide menstrual products at any project where work is expected to last three (3) months or more and where twenty (20) or more workers are regularly employed. This regulatory amendment will come into force on January 1, 2025.

PROPOSED AMENDMENTS TO THE *WSIA*

- Extending presumptive coverage for post-traumatic stress disorder to wildland firefighters and wildland fire investigators.
- Extending presumptive coverage to prescribed firefighters and fire investigators for primary-site skin cancer provided the worker had at least ten (10) years of service before being diagnosed.

ADDITIONAL PROPOSED AMENDMENTS

- Amending the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* to require regulated professions to have a policy addressing what alternatives they will accept if applicants do not have documentation of qualifications they would otherwise be required to provide.
- Amending the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* to require regulated professions to have a policy in place addressing how they will enable multiple registration processes to take place concurrently.
- Amending the *Ontario Immigration Act, 2015* to provide that individuals appointed to conduct internal reviews of a decision or order under this legislation may delegate their powers or duties under that appointment.
- Amending the *Building Opportunities in the Skilled Trades Act, 2021* to provide that the regulations may prescribe alternative criteria for academic standards for individuals to register as apprentices in the skilled trades.

TAKEAWAY

Bill 190 is still making its way through Ontario's Legislative Assembly, which may lead to further changes to the proposed amendments prior to being passed. If Bill 190 is passed, the amendments will come into force on the date that the legislation receives Royal Assent or on a date to be proclaimed by the Lieutenant Governor. We will continue to monitor the progress of Bill 190 and provide further updates as more information becomes available.

If you have questions about the changes proposed by Bill 190, or how it might impact your workplace, please reach out to a member of Blaney's Employment & Labour Group.

The information contained in this article is intended to provide information and comment, in a general fashion, about recent developments in the law and related practice points of interest. The information and views expressed are not intended to provide legal advice. For specific legal advice, please contact us.