



e2r Alert!

Ontario Considers Working for Workers Five Act

There is never a dull moment in the world of employment law as Ontario announces more proposed legislative updates!

On May 6, 2024, the Government of Ontario announced that it will be introducing the *Working for Workers Five Act, 2024 (the "Act")*. This is in follow-up to four prior *Working for Workers Acts*. For background, be sure to check out our previous e-Alert found [here](#).

If passed, the new Act will create further protections for employees and further obligations for employers in Ontario. Below, we have summarized some of the proposed amendments.

1. Enhanced workplace protections for women

- menstrual products on construction projects with 20 or more regularly employed workers and where the project is expected to last at least three months, as well as clean and sanitary washrooms, requiring that records of cleaning be maintained

2. Updated definition of "harassment"

- definition of "harassment" to include protection against virtual harassment, including virtual sexual harassment
- consultation with survivors of harassment, legal experts and other stakeholders to create a duty to act for employers where investigations have identified that workplace harassment has occurred

3. Decreasing barriers to employment for internationally trained or credentialed workers

- regulated professions to have a plan for enabling multiple registration processes to take place concurrently wherever possible
- regulated professions to have a policy to accept alternatives where standard registration-related documents cannot be obtained for reasons beyond an applicant's control (ex. war or natural disaster)

- expanding occupations eligible for the In-Demand Skills stream of the Ontario Immigrant Nominee Program, and allowing the delegation of internal reviewer decision-making authority to speed up processes
- consulting on a Trusted Employer Model under the Ontario Immigrant Nominee Program to reduce the paperwork required by reputable businesses

4. Increased support for injured workers and workplace injury prevention

- allowing electronic copies of the *Occupational Health and Safety Act* to meet posting requirements and allowing joint health and safety committee meetings to be held virtually
- reviewing the cause of critical injuries and fatalities in the construction sector, and a consultation on expanding the types of health and safety equipment to be provided on construction projects
- prohibiting employers from requiring a sick note from a medical professional for a job-protected sick leave under the *Employment Standards Act, 2000* (employers would still be able to request another form of evidence that is reasonable in the circumstances - ex. an attestation)
- launching a consultation for a 27-week, job-protected leave for employees experiencing serious or critical illness, which would match the federal Employment Insurance sickness benefits.
- presumptive coverage to certain firefighters, fire investigators, and volunteers for occupational cancers, heart injuries, and Post-Traumatic Stress Disorder (under the *Workplace Safety and Insurance Act*)
- a consultation to consider other types of workers who would be presumptively entitled to benefits for Post-Traumatic Stress Disorder under the *Workplace Safety and Insurance Act*

5. Opening access to skilled trades

- enhancing the Ontario Youth Apprenticeship Program by introducing the Focused Apprenticeship Skills Training stream, aimed at grade 11 and 12 students (more apprenticeship opportunities via high school co-op placements)
- simplifying the process of finding apprenticeships with a new online job-matching portal for apprentices, journeypersons, and employers to exchange job opportunities
- developing alternative pathways for individuals seeking careers in the skilled trades as a second career

6. Additional changes to *Employment Standards Act, 2000* (“ESA”)

- employers to disclose in publicly advertised job postings whether a position is vacant and respond to applicants they have interviewed for those jobs
- doubling the maximum fine, from \$50,000 to \$100,000, for individuals convicted of violating the *ESA*

- increasing the penalty, from \$1000 to \$5000, for repeat offenders who have contravened the same provision of the ESA three or more times

Takeaway

Note that these changes to employment laws in Ontario are still preliminary proposals and have not yet been passed into law. There is likely to be much further consultation and debate. Nevertheless, they are important to be aware of and keep an eye on as more details emerge in the coming months.

Please feel free to reach out to ClientCare to schedule a call with one of our Advisors if you have any questions. In the meantime, we will keep you updated as more information becomes available!