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# e2r Alert!

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## Current and coming soon employment law changes in Ontario!

### ONTARIO ONLY:

Having (playfully) mocked the Ontario government for its profound lack of creativity in naming the statutes by which it has been amending employment related legislation in past e-alerts; they have responded, deadpan, with the *Working For Workers Five Act, 2024*. Yes, folks, it has received Royal Assent.

Here are some of the key changes:

- **Sick notes:** Employers are now prohibited from requesting a medical certificate in relation to the sick leave provisions under the ESA (the entitlement still being three unpaid days. Note: Organization like the Canadian Medical Association are lobbying for changes that would put even greater restrictions on an employer's right to request medical validation of absences due to illness.
- **Fines go up:** The maximum fine for an individual who violates the ESA has gone from \$50,000 to \$100,000.
- **Telework/Remote Work Location in private residence:** This is a significant one, as there was some debate on this, but it is now clear that the Occupational Health and Safety Act (OHSA) applies to telework/remote work performed in a private residence. However, such locations will not be deemed an 'industrial' establishment.
- **Enhanced definition of Workplace Harassment and Sexual Harassment:** The definition now captures harassing behaviours that occur virtually through the use of information/communication technology.
- **Electronic Posting under OHSA:** Employers may now satisfy the 'posting' requirements related to the joint health and safety committee, the workplace health and safety policy and a copy of the OHSA (and explanatory materials) itself in a readily accessible electronic format (we are uncertain how this will impact the bulletin board industry!). The obligation to post this in English and the majority language of your workplace continues.

### Coming soon:

- **Clean Washrooms for Workers:** Employers/constructors will be required to ensure that washroom facilities provided for worker use are maintained in a clean and sanitary state and they will be required to keep a cleaning log/records in this regard.

There are also amendments to the *Workplace Safety and Insurance Act, 1997* with regard to wildland firefighters/investigators coverage for PTSD and provisions coming soon on coverage for primary -site skin cancer for firefighters/investigators with at least 10 years of pre-diagnosis service.

If you would like to discuss any of the above with regard to your business in greater detail, we recommend reaching out to speak to an e2r™ Advisor. We are here to help.