

## JANUARY 2023 MONTH IN REVIEW

# Ontario

## LAWS & ANNOUNCEMENTS

### COVID-19

Jan 13: That's the deadline for eligible farmers and agri-food businesses [to apply](#) for government funding covering the costs of additional COVID-19 and other workplace infection control safety measures.

**Action Point:** Use the HRI template to create your own infectious illness [exposure control plan](#)

### Work Hours

Dec 7: Newly tabled [Bill 55](#) would create a commission to make recommendations on developing a pilot project to determine the effectiveness of a four-day work week and whether Ontario should make it a permanent legal requirement.

### Employment Benefits

Jan 1: Reminder: Pension plans must now use the FSRA [Pension Services Portal](#) (PSP) applications to file applications for filing extensions, amendments, Wind Up, wind up interim payment, contact change requests, letters of credit, annuity discharge, refunds and other applications.

### Employment Benefits

Dec 16: Public comments closed on Ontario's plan to create portable benefits plans offering health, dental, prescription drug and vision care to gig, hospitality, retail and other workers with precarious coverage. If the program comes to fruition, Ontario will be the first province to offer such portable benefits.

**Action Point:** Find out about current [employment law protections for gig workers](#)

## Health & Safety

Dec 24: In June, Ontario passed Bill 88 requiring employers to keep naloxone kits at workplaces at high risk of opiate drug overdoses, starting June 1, 2023. Now, the MOL has published [regulations](#) implementing the requirement, including with regard to the location, maintenance and contents of workplace naloxone kits. A week earlier, the government announced that it's launching a new program to make free naloxone kits available to employers.

**Action Point:** Find out more about the new [Ontario workplace naloxone kit rules](#)

## Workers Comp

Dec 7: Legislation ([Bill 54](#)) making employers that operate a residential care facility or group home Schedule 1 employers for purposes of the *Workplace Safety and Insurance Act* is through First Reading and likely to pass when the Assembly reconvenes in February.

## Workers Comp

Dec 1: Legislation ([Bill 46](#)) to cut red tape, which is through Second Reading, would establish new rules for the WSIB to calculate the average earnings of workers who are apprentices and remove drugless practitioners from the definition of "health care practitioner" contained in the *Workplace Safety and Insurance Act*.

## CASES

### Labour Relations: Court Finds Public Sector Wage Cap Law Unconstitutional

In 2019, Ontario adopted Bill 124, a controversial piece of legislation limiting wage public sector worker wage increases to 1% per a year over a 3-year period. Unions claimed the law is unconstitutional and now the Ontario Superior Court of Justice has agreed. Specifically, the Court ruled that Bill 124 violated the right to freedom of association 800,000 public workers (under section 2(d) of the Charter) by taking away their right to engage in collective bargaining to negotiate their wages. **Result:** The Bill 124 wage caps are no longer in effect, although the government says it plans to appeal the ruling [[Ontario English Catholic Teachers Assoc. v. His Majesty](#), 2022, 2022 ONSC 6658 (CanLII), November 29, 2022].

## **Social Media: Criticizing Employer on Twitter Is Just Cause to Terminate**

An Ontario arbitrator ruled that a college had just cause to fire a student athlete advisor for making negative tweets about the school and its athletic program. Although he didn't post his or the college's name, he provided enough information to make it clear where he worked. And while he might have sincerely believed that aspects of the program were racially discriminatory, he also owed his employer a duty of fidelity, the arbitrator reasoned. Instead of subjecting the school to public ridicule, he could and should have pursued other avenues to express his opinions and opposition to the program [[Sheridan College v OPSEU/SEFPO](#), Local 245, 2022 CanLII 118574 (ON LA), December 13, 2022].

**Action Point:** Use the HRI template to create your own [social media use policy](#)