

JULY 2023 MONTH IN REVIEW

Ontario

LAWS & ANNOUNCEMENTS

New Laws

Jun 13: Apprenticeship registrations in Ontario are up 24% over the past year to a record high of 27,319, the government announced. Ontario is going to need over 100,000 new skilled trades workers this decade to accomplish its infrastructure development plans, including 1.5 million new homes by 2031.

Training

Jun 27: With at least 6,100 more truck drivers needed, Ontario will invest \$1.3 million provide free driver training to 54 women, immigrants and other underrepresented groups. Only 2% of truck drivers in Ontario are women.

New Laws

Jun 2: As of today, the minimum age required to be a lifeguard, assistant lifeguard or aquatic instructor in Ontario has been reduced from 16 to 15 years of age.

Action Point: Find out about the [minimum age requirements](#) across Canada

Workplace Harassment

Jun 6: Newly tabled [Bill 124](#) would ban the use of non-disclosure agreements as part of a settlement of a workplace discrimination, harassment, sexual harassment or sexual assault claim subject to limited exceptions. The ban would also apply to non-disparagement agreements that purport to prevent victims from talking about such actions.

Action Point: Use the resources on the [Harassment Compliance Centre](#) to prevent harassment and bullying at your workplace

Health & Safety

Jul 1: Changes to [OHS Construction Project Regulations](#) requiring that PPE and protective clothing be properly fitted to women and workers of diverse sizes and body types took effect.

Health & Safety

May 17: The MOL announced that [changes](#) to OHS working at heights training rules for construction workers will take effect on April 1, 2024, including additional learning outcomes on ladders, skylights and damaged equipment and new requirements on fitting PPE to specific body types.

CASES

Accommodation: Not Exempting Disabled Worker from COVID Mask Policy Isn't Discrimination

During the COVID crisis, a food plant put a line production worker with a disability that made it impossible for her to comply with the company's mandatory face mask policy on unpaid leave. The union filed a disability discrimination grievance, claiming that the company's refusal to waive the face mask policy was a failure to accommodate. The employer insisted that allowing the worker, who because of her job was unable to maintain social distancing of 6 feet, to work without a mask would be undue hardship to the extent it would compromise the health and safety of others at the plant. The Ontario arbitrator said it agreed with the employer's decision, noting that COVID was a novel issue that nobody completely understood. This wasn't a case where "the employer could examine historical data or experience to reliably evaluate the degree of risk posed by permitting the worker to return to work without a face mask" [[United Food and Commercial Workers Canada, Local 175 v Highbury Canco Corporation](#), 2023 CanLII 55400 (ON LA), June 21, 2023].

Action Point: Make necessary [accommodations to face mask](#) rules for persons with disabilities

Workers Comp: Mental Stress Suffered as a Result of Demotion Is Not Work Related

A food services worker sought medical help for psychological stress shortly after being demoted from “cook” to “cook’s helper.” The worker claimed he was the victim of workplace harassment and discrimination, citing an incident where a co-worker allegedly pointed a knife at him and another in which somebody at work supposedly grabbed him by the jacket. The WCB denied his claim for psychological injury benefits, saying that whatever mental stress he suffered was as a result of his demotion rather than harassment. After losing his WSIAT appeal, the worker took his claim to court—but to no avail. The Ontario Divisional Court found the WSIAT ruling reasonable and refused to reverse it [[*Mihindukulasuriya v WSIAT and Aramark Food Services*](#), 2023 ONSC 3461 (CanLII), June 8, 2023].

Action Point: Find out about [workers comp coverage of mental stress claims](#) in Canada