

SEPTEMBER 2023 MONTH IN REVIEW

Ontario

LAWS & ANNOUNCEMENTS

Minimum Wage

Oct 1: Ontario's general minimum wage increases \$1.05 to \$16.55 per hour. Special minimum wages also increase for: i. students under age 18, who work 28 hours a week or less when school is in session or work during a school break or summer holidays: from \$14.60 to \$15.60; ii. homeworkers who work out of their own homes for employers: from \$17.05 to \$18.20; and iii. hunting, fishing and wilderness guides: from \$77.60 to \$82.85 per day when working less than 5 consecutive hours in day; and from \$155.25 to \$165.75 per day when working 5 or more hours in a day.

Training

Aug 8: Ontario will invest \$3.6 million to support 3 projects offering free training under the auspices of the Provincial Building and Construction Trades Council of Ontario (PBCTCO) to women and young people seeking a career in the construction trades. The province will also spend another \$5.4 million to build 3 mobile tech classrooms that will travel across the province teaching students and young people about the skilled trades.

Employment Benefits

Aug 17: FSRA [reports](#) that DB pension plans in Ontario remained financially strong during the second quarter of 2023, with the median solvency ratio reaching an all-time high of 116%. The number of plans reporting themselves to be fully funded during 2022 increased to 83%, as compared to 76% in 2021.

Employment Benefits

Aug 15: From now through Sept. 28, FSRA will be holding public consultations on [revised guidance](#) on pension plan administrator roles and responsibilities. Key issues on the table include records management, responding to complaints and timely and accurate communication of information to plan members.

CASES

Termination: Time Theft Is Just Cause to Fire Nuclear Plant Manager

A nuclear plant fired a front-line manager responsible for a 7-member crew for time theft, alleging that he: i. altered schedules to ensure that he and crew members got pay to which they weren't entitled; and ii. certified time he wasn't at work as time worked on his worksheet. Failure to answer questions honestly and cooperate with the investigation contributed to the decision to terminate. Unpersuaded by the union's contention that the supervisor's schedule swapping was common practice that "everybody else did," the Ontario arbitrator found that the evidence supported the charges and that the company thus had just cause to cut ties [[Society of United Professionals v Bruce Power LP](#), 2023 CanLII 77866 (ON LA), August 24, 2023].

Action Point: Take [6 steps](#) to prevent your employees from committing time theft

Termination: Unsafe Driving Is Just Cause to Fire a Bus Driver

A TTC bus driver lost his job after hitting a 70-year-old pedestrian crossing an intersection within a properly marked crosswalk while the light was green. TTC contended that the incident, which luckily wasn't fatal, wouldn't have happened had the driver followed his defensive driving safety training; the union claimed the incident was the result of an unfortunate mistake that couldn't have been prevented, while urging that the driver be reinstated to a non-driving position. After weighing all the evidence and the driver's disciplinary record, including an 8-day suspension for unsafe driving, the Ontario arbitrator sided with TTC and dismissed the grievance [[Toronto Transit Commission v Amalgamated Transit Union, Local 113](#), 2023 CanLII 78836 (ON LA), August 14, 2023].

Action Point: [How to create a vibrant safety culture](#) at your organization

Accommodations: Not Cooperating in Return-to-Work Process Is Just Cause to Fire Injured Worker

A 71-year-old art gallery worker complained about being bullied and harassed by her supervisor. The employer investigated and found the charges unwarranted. After taking medical leave for 2 years, she wanted to return. The employer asked her to sign a consent so it could assess her capabilities, but the worker refused. As a result, the employer terminated her. The union claimed that the request for consent to a medical assessment was harassment but the Ontario arbitrator disagreed and found that her refusal to cooperate in the return to work process by providing consent to the medical assessment frustrated her contract and was just cause to terminate [[Art Gallery of Ontario v OPSEU](#), 2023 CanLII 69409 (ON LA), August 1, 2023].

Action Point: Implement a legally sound [return to work policy](#)