

## AUGUST 2023 MONTH IN REVIEW

# Ontario

### LAWS & ANNOUNCEMENTS

#### Labour Standards

Jul 5: Reminder: Temporary help agencies (THAs) and recruiters must have a licence to operate in Ontario as of January 1, 2024. They must also provide a \$25,000 irrevocable letter of credit that can be used to repay unpaid wages. MOL inspectors have found multiple cases of THAs paying people below minimum wages and committing other ESA violations.

**Action Point:** 10 things you need to know if you hire [temporary foreign workers](#)

#### Immigration

Jul 11: Ontario is investing \$2.6 million in 4 projects to provide free training to over 300 immigrants, including displaced Ukrainians and Afghans, and help them find good jobs with local employers. The projects will be delivered in Ottawa, Toronto, Hamilton and online.

#### Workers Comp

Jul 4: Starting today, Ontario employers with a CRA business number can report their insurable earnings and make their workers comp account payments online in the form of a preauthorized debit directly through their [CRA My Business Account](#), thanks to a new collaboration between the CRA and WSIB.

### CASES

**Termination: Failing to Return Customer's Lost Money Is Just Cause to Terminate**

A meat manager buying groceries on break sees a \$100 bill fall from a customer's pocket. She very discreetly scoops it up from the floor and sticks it into her own pocket and eventually stashes it in the glove compartment of her car. The customer who dropped the bill makes a commotion and eventually leaves without buying anything. After watching the surveillance tape, the store managers realize that the manager took the money. When she shows up for her shift the next day, she's called into an investigation meeting and suspended for not turning in the money. Two days later, she's fired. The manager insists that she was intending to return the money but just hadn't gotten around to it yet. The Ontario arbitrator rules that the store has just cause to terminate for breach of trust. Failure to return the money at the time of the incident and the next day wasn't just a lapse in judgment but an act of dishonesty, the arbitrator concludes [[Metro Ontario Inc. v United Food & Commercial Workers Canada Local 175](#), 2023 CanLII 66348 (ON LA), July 21, 2023].

**Action Point:** Find out [when lying is just cause for termination](#)

### **Discrimination: Work Schedule Dispute Isn't About Family Status Discrimination**

A court reporter wanted permission to start his shift at 9:30 rather than the scheduled 9 AM so he could drop his kids off at school. Management asked him to submit a formal request for accommodation. The request was denied and the reporter eventually left the job because of the unworkable schedule and sued the employer for discrimination. The Ontario Human Rights Commission dismissed the case. Maybe he had a valid claim for constructive dismissal, it reasoned, but that's not our department; we adjudicate discrimination claims and there were no allegations suggesting that termination was based on family status or any other protected ground [[Hunter v. HMKRO \(Ministry of the Attorney General\)](#), 2023 HRT0 1081 (CanLII), July 21, 2023].

**Action Point:** Find out how far employers must go to [accommodate the scheduling needs of working parents](#)

### **Mental Stress: Firefighter's PTSD Is Work Related Under Workers Comp**

Nobody denied that an ex-firefighter developed PTSD as a result of his job. The question was whether he developed the condition because he was a firefighter or that he got fired from the job. Concluding that both were contributing factors, the WSIA Tribunal ruled that the PTSD was work-related and approved his claim for health benefits but denied him future loss of earnings since those losses were a result of being terminated, not from being diagnosed with PTSD. The employer appealed, contending that getting fired was the sole reason for the firefighter's

diagnosis. And since workers comp doesn't cover mental stress from termination and other work-related stressor, the firefighter shouldn't have gotten any benefits. But the appeal failed as the Ontario court found that the Tribunal's ruling was reasonable and refused to set it aside [*City of Toronto v WSIAT and Beebeejaun*, 2023 ONSC 3875 (CanLII), June 29, 2023].

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