

JULY 2024 MONTH IN REVIEW

Ontario

LAWS & ANNOUNCEMENTS

Employment Standards

Jul 1: New ESA rules took effect requiring temporary help agencies and recruiters to have a licence to operate in Ontario and banning employers and other clients from knowingly engaging or using the services of unlicensed agencies and recruiters.

Immigration

Jul 1: Ontario increased minimum Administrative Monetary Penalties against employers, representatives, recruiters or those who acquire financial benefit from immigration fraud from \$2,000 to \$10,000.

Action Point: Find out about the 10 things employers [need to know about hiring temporary foreign workers](#)

Immigration

Jul 4: Nurses registered with the College of Nurses of Ontario in designated classes no longer need a bachelor's degree to qualify for the Ontario Immigrant Nominee Program's Express Entry Human Capital Priorities and French-Speaking Skilled Worker streams. The OINP also increased the number of occupations eligible for the Employer Job Offer: In-Demand Skills stream from 22 to 56.

Immigration

Jul 5: Ontario and Alberta signed an 18-month agreement to work together on international credential recognition and post-journeyperson certification in an effort

to cut red tape and make it easier for internationally trained skilled workers and apprentices from one province to ply their trade in the other.

New Laws

Jul 29: Ontario opened applications for the [Skills Development Fund](#) (SDF) Training Stream. There will be up to an additional \$260 million of funding available in 2024, the biggest funding round since the SDF launched in 2021. Deadline to apply, which must be via [Transfer Payment Ontario](#): October 4.

New Laws

Jul 1: Effective today, tow truck drivers and vehicle storage operators must have a government certificate to operate in Ontario. To receive or maintain a towing certificate, tow truck drivers must complete a mandatory training program and criminal record check. Drivers found operating without appropriate credentials face risks of fines, possible impoundment and forfeiture of future certification. Ontario is the first province in Canada to require towing certification.

Privacy

Jul 5: From now through Sept. 4, Ontario will be holding [public consultations](#) on [proposed changes](#) to privacy laws governing validation, verification and authentication of requests to access a person's protected health information from Ontario Health as part of the Electronic Health Record.

Action Point: [Avoid privacy violations](#) when using digital technology to monitor employees

Workplace Violence

May 28: The Ontario Privacy Commission issued new guidance to help professionals comply with privacy laws when handling [intimate partner violence cases](#). The Commission clarifies that sharing personal information without consent is allowed, especially when there's a risk of serious harm.

Action Point: Find out [how to protect your employees](#) from the risk of workplace domestic violence

Accessibility

Aug 29: Consultations close on improving [accessibility standards for public spaces](#) under the AODA. The review focuses on enhancing sidewalks, parking, play areas, and indoor elements, with improved barrier-free requirements in the *Ontario Building Code*.

Action Point: Find out more about [accessibility laws across Canada](#)

CASES

Labour Relations: Court Upholds Law Ending 2017 College Academic Staff Strike

In November 2017, Ontario enacted legislation to end a 5-week strike by academic staff at the 24 Colleges of Applied Arts and Technology across Ontario affecting approximately 257,000 full-time students, 78,000 part-time students and 1,400 apprentice students. The union sued, claiming that by forcing the sides to resolve their disputes by binding arbitration violated employees' Charter freedoms of association and right to strike. The government claimed the legislation was justified to save the academic year and prevent the turmoil that the year's loss would have caused to college students. The Ontario court agreed, dismissed the lawsuit and ordered the union to pay legal costs of \$100,000 [[OPSEU v. Ontario](#), 2024 ONSC 3644 (CanLII), July 11, 2024].

Termination: 10 Years of Seniority Doesn't Save Job of Worker Fired for Safety Violations

Without making the required risk assessment and after locking out some but not all energy sources, a brewery worker climbed to the upper level of a palletizer machine and reached into the hoist over an opening in an attempt to remove a stuck case of beer. When he couldn't pull the case out, he instead swung it out and let it drop to the ground. Some of the glass beer bottles shattered, creating a safety risk for workers below. While acknowledging that the safety violations were worthy of discipline, the union contended that termination was too harsh a penalty, particularly given the worker's 10 years of service. But the arbitrator ruled that the company had just cause to dismiss. The Ontario court found the ruling reasonable and dismissed the union's appeal [[SEIU, Local 2 v. Labatt Breweries Ontario Canada](#), 2024 ONSC 3881 (CanLII), July 12, 2024].

Action Point: Find out how to implement a legally sound [progressive discipline policy](#) at your workplace

Telecommuters: Remote Workers Count Toward 20-Worker Threshold for Requiring a Safety Committee

Section 9(2)(a) of the *OHS Act* requires a JHSC at each workplace where 20 or more workers are “regularly employed.” The MOL ordered a media company to establish a JHSC for a warehouse after determining that 26 workers were regularly employed at the site. The company claimed that there were actually fewer than 20 such workers at the site and that the MOL shouldn’t have counted remote workers who work from home as regularly employed. The Ontario Labour Relations Board ruled against the company, citing previous cases upholding the MOL’s “dispersed workplace” policy of including workers who spend little or no time at but are still associated with a particular workplace as counting toward the 20-or-more worker threshold. The remote workers in this case listed the warehouse as their business address in their email signatures, came to the warehouse on a regular basis—albeit for only a short time—and exercised “clear managerial authority over” warehouse operations [*Postmedia Network Inc. v A Director under the OHS Act*, 2024 CanLII 61005 (ON LRB), June 12, 2024].

Action Point: Find out how to implement a legally sound telecommuting policy at your workplace