

JUNE 2024 MONTH IN REVIEW

Ontario

LAWS & ANNOUNCEMENTS

Employment Benefits

Jun 4: FSRA released [updated guidance](#) for pension plan administrators to clarify the limits pertaining to retroactive amendments that negatively impact members, such as contribution rate changes. The guidance also addresses indexation formula changes and notice requirements for adverse amendments.

Payroll

Jun 20: Under newly effective employment standards rules, employers that pay wages by direct deposit must ensure that the employee selects the account. Employers may not limit employees' choices, such as by requiring them to use an account at a particular bank. They must also change the deposit account if the employee requests it in writing.

Action Point: Find out about the [wage payment method rules across Canada](#)

Payroll

Jun 21: Effective today, employers must pay tips or other gratuities by cash, cheque or direct deposit. If payment is by cash or cheque, it must be made at the workplace or another place that the employee agrees to in writing or electronically. If payment is by direct deposit, the employee must select the account.

Action Point: Find out when [tips and gratuities are subject to EI and CPP deductions](#)

Payroll

Jun 21: Starting today, employers that have a policy about the employer or its director or shareholder sharing in a tip pool, they must post a copy of the policy in a clearly visible place in the workplace where workers are likely to see it. The new *Employment Standards Regulations* don't require employers to establish such a policy or specify what the required poster must list.

Vacation

Jun 21: Changes to the *Employment Standards Act* clarify that employees must make a written agreement with the employer for the employer to be able to pay vacation pay on every pay cheque or at an agreed-upon time. Such agreements may not be verbal.

Action Point: Find out how to implement a legally sound [Vacation Pay Compliance Game Plan](#) at your workplace

Training

Jun 6: Ontario invested \$5 million in new micro-credentials to [train students](#) for in-demand jobs in health care and advanced manufacturing. They funded 88 projects, including cybersecurity for healthcare professionals, manufacturing skills at Fanshawe College, Indigenous relations at First Nations Technical Institute, EV charging infrastructure at Mohawk College, and business management for healthcare professionals at Université de Hearst.

Labour Standards

Jul 1: New [ESA rules](#) take effect making it mandatory for recruiters and temporary help agencies to hold a licence to operate in Ontario. Employers that knowingly engage unlicensed temp agencies face penalties of \$15,000 for a first offence, \$25,000 for a second offence and \$50,000 for a third and subsequent offence during a 3-year period.

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

New Laws

Jul 19: That's the last day to provide [public feedback](#) on what Ontario should do to [improve its current anti-human trafficking strategy](#). Should we stay the course,

revise the strategy or adopt a whole new plan, the government wants to know.

Accessibility

Jun 5: Consultations on improving [accessibility standards for public spaces](#) under the AODA will close on August 29, 2024. The review focused on enhancing sidewalks, parking, play areas, and indoor elements, with improved barrier-free requirements in the Ontario Building Code. The Design of Public Spaces Standards Development Committee, formed in 2021, drafted 127 recommendations and sought [public feedback](#) before finalizing their report.

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

Privacy

Jun 5: In its 2023 Annual Report, Ontario's Information and Privacy Commissioner called for [stronger privacy protections](#), a more consistent privacy regime, AI regulations and better digital protections for children. The report notes a 34% rise in unauthorized information access, more freedom of information requests, and ongoing issues with misdirected faxes in healthcare.

Privacy

Jun 17: New Ontario Privacy Commission guidance offers [practical advice](#) for public sector organizations on privacy and transparency when contracting with third-party service providers. It includes best practices and recommendations to ensure accountability for records and personal information throughout the procurement process.

Action Point: Find out the 12 things you should do to [prevent data breaches](#) at your workplace

Harassment & Violence

May 28: The 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: Use the HR Insider template to create a [Psychological Safety Policy](#) for your own workplace

CASES

Pay Equity: Court Nixes Female Employee's Pay Equity Claim & Orders Her to Pay Legal Costs

A Township's pay equity plan provided for small retroactive wage increases to 2 of its 3 female employees. The third member of that group claimed that she also deserved a pay increase and brought a lawsuit challenging the plan's validity. After extensive hearings, the Ontario pay equity tribunal accepted the pay equity plan and the employee appealed. But it proved to no avail. The court ruled that the tribunal's decision was "transparent, intelligible and justified in law and fact." It also pooh-poohed the employee's contention that the legal system was unfairly stacked against women and ordered the employee to pay \$7,000 to cover the Township's legal costs [[Trumble v. Pay Equity Hearings Tribunal](#), 2024 ONSC 3036 (CanLII), May 29, 2024].

Action Point: Find out more about [pay equity laws](#) and their practical impact on operations

Termination: City Can't Prove Daycare Centre Employee Abused Children

A daycare centre early learning instructor got fired amid accusations of having engaged in inappropriate conduct with children. The employer cited 2 incidents. In the first, the instructor was accused of making a child cry by pulling on his ear; that same day, the instructor allegedly threatened another child with a hand sanitizer. The instructor denied both accusations. After hearing all of the evidence, the Ontario arbitrator upheld the instructor's grievance finding that the employer's witness lacked credibility and that her testimony was inconsistent. And because the employer, didn't meet its burden of proving that the events actually occurred the way it claimed, it had to immediately reinstate the instructor, albeit without backpay [[Toronto \(City\) v CUPE, Local 79](#), 2024 CanLII 56104 (ON LA), June 17, 2024].

Health & Safety: Construction Company, Director Fined \$117,500 for Fatal Roof Fall

A worker was standing on a two-by-four inch wood strapping while using a cordless framing nailer to install roof trusses at a construction project. The strapping broke and the worker, who wasn't wearing fall protection, fell 5.08 meters from the roof and was struck by the nailer. The results were fatal and the employer and corporate director were fined \$82,000 and \$32,500, respectively, for failing to ensure the roofing crew used required fall protection [[VanHeugten Contractors Inc., Kyle VanHeugten](#), MOL News Release, May 16, 2024].