

Ontario

LAWS & ANNOUNCEMENTS

Minimum Wage

Oct 1: Ontario's general minimum wage increased 3.9% for inflation from \$16.55 to \$17.20 per hour. Ontario has the nation's fifth highest minimum wage trailing only Nunavut, Yukon, BC, and the Federal jurisdiction.

Employment Standards

Oct 28: Newly passed [Bill 190](#), *Working for Workers Five Act, 2024*, requires employers to disclose in job postings whether the job is an existing position and provide follow-up communication with all applicants who interview for the position. The law also doubles the maximum fine for an *Employment Standards Act* violation from \$50,000 to \$100,000.

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

Leaves of Absence

Oct 28: Ontario passed [Bill 190](#), *Working for Workers Five Act, 2024*, banning employers from requiring employees to provide a doctor's note, i.e., certificate from a qualified health practitioner, to take sick leave, effective today.

Action Point: Find out about the [rules determining whether you can ask employees for a doctor's note](#).

New Laws

Oct 28: Royal Assent for new legislation ([Bill 190](#), *Working for Workers Five Act, 2024*) that makes it easier for people to enter the skilled trades by creating a new: i. Focused Apprenticeship Skills Training ("FAST") program for high school students to get apprenticeship training alongside their regular studies; ii. Online job portal to help apprentices, journeypersons, and employers to connect for networking and job opportunities; and iii. Alternative paths into skilled trades for career changes allowing individuals with professional experience to bypass strict academic requirements.

Workplace Harassment

Oct 28: By passing the *Working for Workers Five Act, 2024* ([Bill 190](#)), Ontario added cyber and virtual harassment to the definitions of "workplace harassment" and "sexual harassment" contained in the *OHS Act*.

Action Point: Find out how to implement a legally sound [workplace violence and harassment investigations policy](#) at your workplace.

Privacy

Oct 29: Significant new legislation, [Bill 194](#), that would create privacy, cyber security, and ethical standards for handling of AI and digital public information by government officials, passed Second Reading. *The Strengthening Cyber Security and Building Trust in the Public Sector Act* requires public agencies to establish policies for collection, use, and disclosure of private information, strengthen cybersecurity, and report data breaches.

Action Point: Find out how to guard against ChatGPT and AI risks by implementing a legally sound [workplace artificial intelligence use policy](#).

Health & Safety

Oct 28: Newly passed [Bill 190](#), *Working for Workers Five Act, 2024*, makes some important changes to OHS laws, including a new employer duty to provide menstrual products at construction sites with at least 20 workers for projects expected to last 3 months or more and to provide clean and sanitary washrooms for workers, along with records of cleaning activities.

Health & Safety

Oct 1: The Office of the Employer Adviser published a new [Tip Sheet](#) to help Ontario employers fill out the WSIB Form 7, aka, the Employer's Report of Injury/Disease. Employers must submit Form 7 to the WSIB within 3 days of learning about the injury or illness.

Workers' Comp

Oct 28: [Bill 190](#), *Working for Workers Five Act, 2024*, which has passed the Ontario Assembly and taken effect, expands presumptive coverage for occupational cancers, heart injuries, and post-traumatic stress disorder to wildland firefighters and fire investigators. It also adds primary-site skin cancer to the list of presumed to be work-related for firefighters and investigators with at least 10 years of service before being diagnosed.

CASES

Labour Relations: Employees Entitled to Wages for Mandatory Safety Recertification Training Time

After paying food service representatives (FSRs) wages for their hours in completing mandatory food handling recertification, the hospital implemented a new policy: From now on, FSRs would have to take recertification during non-work hours

without being paid wages for the time. The union objected and the Ontario arbitrator upheld the grievance. While the education leave provisions of the collective agreement didn't expressly address recertification, the arbitrator reasoned that the obligation of employers to pay for the demands they make on an employee's time "is a cornerstone of the employment relationship." Bottom line: The hospital had to pay the FSRs wages for their time receiving recertification [[CUPE, Local 5180 v Trillium Health Partners](#), 2024 CanLII 95450 (ON LA), October 2, 2024].

Workplace Harassment: Company Jumps the Gun in Pooh-Poohing Worker's Harassment Complaint

A Chanel employee got an earful from her manager after sending him an email complaining about lack of management support. He "trivialized and ridiculed" my concerns and used a "condescending and harsh" tone, the employee complained to company higher-ups. In reply, she received a verbal and written warning; a month later, she got fired. So, she filed a reprisal claim contending that she got fired for complaining of workplace harassment. Chanel denied the charge, insisting that the manager's conduct didn't rise to the level of harassment. But the Ontario Board refused to toss the case. Maybe the manager committed harassment or maybe he didn't. The point wasn't the characterization of the conduct but that the employee suffered adverse action as a result of **raising the issue** of workplace harassment and thus seeking to enforce the company's OHS duty to prevent it from occurring. Firing her without investigating the allegation was thus enough to make out a valid legal claim for harassment warranting a hearing [[Catherine Sapone v Chanel Canada ULC](#), 2024 CanLII 96745 (ON LRB), September 19, 2024].

Action Point: Use the HR Insider [template](#) to create your own workplace harassment and violence policy.

Health & Safety: Failing to Document Driver Safety Training Results in \$160,000 Fine

A waste collection truck tipped over and fell into a ditch, killing the driver who was operating the vehicle from the right side. While the company had a training program for drivers, trainers didn't have a checklist to document that new drivers met all the required competencies before being allowed to operate the vehicle from the right side. As a result, the company was fined \$160,000 after pleading guilty to failing to provide information, instruction and supervision to ensure workers were able to operate the vehicle safely [[Norfolk Disposal Services Limited, MOL Press Release](#), September 27, 2024].