

December 2024 MONTH IN REVIEW

Ontario

LAWS & ANNOUNCEMENTS

Leaves of Absence

Ontario announced plans to propose a new 16-week job-protected leave for adoptive parents and parents through surrogacy. The new *Employment Standards Act* leave would align with upcoming changes to EI adoption benefits by ensuring that employees have adequate time to meet the demands of the adoption or surrogacy process.

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

Leaves of Absence

Heads up, Ontario employers. The government will soon propose new *Employment Standards Act* legislation providing unpaid long-term illness leave of up to 27 weeks for employees who can't work due to cancer, multiple sclerosis, Crohn's, or other serious medical conditions.

Privacy

Ontario passed important new legislation, [Bill 194](#), that establishes privacy, cyber security, and ethical standards for handling of AI and digital public information by government officials. Among other things, *The Strengthening Cyber Security and Building Trust in the Public Sector Act* requires public agencies to establish policies for collecting, 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](#).

Immigration

To crack down on immigration scammers, Ontario is planning to introduce legislation enabling the province to create standards that immigration representatives must meet when assisting individuals or employers with

their [Ontario Immigrant Nominee Program](#) applications. Violators will be subject to fines and multi-year and lifetime bans.

Immigration

Ontario launched the second round of its [Skills Development Fund \(SDF\) Capital Stream](#) offering over \$74 million in funding to build, expand and retrofit training facilities for workers in the trades, including construction, manufacturing technology and health care. The government is also investing nearly \$5 million from the first round of the SDF Capital Stream with the International Union of Operating Engineers to build a new crane training facility for over 1,600 workers in Barrie.

New Laws

Newly passed legislation honouring veterans ([Bill 218](#)) includes provisions that make it easier and faster for current and former members of the Canadian Armed Forces (CAF) and their spouses to secure the credentials they need to start a career in the skilled trades. Ontario will also invest \$2.4 million through the Skills Development Fund to provide free training for CAF members and veterans in tech and cybersecurity careers.

New Laws

The newly passed provincial budget bill ([Bill 216](#)) includes *Construction Act* amendments designed to help Ontario construction contractors get paid on time and resolve contract disputes more efficiently.

Employment Benefits

DB pension plan funding in Ontario remains solid despite a 2% drop in the overall funded position to 121%, according to FSRA's newly released [Q3 2024 Solvency Report for Defined Benefit Pension Plans](#). The decrease breaks the string of 7 consecutive quarters of increases to the median projected solvency ratio. As in the second quarter, 90% of pension plans were projected to be fully funded on a solvency basis and only 2% of plans had a solvency ratio below 85%.

Employment Benefits

Newly published [regulations](#) establishing a framework for multi-employer pension plans to offer target benefit plans will take effect on January 1, 2025. Target benefit pension plans provide a monthly stream of retirement income to employees at a predictable cost for employers. Multi-employer pension plans offering target benefits are often created by a union or association within a specific industry, especially industries involving skilled trades.

Employment Benefits

From now through January 10, the Ministry of Finance will be taking [comments](#) on a [proposal](#) to amend current pensions laws to allow for Variable Life Benefits, a type of plan that provides retiree members a lifetime stream of monthly payments based on

the VLB fund's actual rate of return relative to its expected return, and the mortality experience of members.

Discrimination

The Ontario Human Rights Commission launched a new [Human Rights Impact Assessment for AI Technologies](#) a tool to help employers vet their AI use applications for potential discrimination.

Action Point: Use the HR Insider [AI Bias Audit Template](#) to uncover and rectify potential discrimination risks in your current artificial intelligence applications.

Health & Safety

Ontario tabled [Bill 222](#) adding new heat stress protections to the *OHS Act*. Under the proposed Worker Heat Protection Standard, employers would have to implement heat stress prevention programs providing for hazard assessment, training and implementation of controls. Workers would also be guaranteed pay for their time in heat stress rest, break, removal protection, and time.

Action Point: Get a jump on the new OHS requirements by finding out how to implement a legally sound [Heat Stress Compliance Game Plan](#) at your workplace.

Workers' Comp

The WSIB announced that it's reducing 2025 average workers' comp premiums From \$1.30 to \$1.25 per \$100 of insurable payroll, the lowest rate in nearly 50 years. Maximum insurable earnings will increase from \$112,500 to \$117,000. In February, the agency will also distribute one-time rebates to eligible employers who meet OHS safety standards, such as not having been convicted of an OHS offence more than once since 2020.

CASES

Drugs & Alcohol: Disheveled Appearance + Sleeping on Job = Just Cause for Drug Testing Bus Driver

TTC ordered a bus driver to undergo for-cause drug testing after catching him sleeping in his vehicle parked on a residential street during work hours. The test came back positive for marijuana and TTC fired the driver for violating its fitness for duty policy. While acknowledging that sleeping on the job is a violation, the union insisted it wasn't reasonable cause for testing. But the Ontario arbitrator disagreed. The driver wasn't just sleeping on the job; he was sweaty and his uniform and appearance were "disheveled," suggesting that he might be impaired. And that was enough to justify testing given that the driver was a safety-sensitive employee [[TTC v ATU, Local 113](#), 2024 CanLII 106159 (ON LA), November 1, 2024].

Action Point: Find out [how to create a legally sound drug testing policy](#) at your workplace.

Discrimination: Employee from Newfoundland Can't Prove His Coworker Made "Newfie" Jokes

The Ontario Human Rights Commission dismissed the race, ancestry, and place of origin discrimination case of an employee who claimed his coworker ridiculed him during a meeting because he was from Newfoundland. After hearing from the witnesses, the Commission concluded that the allegations of the coworker's making jokes and derogatory comments about Newfoundlanders—such as "everybody makes Newfie jokes"—lacked credibility [*Cribb v. Haakon Industries*, 2024 HRTO 1608 (CanLII), November 13, 2024].

Payroll: Contractor Fined \$50,000 for Failure to Submit EHT Returns and Statements

Ontario fined a safety training firm/scaffolding contractor \$50,000 for allegedly failing to submit required annual Employer Health Tax returns to the Ministry of Finance over a 5-year period starting in 2017. The government also contends that the firm didn't deliver 38 EHT tax statements and remittances due over roughly the same period [*T.H.A.T. Group*, [Govt. Press Release](#), November 13, 2024].