

# Ontario

## LAWS & ANNOUNCEMENTS

### Employment Standards

Jul 1: New gig worker protections under the *Digital Platform Workers Rights Act* are now in effect, including entitlement to minimum wages, recurring pay periods and pay days, written information from the employer when gaining access to and being removed from the company's digital platform, termination notice, settle disputes in Ontario, and be protected from reprisals.

**Action Point:** Find out more about the [new Ontario gig worker protection law](#) and what you must do to comply with it.

### Employment Standards

Jul 1: Newly effective [ESA regulations](#) require employers with 25 or more employees to give new employees written information on their first day—or as soon thereafter as practicable—listing the company's legal and operating name, contact information, a description of where the employee will work, starting pay, pay period, pay day, and expected hours of work.

**Action Point:** Find out more about the new [Ontario ESA written information for new workers rules](#) and how to comply with them.

### Employment Standards

Aug 1: That's the deadline [to comment](#) on a proposal that would cut red tape by requiring temporary help agencies to renew their recruiter licence every 2 years, rather than every year as the *Employment Standards Act* currently requires. The application fee would also go from \$750 per year to \$1,500 every 2 years. If approved, the changes will take effect on January 1, 2026.

### Discrimination

May 29: The Ontario Human Rights Commission issued a new [Policy Statement](#) offering guidance to employers on how to appropriately hire for Indigenous-specific positions without violating the *Human Rights Code*. Among other things, the guidance clarifies that employers should verify the Indigenous identity of candidates applying for positions legitimately favouring Indigenous applicants and guard against false claims by applicants pretending to be Indigenous to get the job.

**Action Point:** A key takeaway from this story is that employment [DEI programs that favour Indigenous peoples, women, the disabled and other historically disadvantaged groups aren't a form of illegal discrimination in Canada the way they are in the U.S.](#) Find out how to implement an effective [diversity, equity, and inclusion policy](#) at your workplace.

### Employment Benefits

Jun 12: Although down 3 percentage points from the previous quarter, the median solvency ratio of defined benefit pension plans in Ontario remains healthy at 119%,

according to FSRA's new [Q1 2025 Solvency Report](#). The percentage of plans projected to be fully funded on a solvency basis as at March 31, 2025 was 89%, compared to 91% as at December 31, 2024. Only 3% of plans had a solvency ratio below 85%, a 1% increase over last quarter.

### **New Laws**

Jun 5: The Assembly passed [Bill 2](#), the [Protect Ontario through Free Trade within Canada Act](#), authorizing the government to enter into reciprocal free trade and labour mobility agreements with other provinces. Under previous rules, workers from other jurisdictions must register with and get the approval of an Ontario government authority before working in the province.

### **New Laws**

Jun 24: Ontario began accepting applications for funding under the new [Rural Ontario Development \(ROD\) program](#) supporting projects to promote economic growth, protect jobs and improve infrastructure in small communities under 4 streams: Economic Diversification, Competitiveness, and Capacity Building; Workforce Development, Attraction, and Retention; Community Infrastructure Enhancements; and Business Development. Deadline [to apply](#): September 24.

### **New Laws**

Jun 24: Ontario launched a new [Action Plan](#) to promote high-quality made-in-Ontario wood building products. The strategy is to increase the manufacture and use of prefabricated and modular wood-based building materials, aka, advanced wood construction, to make home building faster and more efficient and bolster the forestry sector against the harms of U.S. tariffs.

### **Health & Safety**

May 28: If and when [Bill 30](#) (the *Working for Workers Seven Act*) passes, Ontario MOL inspectors will be allowed to issue Administrative Monetary Penalties (AMPs) against companies and individuals that commit OHS violations in amounts to be determined by regulations. As in other provinces, those on the receiving end of an AMP will have the right to appeal.

**Action Point:** Find out how to survive OHS and other [surprise government inspections](#).

### **Health & Safety**

May 12: Ontario MOL inspectors can now issue compliance commitments instead of orders for low risk or administrative OHS violations to employers who make a commitment to comply with the law within a certain time period set by the inspector. Issuing compliance commitments will be left to inspectors' discretion based on the violator's history and other factors.

### **Health & Safety**

May 29: [Bill 36](#), which passed First Reading, adds a new section to the Ontario OHS Act mandating the MOL to implement a Worker Heat Protection Standard requiring employers to ensure that all employees receive heat stress training and be paid for training time at their regular rate. The MOL would also have to provide annual

reports on its enforcement of the Standard.

**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**

May 28: Newly proposed legislation makes failure to pay workers' comp premiums an offence subject to administrative penalties. [Bill 30](#) also lists "aggravating factors" that would increase administrative penalty amounts while creating a new maximum \$750,000 per conviction fine against persons convicted of 2 or more counts of the same *Workplace Safety and Insurance Act* offence in the same legal proceeding.

## **CASES**

### **Employment Contract: Delivery Workers Can't Bring Class Action Lawsuit Against Amazon**

Roughly 73,000 delivery employees filed a \$250 million class action lawsuit against Amazon for breach of contract, bad faith and other alleged wrongdoings. Before addressing the merits of the case, the court had to decide whether it could be brought as a class action. The judge said no. The group of 57,000 driver associates couldn't bring a class action against Amazon because they were employed by third-party delivery-service partner companies who were independent from Amazon. Although the 16,000 delivery partners were employed directly by Amazon, they had different kinds of employment arrangements with the company. The only thing they had in common was that they all downloaded and used the Amazon Flex App to accept and report their delivery assignments. And that wasn't enough to justify bringing the case in a single class action lawsuit. The Ontario Court of Appeal found the lower court ruling to be reasonable and refused to overturn it [[Davis v. Amazon Canada Fulfillment Services](#), 2025 ONCA 421 (CanLII), June 10, 2025].

**Action Point:** The Amazon case is part of a growing wave of class action employment lawsuits by drivers, couriers, delivery persons, and other gig workers. Find out about current [employment law protections for gig workers](#).

### **Termination: Demotion of Exec Returning from Maternity Leave Is Constructive Dismissal**

After twice deferring, an advertising company gave an Executive VP making \$300,000 per year the green light to return from extended maternity leave. The catch: She had to return to her pre-promotion position paying \$210,000. The VP claimed the demotion constituted constructive dismissal. The Ontario court agreed and awarded her 12 months' termination notice of \$290,000 and \$40,000 in moral damages. But the court also rejected her discrimination claim because there was no evidence that the VP's gender or maternity factored into the firm's decision to promote her [[McFarlane v. King Ursa Inc.](#), 2025 ONSC 3553 (CanLII), June 18, 2025].

**Action Point:** Find out about the [13 most common constructive dismissal liability pitfalls](#) and what to do to manage each one.

### **Social Media: Sexist Texts about Coworker on Private App Are Just Cause to**

## **Terminate**

A government transportation agency terminated 5 employees for posting derogatory and sexist texts about coworkers on the online “WhatsApp” group, including allegations that a certain “Ms. A” performed sexual favors for career advancement. The union grieved and the Ontario arbitrator reinstated all 5 employees after finding no justification to terminate for off-duty conduct. Rather than giving the labour arbitrator the usual deference, the court found that the ruling in this case was unreasonable and reversed it, setting up a final showdown before the province’s top court, the Court of Appeal. **Result:** The agency won. The Court ruled that there was just cause to terminate and that the arbitrator was wrong to conclude that the WhatsApp texts were private communications because the employees made them using their personal cell phones and that they had no negative impact on the workplace because Ms. A didn’t file a complaint with HR [[Metrolinx v. Amalgamated Transit Union, Local 1587](#), 2025 ONCA 415 (CanLII), June 6, 2025].

**Action Point:** The notion that texts and other social media communications by employees are purely private is a myth. Employers can, in fact, discipline employees for social media postings that harm a company’s employees or business. But you must have a legally sound HR policy. Use the HR Insider template to create your own [Social Media Use Policy](#).

## **Employment Standards**

The MOL ordered a private school to pay \$185,000 in unpaid wages to 14 employees. When the school didn’t comply, the MOL issued an order to pay to the school’s corporate director. When the director didn’t comply, the MOL took the school and the director to court, which found both defendants guilty of failing to comply with the respective orders to pay wages and fined them \$410,000, plus the wages they still owed to the unpaid employees [*Ontario International College Inc. and Anchuan Jiang*, [MOL Press Release](#), May 28, 2025].