

Ontario Announces New Working for Workers Act, 2023 and Increase to Minimum Wage

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The Ontario government recently announced that it intends to introduce the *Working for Workers Act, 2023* (Bill 79). If passed, Bill 79 would amend the *Employment Standards Act, 2000* (the ESA), the *Occupational Health & Safety Act* (OHSA) and the *Employment Protection for Foreign Nationals Act, 2009* (the EPFNA) in the following ways:

1. The reservist leave provisions in the ESA will be changed to make the leave available to all employees, regardless of length of service, where they are being deployed to emergency operations within Canada. For all other deployments, employees will only have to be employed for at least two months rather than three. Reservist leave will also be made available to employees who require time away from work to attend to or seek treatment for injuries or illnesses related to the deployment.
2. The government will introduce regulations to the ESA requiring employers to provide employees with the following information before they start working: rate of pay, work location and hours of work.
3. The rules regarding group terminations will be amended to ensure that home-based employees are included in the definition of “establishment” in the ESA, thus ensuring that they are counted for the purposes of determining whether the thresholds for enhanced termination entitlements are met and will receive those enhanced entitlements upon termination of employment.
4. Licensing requirements in the ESA for temporary help agencies will be enhanced, with a particular focus on agencies or entities who assist with the recruitment and employment of foreign nationals.
5. Group termination provisions in the ESA will also be amended to require that the employer provide copies of the Form 1 to both the Director of Employment Standards and to each employee impacted by a group termination. Form 1 contains information regarding the proposed group termination and serves as the employer’s notice of the group termination to the Director. It sets out the number of employees impacted by the termination and requires that the employer provide information regarding the economic circumstances surrounding the termination, along with information regarding alternatives to termination that were considered by the employer.
6. The maximum fine that could be imposed on a corporation convicted of an offence under OHSA will be increased from \$1.5 million to \$2 million.
7. The EPFNA will now provide for increased fines for employers and other individuals who are convicted of taking possession of, or unlawfully retaining a foreign national’s passport or work permit.

The amendments to the ESA have various commencement dates. Most of the amendments noted above

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will come into effect when Bill 79 receives Royal Assent, with the following exceptions: (i) the amendments to the group termination provisions will come into effect on the *later of* July 1, 2023 or the date that Bill 79 receives Royal Assent; (ii) the amendments to the licensing provisions of the ESA will come into effect at the same time that the ESA's other new licensing provisions for temporary help agencies and recruiters become effective, which has not yet been determined; and (iii) the government has yet to announce when it intends to amend the regulations to the ESA to require employers to provide specific information regarding rate of pay, place of work and hours of work to new hires or when such amendments would be effective.

Finally, the Ontario government has announced that the province's minimum wage will be increased to \$16.55 per hour as of October 1, 2023. The current minimum wage is \$15.50 per hour.

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