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Ontario Introduces Working for Workers Five Act, 2024

Laurie Jessome

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On May 6, 2024, the Ontario government introduced the *Working for Workers Five Act, 2024* (Bill 190), which is intended to amend several employment-related statutes in the province, including the *Occupational Health & Safety Act* (OHSA), the *Employment Standards Act, 2000* (ESA) and the *Workplace Safety & Insurance Act* (WSIA). If passed in its current form, Bill 190 would:

- Amend the ESA to require employers to disclose in a publicly advertised job posting whether the posting is for an existing vacancy or not;
- Require employers to respond to job applicants that they interviewed for publicly advertised job postings within a prescribed period of time;
- Require employers to maintain records of information provided to interviewees for a period of three years;
- Open the door to further regulations prescribing the information that must be provided to interviewees and the form in which such information must be provided. A definition of the term “interview” may also be added to the ESA’s regulations;
- Ban employers from requiring an employee to provide a sick note to show evidence of the employee’s entitlement to ESA sick leave;
- Increase the maximum fine for individuals convicted of an offence to $100,000 and increase the administrative monetary penalties for repeat offenders;
- Amend the OHSA to include private residences where telework is performed within its scope;
- Update the definitions of “workplace harassment” and “workplace sexual harassment” in OHSA to specifically include harassment that takes place virtually;
- Clarify that joint health & safety committees can meet virtually; and
- Require all employers to ensure that washroom facilities provided for worker use are clean and sanitary.

Bill 190 would also amend the WSIA to extend presumptive coverage to firefighters, fire investigators, and wildland firefighters for certain fire-related conditions. In connection with Bill 190, the Ontario government has also announced changes to O.Reg. 213/91 under OHSA, which will require constructors to provide menstrual products on any worksite with 20 or more workers and where the project is expected to last three or more months. Such products must be provided in an accessible and reasonably private manner. This requirement will come into effect as of January 1, 2025.

Currently, the government is inviting feedback on Bill 190 and has set a deadline of June 10, 2024, for the submission of such comments. We will continue to monitor the progress of Bill 190 and report on any developments.

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