

ONTARIO GOVERNMENT PROPOSES SOME "STRONG" CHANGES TO WORKPLACE LAWS

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The Ontario government introduced new legislation on July 16, 2014 to amend various employment and labour statutes. The legislation, called the *Stronger Workplaces for a Stronger Economy Act*, would make the following changes if enacted:

A. To the *Employment Protection for Foreign Nationals Act, 2009*. The Act would:

1) Expand the scope of this legislation, which currently only applies to live-in caregivers employed in Ontario, to all foreign nationals in an immigration or foreign temporary program employed or seeking employment in Ontario.

B. To the *Employment Standards Act, 2000*. The Act would:

1) Require employers to provide their employees with the most updated informational poster from the Ministry of Labour. Employers would also be required to provide translations of the information where necessary.

2) Tie the minimum wage to the Ontario Consumer Price Index. The new minimum wage would be announced each year on April 1st, and would come into force on October 1st of the same year.

3) Provide new protections for assignment employees. Temporary help agencies and their clients would be required to maintain certain records in respect of assignment employees, and would also be held liable for certain unpaid wages owing to assignment employees.

4) Allow employment standards officers to examine an employer's records or practices to determine whether the employer is in compliance with the *Employment Standards Act*. The officer would be required to give written notice to the employer before the examination.

5) Remove the \$10,000 cap on wages an employment standards officer could award to an employee owed by an employer.

6) Extend the time limit employees could recover wages against employers from six months, or one year in

certain cases, to two years.

C. To the *Labour Relations Act, 1995*. The Act would:

- 1) Decrease the period trade unions could apply to the Ontario Labour Relations Board for certification on behalf of employees in a construction industry bargaining unit, from three months to two months.
- 2) Decrease the period that unionized construction industry employees can apply to the Ontario Labour Relations Board for a declaration that a trade union no longer represents their bargaining unit, from three months to two months.

D. To the *Occupational Health and Safety Act, 1990*. The Act would:

- 1) Expand the definition of 'worker' to include: secondary, or post-secondary students who participate in an authorized program for no monetary compensation; a person who receives training from an employer but who is not yet an employee; and other persons who provide work for an employer for no monetary compensation.

E. To the *Workplace Safety and Insurance Act, 1997*. The Act would:

- 1) Add the definition of 'temporary help agency' to this Act. This definition includes employers whose primary business is lending or hiring its workers to other employers on a temporary basis for a fee.
- 2) Assign any workplace injury and accident costs a temporary worker suffers to the employer, not the temporary help agency that lent out the worker's services.
- 3) Mandate the employer give notice to the Workplace Safety and Insurance Board within three days of a temporary worker's injury, if the worker required healthcare or is unable to earn full wages. The employer could also be charged a fine for failing to comply with this notice requirement.

The proposed legislative amendments have only just passed First Reading. It is unclear whether the Ontario government intends these legislative amendments to receive Royal Assent, or whether these amendments themselves will be adjusted in the coming months. Updates will follow as the bill passes through its next stages.

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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