

PROPOSED CHANGES TO EMPLOYMENT IN ONTARIO: *WORKING FOR WORKERS FIVE ACT, 2024*

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On May 6, 2024, the Ontario government introduced Bill 190, the *Working for Workers Five Act, 2024* (“**Bill 190**”), which is the fifth Bill in a series of legislative changes meant to strengthen workplace protections for employees.

Proposed changes include increased transparency requirements in the recruitment process, stricter penalties for violations of both the *Employment Standards Act, 2000* and *Occupational Health and Safety Act*, expanded support for women in the workplace, and simplifying registration for internationally trained workers.

If passed, Bill 190 will create the following changes:

Strengthened Protections for Jobseekers and Employees

- Employers will be required to disclose in job postings whether the posting is for an existing vacancy and will be required to respond to applicants who have interviewed for a position (though the details of what this response must include remain to be determined).
- The maximum fine for employers in breach of the *Employment Standards Act, 2000* will double from \$50,000 to \$100,000
- Employers will be prohibited from requiring an employee to provide a certificate from a qualified health practitioner (i.e., a doctor’s note) as evidence of their entitlement to sick leave.

Increased Health and Safety Requirements in the Workplace

- Employers will be required to provide menstrual products on construction sites with at least 20 workers for projects that last three months or more;
- Employers will be required to provide clean and sanitary washrooms for workers, with regulated record-keeping of cleaning activities; and
- The definitions of “workplace harassment” and “sexual harassment” in the *Occupational Health and Safety Act* will be updated to include virtual forms of harassment.

Enabling Growth in the Trades

Bill 190 would open pathways for people to enter the skilled trades. This would be accomplished by steps including:

- Introducing the Focused Apprenticeship Skills Training (“**FAST**”) program for high school students to get apprenticeship training alongside their regular studies;
- Launching an online job portal to help apprentices, journeypersons, and employers to connect easily for networking and job opportunities; and
- Creating alternative paths into skilled trades for career changers based on professional experience, bypassing strict academic requirements.

Key Takeaways for Employers

Bill 190 proposes significant changes aimed at enhancing transparency, support, and efficiency in Ontario's employment landscape. However, these changes will not be without challenges for employers to manage. In particular, the prohibition of requiring a doctor's note for sick leaves of less than three days may require some employers to revisit their practices around verifying sick leaves, as they would be required to rely upon “evidence reasonable in the circumstances” that the employee is entitled to the leave”. Additionally, the proposed disclosure requirements for job postings would once again require employers to revisit their job posting practices to ensure they remain compliant.

Our team will monitor the progress of Bill 190 and provide updates as further information becomes available.

If you have any questions regarding the impact of the proposed changes on your workplace and how you can ensure proactive compliance, please contact McMillan's [Employment & Labour Relations](#) team.

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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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