

WORKING FOR WORKERS FOUR ACT, 2023: HOW ONTARIO'S PROPOSED CHANGES WILL IMPACT EMPLOYERS

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As an update to our [recent bulletin](#), the Ontario government has officially introduced Bill 149, the [Working for Workers Four Act, 2023](#) ("**Bill 149**"), which is the fourth Bill in a series of legislative changes that are meant to strengthen workplace protections for employees.

If passed, Bill 149 will result in new employer requirements and restrictions for job postings, tip and wage protections, and more, which we have summarized below.

Requirements for Public Job Postings

Bill 149 proposes significant changes to the way employers can recruit and hire employees. If passed, the Bill would introduce requirements and restrictions for "publicly advertised job postings", including:

- requiring employers to disclose expected salary ranges for the position, similar to requirements recently implemented in [British Columbia](#);
- prohibiting requirements related to Canadian work experience in both job postings and application forms; and
- requiring employers to disclose the use of artificial intelligence in their hiring process.

Bill 149 would also require employers to retain copies of every publicly advertised job posting and any associated application form for up to three years after the posting has been removed.

Requirements for Tip and Wage Protections, Payment Methods

Bill 149 also seeks to implement tip and wage protections for workers in the service industry, including:

- requiring employers to pay workers for trial shifts;
- prohibiting employers from deducting any amount from an employee's wages where a customer of a restaurant, gas station, or other establishment leaves the establishment without payment; and
- requiring employers with a "tip sharing" or "tip pooling" policy to post a copy of that policy in a location that is visible to all employees.

Under Bill 149, employers will be restricted in their method of paying tips/gratuities, which must be paid by either cash, a cheque payable to the employee, or direct deposit. This proposed change is in response to the rise of digital payment platforms in the service industry, which may pose a security risk and require workers to incur fees to access their funds.

Changes for Injured Workers under the *Workplace Safety and Insurance Act, 1997*

Bill 149 would also assist injured workers by enabling “super indexing” increases to Workplace Safety and Insurance Board benefits above the annual rate of inflation. For an injured worker who earns \$70,000 a year, a 2% increase could mean an additional \$900 annually on top of cost-of-living adjustments, which was 6.5% in 2023.

Finally, Bill 149 would improve cancer coverage for firefighters and fire investigators by lowering the duration of employment needed to receive automatic compensation prior to diagnosis of esophageal cancer from 25 to 15 years.

Open Consultation for Future Changes

The Ontario government has announced that it will launch consultations regarding restrictions of the use of non-disclosure agreements in the settlement of cases of workplace sexual harassment, misconduct, or violence; and the creation of a new, job-protected leave for critical illness (e.g. cancer) to match the length of the 26-week Federal Employment Insurance sickness benefits. The consultation period for these additional changes (which are not part of Bill 149) will open in the coming weeks.

Takeaways for Employers

With the official introduction of Bill 149, Ontario employers will want to start reviewing their recruiting and hiring processes to ensure that they are well-positioned to comply with the Bill’s requirements. While no coming into force date has been proposed, employers will need to be prepared to include salary ranges on public job postings and disclose the use of AI in their hiring processes, both of which will be significant undertakings for many employers. 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.

Our team will also continue to monitor the progress of Bill 149 and provide updates as further information becomes available.

Finally, employers may want to consider weighing in on the discussion and voicing their opinions to the provincial government regarding Bill 149. McMillan Vantage is a full-service national public affairs firm driven by

client service excellence, and unique in Canada given their strategic partnership with McMillan LLP. With the Government of Ontario set to open consultations in the coming days, and with opportunities to advance key public policy amendments through the regulatory process across all components Bill 149, McMillan Vantage is well-placed to advance your priorities and limit your exposure to legislative, regulatory and reputational risk. For more information, please contact [Karl Baldauf](#).

by [David Fanjoy](#) and [Khaleed Mawji](#)

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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