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# Bill 79

## **An Act to amend various statutes with respect to employment and labour and other matters**

**The Hon. M. McNaughton**

Minister of Labour, Immigration, Training and Skills Development

### **Government Bill**

1st Reading      March 20, 2023

2nd Reading

3rd Reading

Royal Assent





## EXPLANATORY NOTE

### **SCHEDULE 1 EMPLOYMENT PROTECTION FOR FOREIGN NATIONALS ACT, 2009**

Amendments are made to the *Employment Protection for Foreign Nationals Act, 2009* relating to contraventions of subsection 9 (1) or (2) of the Act in respect of a passport or work permit. The Act is amended to provide that the Ontario Labour Relations Board shall reduce the penalty set out in the notice of contravention where certain conditions apply. The Act is also amended to establish higher maximum fines for a conviction for the contravention.

### **SCHEDULE 2 EMPLOYMENT STANDARDS ACT, 2000**

The *Employment Standards Act, 2000* is amended. Here are some highlights:

Section 50.2 is amended to provide that an employee who is in treatment, recovery or rehabilitation in respect of a physical or mental health illness, injury or medical emergency that results from participation in certain operations or activities is entitled to reservist leave under that section.

New section 53.2 provides that in Part XV of the Act, in certain circumstances, a “location at which an employer carries on business” includes an employee’s private residence.

Amendments are made to licence application provisions in Part XVIII.1 of the Act to include references to subsection 7 (3) of the *Employment Protection for Foreign Nationals Act, 2009*.

### **SCHEDULE 3 FAIR ACCESS TO REGULATED PROFESSIONS AND COMPULSORY TRADES ACT, 2006**

Various amendments are made to the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*, including,

- (a) amendments to the definition of “registration”;
- (b) an amendment respecting the powers under the Act that the Minister may delegate to the Fairness Commissioner or any person employed in the Ministry;
- (c) an amendment establishing the duty of regulated professions to ensure that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated professionals; and
- (d) an amendment providing that Canadian experience may be accepted in satisfaction of qualification for registration only if alternatives to such experience are also accepted.

### **SCHEDULE 4 MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT**

Section 15 of the *Ministry of Training, Colleges and Universities Act*, which governs the collection, disclosure and use of personal information, is amended to permit the collection, disclosure and use of personal information for purposes related to certain employment programs and services.

### **SCHEDULE 5 OCCUPATIONAL HEALTH AND SAFETY ACT**

The *Occupational Health and Safety Act* is amended to increase the maximum fine for a corporation for a conviction under the Act from \$1,500,000 to \$2,000,000.

### **SCHEDULE 6 ONTARIO DISABILITY SUPPORT PROGRAM ACT, 1997**

The Schedule amends the *Ontario Disability Support Program Act, 1997* by adding section 53.1, which permits the collection, including indirect collection, of personal information by the Minister of Labour, Immigration, Training and Skills Development on behalf of the Minister of Children, Community and Social Services. The section further permits the Minister of Labour, Immigration, Training and Skills Development to disclose the personal information to the Minister of Children, Community and Social Services. Subsection 53.1 (4) allows the notice of collection required by the *Freedom of Information and Protection of Privacy Act* to be given by means of a public notice posted on a website of the Government of Ontario.

### **SCHEDULE 7 ONTARIO WORKS ACT, 1997**

The Schedule amends the *Ontario Works Act, 1997* by adding section 72.1, which permits the collection, including indirect collection, of personal information by the Minister of Labour, Immigration, Training and Skills Development on behalf of the Minister of Children, Community and Social Services and the Director. The section further permits the Minister of Labour, Immigration, Training and Skills Development to disclose the personal information to the Minister of Children, Community

and Social Services and to delivery agents. Delivery agents are permitted to collect the personal information indirectly. Subsection 72.1 (5) allows the notice of collection required by the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act* to be given by means of a public notice posted on a website of the Government of Ontario.

Amendments to the new section 72.1 are included to introduce the concept of “delivery partners” alongside delivery agents, to reflect amendments to the Act that are not yet in force.

**An Act to amend various statutes with respect to  
employment and labour and other matters**

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His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Contents of this Act**

**1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

**Commencement**

**2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.**

**(2) The Schedules to this Act come into force as provided in each Schedule.**

**(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.**

**Short title**

**3 The short title of this Act is the *Working for Workers Act, 2023*.**

**SCHEDULE 1**  
**EMPLOYMENT PROTECTION FOR FOREIGN NATIONALS ACT, 2009**

**1 Subsection 30 (2) of the *Employment Protection for Foreign Nationals Act, 2009* is repealed and the following substituted:**

**Same**

(2) Subsections 122 (2) to (7) of the *Employment Standards Act, 2000* and subsection (3) of this section apply with respect to the review.

**Same**

(3) Despite clause 122 (5) (c) of the *Employment Standards Act, 2000*, if the Board finds that the person contravened subsection 9 (1) or 9 (2) of this Act in respect of a passport or work permit, the Board shall determine whether the penalty is excessive in the circumstances or is, by its magnitude, punitive in nature having regard to all the circumstances and if so, the Board shall amend the notice by reducing the penalty.

**2 Section 41 of the Act is amended by adding the following subsection:**

**Higher penalty for certain offences**

(2) Despite subsection (1), a person convicted of an offence under subsection 9 (1) or (2) in respect of a passport or work permit is liable,

- (a) if the person is an individual, to a fine of not more than \$500,000 or to imprisonment for a term of not more than 12 months or to both; and
- (b) if the person is a corporation, to a fine of not more than \$1,000,000.

**Commencement**

**3 This Schedule comes into force on the day the *Working for Workers Act, 2023* receives Royal Assent.**

**SCHEDULE 2  
EMPLOYMENT STANDARDS ACT, 2000**

**1 (1) Subsection 50.2 (1) of the *Employment Standards Act, 2000* is amended by striking out “or” at the end of clause (b.1) and by adding the following clause:**

(b.2) the employee is in treatment, recovery or rehabilitation in respect of a physical or mental health illness, injury or medical emergency that results from participation in an operation or activity referred to in this subsection; or

**(2) Subsection 50.2 (3) of the Act is repealed and the following substituted:**

**Restriction**

(3) An employee is not entitled to begin a leave under clause (1) (a), (b.1), (b.2) or (c) unless the employee has been employed by the employer for at least the prescribed period or, if no period is prescribed, for at least two consecutive months.

**(3) Subsection 50.2 (4) of the Act is repealed and the following substituted:**

**Length of leave**

(4) An employee is entitled to take a leave under this section for the period prescribed in respect of the clause under which the leave is taken under subsection (1) or, if no period is prescribed, for as long as clause (1) (a), (b), (b.1) or (b.2) or the circumstances set out in a regulation made under clause (1) (c) apply to the employee.

**2 The Act is amended by adding the following section after the heading to Part XV:**

INTERPRETATION

**Meaning of “establishment”**

**53.2** In this Part, except for clause 58 (2) (b) and subsection 58 (5), and for the purposes of Part XVIII (Reprisal), section 74.12, Part XXI (Who Enforces this Act and What They Can Do), Part XXII (Complaints and Enforcement), Part XXIII (Reviews by the Board), Part XXIV (Collection), Part XXV (Offences and Prosecutions), Part XXVI (Miscellaneous Evidentiary Provisions) and Part XXVII (Regulations) insofar as matters concerning this Part are concerned, “establishment” means an establishment as defined in subsection 1 (1) subject to the following modification:

1. The phrase “location at which the employer carries on business” includes a private residence of the employer’s employee if the employee performs work in the private residence and the employee does not perform work at any other location where the employer carries on business.

**3 Subsection 58 (2) of the Act is repealed and the following substituted:**

**Information**

(2) An employer who is required to give notice under this section,

- (a) shall provide to the Director the prescribed information in a form approved by the Director;
- (b) shall, on the first day of the notice period, post in the employer’s establishment the prescribed information in a form approved by the Director; and
- (c) shall, on the first day of the notice period, provide the prescribed information in a form approved by the Director to each of the affected employees.

**4 (1) Sub-subclause 74.1.3 (1) (a) (v) (A) of the Act is amended by adding “and that the applicant is aware that subsection 7 (3) of that Act prohibits a person acting on behalf of a recruiter from collecting a fee charged by the recruiter in contravention of subsection 7 (1) of that Act” at the end.**

**(2) Sub-subclauses 74.1.3 (1) (a) (v) (D) and (E) of the Act are repealed and the following substituted:**

- (D) a statement that the applicant is aware that the Director shall refuse to issue a licence or revoke or suspend a licence if the applicant has ever charged a fee to a foreign national in contravention of subsection 7 (1) of the *Employment Protection for Foreign Nationals Act, 2009* or collected a fee charged to a foreign national in contravention of subsection 7 (3) of that Act, and
- (E) a statement confirming that the applicant has not charged a fee to a foreign national in contravention of subsection 7 (1) of the *Employment Protection for Foreign Nationals Act, 2009* and that the applicant has not collected a fee charged to a foreign national in contravention of subsection 7 (3) of that Act,

**(3) Sub-subclause 74.1.3 (1) (a) (vi) (C) of the Act is repealed and the following substituted:**

- (C) a statement confirming that the applicant has made reasonable inquiries about the person’s business practices with respect to foreign nationals and is satisfied that the person did not charge a fee in contravention of subsection 7 (1) of the *Employment Protection for Foreign Nationals Act, 2009* or collect a fee charged to a foreign national in contravention of subsection 7 (3) of that Act,

**(4) Sub-subclause 74.1.3 (1) (a) (vi) (E) of the Act is repealed and the following substituted:**

- (E) a statement that the applicant is aware that the Director shall refuse to issue a licence or revoke or suspend a licence if the applicant engages or uses the services of a recruiter that has ever charged a fee to a foreign national in contravention of subsection 7 (1) of the *Employment Protection for Foreign Nationals Act, 2009* or collected a fee charged to a foreign national in contravention of subsection 7 (3) of that Act, and

**5 Clause 74.1.5 (1) (b) of the Act is repealed and the following substituted:**

- (b) the applicant has ever charged a fee to a foreign national in contravention of subsection 7 (1) of the *Employment Protection for Foreign Nationals Act, 2009* or collected a fee charged to a foreign national in contravention of subsection 7 (3) of that Act, or the applicant engages or uses the services of any person, other than an employee of the applicant, that has ever charged a fee in contravention of subsection 7 (1) of that Act or collected a fee charged to a foreign national in contravention of subsection 7 (3) of that Act;

**6 Paragraph 5 of section 74.11 of the Act is repealed and the following substituted:**

5. A temporary help agency shall, in addition to meeting the posting requirements set out in clause 58 (2) (b) and subsection 58 (5), and despite clause 58 (2) (c), provide the information required to be provided to employees under that clause to each employee to whom it is required to give notice in accordance with paragraph 4.3 on the first day of the notice period or as soon after that as is reasonably possible.

**7 (1) Paragraph 5 of subsection 141 (1) of the Act is repealed and the following substituted:**

5. Prescribing information that must be provided to an employee or a prospective employee, in writing, and when the information must be provided.

**(2) Paragraph 18 of subsection 141 (1) of the Act is amended by striking out “given to the Director” and substituting “provided”.**

**(3) Section 141 of the Act is amended by adding the following subsection:**

**Transitional regulations**

(2.0.3.7) The Lieutenant Governor in Council may make regulations providing for any transitional matter that the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of the amendments made by the *Working for Workers Act, 2023*.

**(4) Subsection 141 (2.0.4) of the Act is amended by striking out “or (2.0.3.6)” wherever it appears and substituting in each case “(2.0.3.6) or (2.0.3.7)”.**

**(5) Clauses 141 (2.6) (e) and (f) of the Act are amended by striking out “which shall include” wherever it appears and substituting in each case “which may include”.**

**Commencement**

**8 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Working for Workers Act, 2023* receives Royal Assent.**

**(2) Sections 2, 3 and 6 come into force on the later of July 1, 2023 and the day the *Working for Workers Act, 2023* receives Royal Assent.**

**(3) Sections 4 and 5 come into force on the later of the day section 10 of Schedule 2 to the *Working for Workers Act, 2021* comes into force and the day the *Working for Workers Act, 2023* receives Royal Assent.**

**(4) Subsection 7 (5) comes into force on the later of the day subsection 33 (3) of Schedule 2 to the *Working for Workers Act, 2021* comes into force and the day the *Working for Workers Act, 2023* receives Royal Assent.**



**SCHEDULE 3**  
**FAIR ACCESS TO REGULATED PROFESSIONS AND COMPULSORY TRADES ACT, 2006**

**1** The definition of “registration” in section 2 of the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* is repealed and the following substituted:

“registration” means, subject to the regulations, the granting of membership in a regulated profession for entry to the practice of the profession, with or without conditions, whether by registration, licensure, admission, enrolment or other means without regard to the terminology used by the regulated profession, but does not include the granting of a special designation, whether by way of a licence, certificate, or any other means, to those who are already registered; (“inscription”)

**2** Subsection 4 (2) of the Act is amended by adding “or in respect of any other exemption under the Act” after “27.1”.

**3** Section 6 of the Act is amended by adding the following subsection:

**Duty re public interest**

(2) A regulated profession has a duty to work in consultation with,

- (a) where the regulated profession has a responsible Minister, the regulated profession’s responsible Minister or such other Minister as the responsible Minister may identify; or
- (b) where the regulated profession does not have a responsible Minister, the Minister as defined in section 2 or such other Minister as the Minister may identify,

to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated professionals.

**4** Section 10.2 of the Act is amended by adding the following subsection:

**Alternatives to Canadian experience**

(1.1) A regulated profession may accept Canadian experience in satisfaction of a qualification for registration only if it also accepts alternatives to Canadian experience that meet the criteria prescribed by the regulations.

**5** Subsection 34 (1) of the Act is amended by adding the following clause:

- (a) further defining or clarifying the definition of “registration” in section 2,

**Commencement**

**6** This Schedule comes into force on the day the *Working for Workers Act, 2023* receives Royal Assent.

**SCHEDULE 4**  
**MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES ACT**

**1 (1) Subsection 15 (1) of the *Ministry of Training, Colleges and Universities Act* is amended by adding the following paragraphs:**

- 3.1 Planning for, allocating and administering funding to persons or entities for the purpose of administering or delivering employment programs or services and detecting, monitoring and preventing any unauthorized receipt of or use of the funding.
- . . . . .
8. Conducting research and analysis, including longitudinal studies, and statistical activities related to the administration and delivery of employment programs and services funded by the Ministry.

**(2) Paragraph 4 of subsection 15 (1) of the Act is repealed and the following substituted:**

4. Planning or delivering post-secondary educational, employment or training related programs or services that the Ministry provides or funds, in whole or in part, allocating resources to any of them, evaluating or monitoring any of them or detecting, monitoring and preventing fraud and any unauthorized receipts of services or benefits related to such funding.

**(3) Section 15 of the Act is amended by adding the following subsections:**

**Other disclosure — employment programs and services**

(4.1) The Minister of Labour, Immigration, Training and Skills Development may disclose personal information to persons or entities that administer, evaluate or deliver employment programs or services funded by the Ministry for the purpose of administering and delivering those programs or services.

**Disclosure to Minister of Children, Community and Social Services — employment programs and services**

(4.2) The Minister of Labour, Immigration, Training and Skills Development may disclose personal information that is collected under subsection (1) in the administration, evaluation and delivery of employment programs and services to the Minister of Children, Community and Social Services for the purpose of administering and delivering social benefit programs under the *Ontario Works Act, 1997* and the *Ontario Disability Support Program Act, 1997*.

**(4) Subsection 15 (6) of the Act is amended by adding the following paragraph:**

8. A person or entity that administers, evaluates or delivers employment programs or services funded by the Ministry.

**Commencement**

**2 This Schedule comes into force on the day the *Working for Workers Act, 2023* receives Royal Assent.**

**SCHEDULE 5**  
**OCCUPATIONAL HEALTH AND SAFETY ACT**

**1** Subsection 66 (2) of the *Occupational Health and Safety Act* is amended by striking out “\$1,500,000” at the end and substituting “\$2,000,000”.

**Commencement**

**2** This Schedule comes into force on the day the *Working for Workers Act, 2023* receives Royal Assent.

**SCHEDULE 6**  
**ONTARIO DISABILITY SUPPORT PROGRAM ACT, 1997**

**1 The *Ontario Disability Support Program Act, 1997* is amended by adding the following section:**

**Personal information, collection by Minister of Labour, Immigration, Training and Skills Development**

**53.1** (1) The Minister of Labour, Immigration, Training and Skills Development may collect personal information, including indirectly, on behalf of the Minister of Children, Community and Social Services in connection with the administration of this Act.

**Restrictions on access**

(2) For greater certainty, the authority conferred by subsection (1) is limited to the collection of personal information, and the Minister of Labour, Immigration, Training and Skills Development shall not access personal information collected under that subsection unless otherwise authorized by law to do so.

**Disclosure**

(3) The Minister of Labour, Immigration, Training and Skills Development may disclose personal information collected under subsection (1) to the Minister of Children, Community and Social Services for the purpose of administering this Act.

**Notice**

(4) If personal information is indirectly collected under this section, the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* may be given by means of a public notice posted on a website of the Government of Ontario.

**Commencement**

**2 This Schedule comes into force on the day the *Working for Workers Act, 2023* receives Royal Assent.**

**SCHEDULE 7  
ONTARIO WORKS ACT, 1997**

**1 (1) The *Ontario Works Act, 1997* is amended by adding the following section:**

**Personal information, collection by Minister of Labour, Immigration, Training and Skills Development**

**72.1** (1) The Minister of Labour, Immigration, Training and Skills Development may collect personal information, including indirectly, on behalf of the Minister of Children, Community and Social Services or the Director in connection with the administration of this Act.

**Restrictions on access**

(2) For greater certainty, the authority conferred by subsection (1) is limited to the collection of personal information, and the Minister of Labour, Immigration, Training and Skills Development shall not access personal information collected under that subsection unless otherwise authorized by law to do so.

**Disclosure**

(3) The Minister of Labour, Immigration, Training and Skills Development may disclose personal information collected under subsection (1) to the Minister of Children, Community and Social Services or a delivery agent for the purpose of administering this Act.

**Indirect collection**

(4) A delivery agent may indirectly collect personal information that the Minister of Labour, Immigration, Training and Skills Development discloses under subsection (3).

**Notice**

(5) If personal information is indirectly collected under this section, the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* or subsection 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act* may be given by means of a public notice posted on a website of the Government of Ontario.

**(2) Subsection 72.1 (3) of the Act, as enacted by subsection (1), is amended by striking out “or a delivery agent” and substituting “a delivery agent or a delivery partner”.**

**(3) Subsection 72.1 (4) of the Act, as enacted by subsection (1), is amended by striking out “delivery agent” and substituting “delivery agent or delivery partner”.**

**Commencement**

**2 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Working for Workers Act, 2023* receives Royal Assent.**

**(2) Subsections 1 (2) and (3) come into force on the later of the day section 8 of Schedule 21 to the *Supporting Recovery and Competitiveness Act, 2021* comes into force and the day the *Working for Workers Act, 2023* receives Royal Assent.**