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Bill 190

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

The Hon. D. Piccini

Minister of Labour, Immigration, Training and Skills Development

Government Bill

1st Reading May 6, 2024

2nd Reading May 16, 2024

3rd Reading

Royal Assent

*(Reprinted as amended by the Standing Committee on Finance and Economic Affairs
and as reported to the Legislative Assembly October 23, 2024)*

(The provisions in this bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.
The changes are indicated by underlines for new text and a ~~striketrough~~ for deleted text.

EXPLANATORY NOTE

SCHEDULE 1 BUILDING OPPORTUNITIES IN THE SKILLED TRADES ACT, 2021

The Schedule amends the *Building Opportunities in the Skilled Trades Act, 2021* to provide that the regulations may set out alternative criteria for academic standards.

SCHEDULE 2 EMPLOYMENT STANDARDS ACT, 2000

The *Employment Standards Act, 2000* is amended as follows:

New sections 8.5 and 8.6 of the Act establish certain requirements with respect to publicly advertised job postings. Complementary amendments are made to the record-keeping requirements in section 15 and the regulation-making authorities in subsection 141 (1).

Section 50 of the Act is amended so that employers retain the right to require evidence of entitlement to sick leave but are not permitted to require a certificate from a qualified health practitioner.

Section 132 of the Act, which sets out the fines applicable for convictions under the Act, is amended to increase the maximum fine for an individual to \$100,000.

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

The Schedule amends the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* to add new sections requiring regulated professions to have policies respecting what alternatives to the documentation of qualifications that is normally required will be acceptable and to have plans addressing how they will enable multiple registration processes to take place concurrently. The sections also include requirements respecting the contents of the policies and plans and other related provisions.

SCHEDULE 4 OCCUPATIONAL HEALTH AND SAFETY ACT

The *Occupational Health and Safety Act* is amended. Here are some highlights:

The Act is amended to impose duties on constructors and employers with respect to the maintenance of washroom facilities. Complementary amendments are made.

The definitions of “workplace harassment” and “workplace sexual harassment” are updated to include certain virtual activities.

Section 3 of the Act is amended to provide that the Act applies to telework performed in or about a private residence.

Various provisions of the Act that require the posting of information are amended to provide that the information may be posted in a readily accessible electronic format. New subsection 1 (5) establishes the requirements that must be met for information to be posted in a readily accessible electronic format for the purposes of the Act.

SCHEDULE 5 ONTARIO IMMIGRATION ACT, 2015

The Schedule amends the *Ontario Immigration Act, 2015* to provide that an individual who is appointed to conduct an internal review may delegate the individual’s powers or duties under the appointment.

SCHEDULE 6 WORKPLACE SAFETY AND INSURANCE ACT, 1997

Section 14 of the *Workplace Safety and Insurance Act, 1997*, which provides that certain workers are entitled to benefits under the insurance plan for posttraumatic stress disorder arising out of and in the course of the worker’s employment and that the posttraumatic stress disorder is presumed to have arisen out of and in the course of the worker’s employment, unless the contrary is shown, is amended to include two new categories of workers. Transitional matters are provided for and complementary amendments are made.

Section 15.1 of the Act, which creates presumptions that apply to certain firefighters and fire investigators, is amended to establish a presumption in respect of primary-site skin cancer. Related amendments are made to provisions of that section and to section 15.2.

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

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Preamble

The Government of Ontario:

Is supporting, attracting and working for workers, who are at the centre of the government's plan to build Ontario.

Recognizes that improving standards and fairness on the job and during the hiring process helps workers and provides stability for businesses.

Understands that removing barriers and helping people to enter the skilled trades will increase Ontario's economic competitiveness, support Ontario businesses, meet Ontario's labour market needs and provide more opportunities and bigger paycheques for Ontario workers.

Therefore, 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 Five Act, 2024*.

SCHEDULE 1
BUILDING OPPORTUNITIES IN THE SKILLED TRADES ACT, 2021

1 (1) The French version of clause 15 (1) (a) of the *Building Opportunities in the Skilled Trades Act, 2021*, as re-enacted by subsection 67 (2) of the Act, is repealed and the following substituted:

- a) le particulier qui doit recevoir la formation a au moins 16 ans et a satisfait aux normes relatives aux études prescrites, le cas échéant, pour le métier;

(2) Section 15 of the Act is amended by adding the following subsection:

Alternative criteria

(1.1) The requirement under clause (1) (b) to satisfy any prescribed academic standards does not apply in respect of an individual who satisfies the alternative criteria prescribed in the regulations.

(3) Section 15 of the Act, as re-enacted by subsection 67 (2) of the Act, is amended by adding the following subsection:

Alternative criteria

(1.1) The requirement under clause (1) (a) to complete any prescribed academic standard does not apply in respect of an individual who satisfies the alternative criteria prescribed in the regulations.

2 Subsection 65 (1) of the Act is amended by adding the following clause:

- (m.1) prescribing alternative criteria for the purposes of subsection 15 (1.1), including authorizing the Registrar or another person to establish the criteria or to assess whether the criteria have been satisfied;

Commencement

3 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Working for Workers Five Act, 2024* receives Royal Assent.

(2) Subsections 1 (1) and (3) come into force on the later of the day subsection 67 (2) of the *Building Opportunities in the Skilled Trades Act, 2021* comes into force and the day the *Working for Workers Five Act, 2024* receives Royal Assent.

**SCHEDULE 2
EMPLOYMENT STANDARDS ACT, 2000**

1 The *Employment Standards Act, 2000* is amended by adding the following sections:

Job posting information

8.5 (1) Every employer who advertises a publicly advertised job posting shall include in the posting,

- (a) a statement disclosing whether the posting is for an existing vacancy or not; and
- (b) such other information as may be prescribed.

Exception

(2) Subsection (1) does not apply to a publicly advertised job posting that meets such criteria as may be prescribed.

Duty to inform applicants interviewed

8.6 If an employer interviews an applicant for a publicly advertised job posting, the employer shall, within the prescribed time period, provide the applicant with the prescribed information.

2 Section 15 of the Act is amended by adding the following subsection:

Retention of interview information

(7.1.1) An employer shall retain or arrange for some other person to retain copies of all prescribed information provided under section 8.6 for three years after the day the information was provided to the applicant.

3 (1) Section 50 of the Act is amended by adding the following subsection:

Definition

(0.1) In this section,

“qualified health practitioner” means,

- (a) a person who is qualified to practise as a physician, a registered nurse or a psychologist under the laws of the jurisdiction in which care or treatment is provided to the employee, or
- (b) in the prescribed circumstances, a member of a prescribed class of health practitioners.

(2) Subsection 50 (6) of the Act is repealed and the following substituted:

Evidence

(6) Subject to subsection (6.1), an employer may require an employee who takes leave under this section to provide evidence reasonable in the circumstances that the employee is entitled to the leave.

Same

(6.1) An employer shall not require an employee to provide a certificate from a qualified health practitioner as evidence under subsection (6).

4 Clause 132 (a) of the Act is amended by striking out “\$50,000” and substituting “\$100,000”.

5 Subsection 141 (1) of the Act is amended by adding the following paragraphs:

17.1 Defining what constitutes an interview for the purposes of Part III.1.

[17.1.1 Defining what constitutes compensation for the purposes of Part III.1.](#)

17.2 Prescribing the manner in which information provided under section 8.6 must be provided.

Commencement

6 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Working for Workers Five Act, 2024* receives Royal Assent.

(2) Sections 1, 2 and 5 come into force on a day to be named by proclamation of the Lieutenant Governor.

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

1 Subsection 10 (1) of the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* is repealed and the following substituted:

Qualifications

(1) A regulated profession shall make information publicly available on what documentation of qualifications must accompany an application and what reasonable alternatives to the documentation will be acceptable to the regulated profession if the required documentation cannot be obtained for reasons beyond an applicant's control.

2 The Act is amended by adding the following sections:

Policy re reasonable alternatives to required documentation

12.1 (1) A regulated profession shall have a policy addressing what alternatives to the documentation of qualifications that is normally required will be acceptable.

Same

(2) The policy must,

- (a) provide that the regulated profession will accept reasonable alternatives to the documentation that is normally required if the required documentation cannot be obtained for reasons beyond an applicant's control;
- (b) describe what constitutes a reasonable alternative;
- (c) include the timelines within which the regulated profession will process such alternative documentation and inform the applicant of the next steps; and
- (d) comply with any requirements set out in the regulations respecting the policy, including respecting how the policy must address the matters described in clauses (a) to (c).

Submission of policy to Fairness Commissioner

(3) A regulated profession shall submit the policy to the Fairness Commissioner for review.

Updating policy

(4) Whenever there is a change in circumstances that may affect the policy, the regulated profession shall update it and submit it to the Fairness Commissioner for review.

Fairness Commissioner's input and approval

(5) Before implementing a policy or updated policy, a regulated profession shall,

- (a) respond to any input from the Fairness Commissioner regarding the policy or updated policy; and
- ~~(b) if the regulations so provide, obtain the Fairness Commissioner's approval of the policy or updated policy.~~
- (b) if the regulations so provide, obtain the Fairness Commissioner's approval of the policy or updated policy or implement the changes to the policy or updated policy required by the Fairness Commissioner.

Regulations re approvals

(6) The Fairness Commissioner shall comply with any regulations prescribing the process for approving a policy or updated policy.

Plan re parallel processing

12.2 (1) A regulated profession shall have a plan addressing how it will enable multiple registration processes to take place concurrently.

Same

(2) The plan must,

- (a) permit applicants who experience a delay in one part of the registration process to proceed with other parts of the registration process wherever possible; and
- (b) comply with any requirements set out in the regulations respecting the plan, including respecting how the plan must address the matter described in clause (a).

Submission of plan to Fairness Commissioner

(3) A regulated profession shall submit the plan to the Fairness Commissioner for review.

Updating plan

(4) Whenever there is a change in circumstances that may affect the plan, the regulated profession shall update it and submit it to the Fairness Commissioner for review.

Fairness Commissioner's input and approval

(5) Before implementing a plan or updated plan, a regulated profession shall,

(a) respond to any input from the Fairness Commissioner regarding the plan or updated plan; and

~~(b) if the regulations so provide, obtain the Fairness Commissioner's approval of the plan or updated plan.~~

(b) if the regulations so provide, obtain the Fairness Commissioner's approval of the plan or updated plan or implement the changes to the plan or updated plan required by the Fairness Commissioner.

Regulations re approvals

(6) The Fairness Commissioner shall comply with any regulations prescribing the process for approving a plan or updated plan.

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

~~(c.3.1) for the purposes of clause 12.1 (5) (b) or 12.2 (5) (b), providing that the Fairness Commissioner's approval is required or prescribing the circumstances in which the Fairness Commissioner's approval is required;~~

(c.3.1) for the purposes of clause 12.1 (5) (b) or 12.2 (5) (b), providing that, or prescribing the circumstances in which,

(i) the Fairness Commissioner's approval is required, or

(ii) the Fairness Commissioner's changes must be implemented;

Commencement

4 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 4
OCCUPATIONAL HEALTH AND SAFETY ACT**

1 (1) The definition of “industrial establishment” in subsection 1 (1) of the *Occupational Health and Safety Act* is amended by adding “other than an office located in a private residence” after “office”.

(2) Clause (a) of the definition of “workplace harassment” in subsection 1 (1) of the Act is amended by adding “including virtually through the use of information and communications technology” after “workplace”.

(3) Clause (a) of the definition of “workplace sexual harassment” in subsection 1 (1) of the Act is amended by adding “including virtually through the use of information and communications technology” after “workplace”.

(4) Subsection 1 (1) of the Act is amended by adding the following definition:

“washroom facility” includes a washroom, toilet facility, clean-up facility, urinal, shower or other similar facility, but does not include an eye wash station or emergency shower; (“salle de toilette”)

(5) Section 1 of the Act is amended by adding the following subsection:

Electronic posting

(5) For the purposes of this Act and the regulations, information is posted in a readily accessible electronic format if the following requirements are met:

1. The employer provides workers with direction on where and how to access the information.
2. The information is posted in an electronic format that can be readily accessed by workers in the workplace.

2 (1) Subsection 3 (1) of the Act is amended by adding “Except as is prescribed and subject to the conditions and limitations prescribed” at the beginning.

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

Same

(1.1) Despite subsection (1), this Act applies to telework performed in or about a private residence or the lands and appurtenances used in connection therewith.

3 (1) Subsection 9 (32) of the Act is repealed and the following substituted:

Posting of names and work locations

(32) A constructor or an employer required to establish a committee under this section shall post and keep posted the names and work locations of the committee members,

- (a) in a conspicuous place or places at the workplace where they are most likely to come to the attention of the workers; or
- (b) in a readily accessible electronic format.

(2) Subsection 9 (33) of the Act is amended by striking out “at the workplace”.

4 Subsection 12 (2) of the Act is repealed and the following substituted:

Posting of copy of summary

(2) Upon receipt of the annual summary, the employer shall cause a copy thereof to be posted,

- (a) in a conspicuous place or places at the workplace where it is most likely to come to the attention of the workers; or
- (b) in a readily accessible electronic format.

5 The Act is amended by adding the following section:

Washroom facilities

23.1 (1) A constructor shall ensure, on a project, that the washroom facilities, if any, that are provided by the constructor for the use of workers are maintained in a clean and sanitary condition.

Records

(2) The constructor shall keep, maintain and make available records of the cleaning of washroom facilities as prescribed.

Regulations

(3) The regulations may modify or supplement this section and may establish new or modified requirements with respect to washroom facilities.

6 (1) Clause 25 (2) (i) of the Act is repealed and the following substituted:

- (i) post, in a conspicuous place at the workplace, or in a readily accessible electronic format, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the workplace, outlining the rights, responsibilities and duties of workers;

(2) Clause 25 (2) (k) of the Act is repealed and the following substituted:

- (k) post, in a conspicuous place at the workplace, or in a readily accessible electronic format, a copy of the occupational health and safety policy;

7 The Act is amended by adding the following section:

Washroom facilities

25.3 (1) An employer shall ensure that the washroom facilities, if any, that are provided by the employer for the use of workers are maintained in a clean and sanitary condition.

Same, exception

(2) For greater certainty, subsection (1) does not apply if the washroom facilities are provided by a constructor on a project and subsection 23.1 (1) applies instead with respect to those facilities.

Records

(3) The employer shall keep, maintain and make available records of the cleaning of washroom facilities as prescribed.

Regulations

(4) The regulations may modify or supplement this section and may establish new or modified requirements with respect to washroom facilities.

8 Subsection 32.0.1 (2) of the Act is amended by adding “or in a readily accessible electronic format” at the end.

9 Section 55.1 of the Act is amended by adding “or in a readily accessible electronic format” at the end.

10 Subsection 70 (2) of the Act is amended by adding the following paragraphs:

43.0.1 modifying or supplementing section 23.1 with respect to a constructor’s duty to maintain washroom facilities in a clean and sanitary condition;

.

43.2 modifying or supplementing section 25.3 with respect to an employer’s duty to maintain washroom facilities in a clean and sanitary condition;

43.3 establishing new or modified requirements with respect to washroom facilities;

Commencement

11 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Working for Workers Five Act, 2024* receives Royal Assent.

(2) Subsections 1 (1), (2), (3) and (5) and sections 2, 3, 4, 6, 8 and 9 come into force on the later of July 1, 2024 and the day the *Working for Workers Five Act, 2024* receives Royal Assent.

(3) Subsection 1 (4) and sections 5, 7 and 10 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 5
ONTARIO IMMIGRATION ACT, 2015**

1 Section 34 of the *Ontario Immigration Act, 2015* is amended by adding the following subsection:

Delegation of powers and duties

(7.1) The individual appointed under subsection (7) to conduct the internal review may delegate the individual's powers or duties under the appointment.

Commencement

2 This Schedule comes into force on the day the *Working for Workers Five Act, 2024* receives Royal Assent.

**SCHEDULE 6
WORKPLACE SAFETY AND INSURANCE ACT, 1997**

1 (1) Subsection 14 (1) of the *Workplace Safety and Insurance Act, 1997* is amended by adding the following definitions:

“wildland firefighter” means a person who provides one or more of the following fire protection services for or on behalf of the Ministry of Natural Resources and Forestry, either as an employee of the Ministry or pursuant to the person’s employer’s contract for services with the Ministry:

1. Fire suppression.
2. Fire prevention, fire mitigation or fire safety activities.
3. Rescue and emergency services, including evacuation services.
4. Piloting of aircraft for the purposes of providing the services described in paragraphs 1 to 3.
5. Communication in respect of anything described in paragraphs 1 to 4.
6. Training or evaluation of persons involved in providing anything described in paragraphs 1 to 5; (“pompier luttant contre les incendies de végétation”)

“wildland fire investigator” means a person who is an employee of the Ministry of Natural Resources and Forestry and is either appointed as an officer under the *Forest Fires Prevention Act* or duly appointed as a conservation officer by the Ministry and who enters land or premises for the purposes of inspecting the site of a fire or determining the cause and circumstances of a fire; (“enquêteur sur les incendies de végétation”)

(2) Subsection 14 (2) of the Act is amended by adding the following paragraphs:

19. Wildland firefighters.
20. Wildland fire investigators.

(3) Clause 14 (3) (a) of the Act is amended by striking out “or” at the end of subclause (ii), adding “or” at the end of subclause (iii) and adding the following subclause:

(iv) was a worker listed in paragraph 19 or 20 of subsection (2) for at least one day on or after transition day.

(4) Clause 14 (3) (c) of the Act is amended by striking out “or” at the end of subclause (iii) and adding the following subclauses:

- (v) is a worker listed in paragraph 19 or 20 of subsection (2) at the time of filing a claim, the diagnosis is made on or after transition day,
- (vi) ceases to be a worker listed in paragraph 19 or 20 of subsection (2) on or after the day on which the *Working for Workers Five Act, 2024* receives Royal Assent, the diagnosis is made on or after transition day but no later than 24 months after the day on which the worker ceases to be a listed worker, or
- (vii) ceased to be a worker listed in paragraph 19 or 20 of subsection (2) on or after transition day but before the day on which the *Working for Workers Five Act, 2024* receives Royal Assent, the diagnosis is made on or after transition day but no later than 24 months after the day on which the *Working for Workers Five Act, 2024* receives Royal Assent.

(5) Section 14 of the Act is amended by adding the following subsections:

Interpretation

(4) In subsection (3),

“transition day” means the day that is 24 months before the day the *Working for Workers Five Act, 2024* receives Royal Assent.

Same

(11.1) The time limits in subsections 22 (1) and (2) do not apply in respect of a claim made under this section by a worker listed in paragraph 19 or 20 of subsection (2) that is made with respect to posttraumatic stress disorder that was diagnosed on or after transition day and before the day the *Working for Workers Five Act, 2024* receives Royal Assent.

Same

(11.2) Despite subsection (11.1), a claim made under this section by a worker listed in paragraph 19 or 20 of subsection (2) that is made with respect to posttraumatic stress disorder that was diagnosed on or after transition day and before the day the *Working for Workers Five Act, 2024* receives Royal Assent must be filed within six months after the day on which the *Working for Workers Five Act, 2024* receives Royal Assent.

Same

(13.1) If a worker listed in paragraph 19 or 20 of subsection (2) has filed a claim for entitlement to benefits relating to posttraumatic stress disorder and the claim is pending before the Board on the day on which the *Working for Workers Five Act, 2024* receives Royal Assent, the Board shall decide the claim in accordance with this section as it reads at the time the Board makes its decision as though the requirements in clauses 3 (a) and (c) were satisfied.

(6) Subsection 14 (14) of the Act is amended by striking out “subsections (12) and (13)” and substituting “subsections (12), (13) and (13.1)”.

(7) Section 14 of the Act is amended by adding the following subsections:

Same

(16.1) If a worker listed in paragraph 19 or 20 of subsection (2) has filed a claim for entitlement to benefits relating to posttraumatic stress disorder and the claim is pending before the Appeals Tribunal on the day on which the *Working for Workers Five Act, 2024* receives Royal Assent, the Appeals Tribunal shall refer the claim back to the Board and the Board shall decide the claim in accordance with this section as it reads at the time the Board makes its decision as though the requirements in clauses (3) (a) and (c) were satisfied.

Same

(18.1) If, on or after the day on which the *Working for Workers Five Act, 2024* receives Royal Assent and within the time limit set out in subsection 125 (2), a worker listed in paragraph 19 or 20 of subsection (2) files a notice of appeal with the Appeals Tribunal of a final decision of the Board that was made before the day on which the *Working for Workers Five Act, 2024* receives Royal Assent regarding a claim for entitlement to benefits relating to posttraumatic stress disorder, the Appeals Tribunal shall refer the claim back to the Board and the Board shall decide the claim in accordance with this section as it reads at the time the Board makes its decision as though the requirements in clauses (3) (a) and (c) were satisfied.

(8) Subsection 14 (19) of the Act is amended by adding the following paragraph:

3.1 Claims and appeals in respect of workers listed in paragraphs 19 and 20 of subsection (2) that are pending on the day on which the *Working for Workers Five Act, 2024* receives Royal Assent.

(9) Paragraph 4 of subsection 14 (19) of the Act is amended by striking out “subsections (17) and (18)” and substituting “subsections (17), (18) and (18.1)”.

2 (1) Section 15.1 of the Act is amended by adding the following subsections:

Same, primary-site skin cancer

(4.3) If a worker is prescribed under clause (8) (a) and suffers from and is impaired by primary-site skin cancer, the disease is presumed to be an occupational disease that occurs due to the nature of the worker’s employment as a firefighter or fire investigator, unless the contrary is shown.

Restriction

(4.4) The presumption in subsection (4.3) does not apply unless the worker was employed as a full-time firefighter, part-time firefighter or fire investigator or served as a volunteer firefighter for a total of at least 10 years before being diagnosed.

(2) Subsection 15.1 (5) of the Act is amended by striking out “subsection (4) and (4.1)” and substituting “subsections (4), (4.1) and (4.3)”.

(3) Subsection 15.1 (6) of the Act is amended by striking out “subsection (4) or (4.1)” and substituting “subsection (4), (4.1) or (4.3)”.

(4) Subsection 15.1 (7) of the Act is amended by striking out “subsections (1) and (4)” and substituting “subsections (1), (4), (4.1) and (4.3)”.

(5) Clause 15.1 (8) (a) of the Act is amended by striking out “subsection (1), (4) or (4.1)” and substituting “subsection (1), (4), (4.1) or (4.3)”.

(6) Clause 15.1 (8) (e) of the Act is amended by striking out “subsections (1), (4) and (4.1)” and substituting “subsections (1), (4), (4.1) and (4.3)”.

3 Clause 15.2 (1) (b) of the Act is repealed and the following substituted:

(b) a presumption established under subsection 15.1 (4.1) or (4.3) applies to a disease with which a worker is diagnosed.

Commencement

4 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *Working for Workers Five Act, 2024* receives Royal Assent.

(2) Sections 2 and 3 come into force on a day to be named by proclamation of the Lieutenant Governor.