

# A New Long Leave: Working For Workers Six Act, 2024 And The Changes Continue



Bill 229 – *Working for Workers Six Act, 2024* (the “Act”) received Royal Assent on December 19, 2024. The Act included the enactment of some key changes to the *Ontario Employment Standards Act, 2000* (“ESA”) as well as other employment-related legislation on that date and some on later dates. Among those changes, the highly anticipated long-term illness leave of absence will come into force as of June 19, 2025.<sup>1</sup>

Like its predecessors, this sixth iteration of the Act continues to build upon the other recent employment-related changes included in prior Bills. The Act implements significant amendments to the *ESA*, the *Occupational Health and Safety Act* (“OHSA”), and *Workplace Safety and Insurance Act, 1997* (“WSIA”), among others. Below are some key changes employers ought to be aware of.

## **Key Amendments to the *ESA***

**Long-term Illness Leave** – This new leave of absence provides that an employee who has been employed by an employer for at least 13 consecutive weeks is entitled to up to 27 weeks of leave without pay if the employee is unable to perform their duties of their position because of a serious medical condition.

An employee must provide a medical certificate by a qualified health practitioner to their employer which states that the employee has a serious medical condition, and outlines the period during which they will not be performing their duties as a result. A new leave period of up to 27 weeks may be taken 52 weeks after the week the medical certificate was issued or the prior leave began, whichever is earlier.

There are also stipulations for possible extensions of the leave if the serious medical condition persists after an employee has returned to work within the 52-week period.

This leave becomes available to employees as of June 19, 2025.

**Placement of a Child Leave** – This new leave of absence provides that an employee who has been employed by an employer for at least 13 weeks is entitled to up to 16 weeks of leave without pay because of the placement or arrival of a child into the employee’s custody, care and control through adoption or surrogacy. If an employee wishes to take such leave, they must provide the employer written notice of when the

leave is to begin and end at least two weeks before the leave is scheduled to begin. In addition, an employer may require an employee to provide evidence reasonable in the circumstances of the employee's entitlement to the leave. This leave becomes available to employees on a date to be named by proclamation of the Lieutenant Governor.

## **Key Amendments to the *OHSA***

**New Authorization for Training Programs Outside of Ontario** – The Act authorizes the Chief Prevention Officer to establish criteria to be used to assess training programs delivered outside Ontario for equivalency. An approved training provider may be approved to assess the training programs. If a training program delivered outside of Ontario is determined to be equivalent to a program approved under the *OHSA*, the program is deemed to have been approved under the *OHSA*. Additionally, the Act allows the Chief Prevention Officer to now establish policies regarding general training requirements established under the *OHSA* and may collect personal information, for purposes related to: developing, monitoring and evaluating a provincial occupational health and safety strategy; reporting on occupational health and safety; and providing advice to the Minister on the prevention of workplace injuries and occupational diseases, including planning or delivering programs and services related to the prevention of workplace injuries.

**Personal Protective Clothing and Equipment** – The *OHSA* has been amended by the Act to require employers to ensure that personal protective clothing and equipment that is provided, worn or used is a proper fit and is appropriate in the circumstances. Additionally, the Act gives the Lieutenant Governor in Council authority to make regulations requiring the assessment of personal protective clothing and equipment and prescribing requirements related to the conduct of those assessments.

**Fines** – Fines applicable to corporations for convictions under the *OHSA* have been changed. The new provisions set out both the maximum fine of \$2,000,000 and also a new minimum fine of \$500,000 for second or subsequent offences that result in the death or serious injury of one or more workers.

Note: The above amended provisions came into force on December 19, 2024.

## **Key Amendments to the *WSIA***

**Changes to the Workplace Safety and Insurance Board (the “Board”)** – The *WSIA* had been amended by the Act to now provide that, in certain circumstances, the Board is required to distribute amounts in the insurance fund in excess of specified amounts among certain Schedule 2 employers. In addition, the Act now provides for the immunity of the Board, members of the board of directors, officers and employees of the Board and the Crown in specified circumstances. Note that these changes are not yet in force and will be as of a date proclaimed by the Lieutenant Governor.

## **Key Takeaways for Employers**

**1. Greater Right of Benefit for Leaves** – If you are a private or public sector employer and/or a party to a collective agreement, you may already offer a sick leave or disability program to employees that provides a greater right of benefit than the newly legislated long-term illness leave. Consider reviewing your sick leave or disability program with a Fasken lawyer to understand how the long-term illness leave will affect your business and employees, including in connection with any existing sick leave or disability programs.

**2. Personal Protective Clothing and Equipment** – These changes represent best practices

that are likely already in place in many workplaces. Employers should ensure that personal protective clothing and equipment that is provided, worn or used is a proper fit and is appropriate in the circumstances.

**3. New Fines under the OHSA** – Employers beware. There is not only a maximum fine for convictions under the OHSA but also new additional fines for repeat and subsequent offences that result in the death or serious injury of one or more workers.

#### **Footnote**

1 *Working for Workers Six Act, 2024, S.O. 2024, c. 41*

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

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