

# [Bill 190, Working For Workers Five Act, 2024: Compliance Deadlines For Ontario Employers](#)



On October 28, 2024, [Bill 190, the Working for Workers Five Act, 2024](#) (Bill 190) received royal assent. As noted in our previous [bulletin](#) on this topic, Bill 190 amends various employment-related legislation in Ontario, including the *Employment Standards Act, 2000* (ESA) and the *Occupational Health and Safety Act* (OHSA).

## **Amendments to the Employment Standards Act, 2000**

The following key amendments to the ESA are now in force:

- **Sick Notes:** Employers may not request a doctor's note when an employee requests statutory sick leave under the ESA. However, employers may require an employee to provide evidence that is "reasonable in the circumstances" to prove their entitlement to such leave. This change applies to statutory sick leave only. Employers will still be able to request a sick note for leaves longer than three days (i.e., sick leaves that are not protected under the ESA).
- **Penalties:** The maximum fine for an individual who is convicted of violating the legislation will be doubled from C\$50,000 to C\$100,000.

The following key amendment to the ESA comes into force on a day to be named by proclamation:

- **Publicly Advertised Job Postings and Applicants:** Employers who publicly advertise job postings must include a statement disclosing whether the job posting is for an existing vacancy. Further, if an employer interviews an applicant for a publicly advertised job posting, the employer must provide the applicant with "prescribed information." Based on publications from the Ontario government, this will likely include informing an applicant that the position they applied for was filled.

## **Amendments to the Occupational Health and Safety Act**

The following key amendments to the OHSA are now in force:

- **Ambit of the OHSA:** The legislation will apply to remote work performed at a private residence.

- **Workplace Harassment:** The definitions of “workplace harassment” and “workplace sexual harassment” will be updated to include virtual instances of such activities.
- **Electronic Postings:** With respect to certain mandatory posting obligations, prescribed information may be posted in a “readily accessible electronic format.” To be deemed a “readily accessible electronic format” for the purposes of the act, (1) the employer must provide workers with direction on where and how to access the information; and (2) the information must be posted in an electronic format that workers in the workplace can readily access.

The following key amendment to the OHSA comes into force on a day to be named by proclamation:

- **Washroom Facilities:** Constructors and employers must maintain washroom facilities to be used by workers in a clean and sanitary condition. Constructors and employers must also maintain records of such cleanings.

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