

# Month in Review – Ontario



## **LAWS & ANNOUNCEMENTS**

### **Leaves of Absence**

Jan 21: Ontario hasn't yet proclaimed ESA amendments giving employees with at least 13 weeks' service 16 weeks' unpaid leave for the placement of a child into their custody, care, and control for the first time for purposes of adoption or surrogate birth. Employees may start leave up to 6 weeks before the expected placement date. Employers must retain leave records for 3 years after the day on which the leave expires.

**Action Point:** Find out how to implement a legally sound [Parental Leave Compliance Game Plan](#) at your workplace.

### **Payroll**

Feb 2: That's the final day for construction industry stakeholders to comment on a [proposal](#) to amend the *Employment Standards Act* to make contractors liable for the failure of subcontractors to pay their employees wages for performing the subcontracted work. Just how big is the non-payment problem in construction and what, if anything, should the government do about it, the MOL wants to know.

**Action Point:** Find out about the [8 important new payroll changes](#) that will affect your current year T4 filings and 2026 source deductions.

### **New Laws**

Dec 31: Newly effective "as of right" free trade [regulations](#) provide for recognition of goods and services from other Canadian jurisdictions that have enacted mutuality legislation recognizing Ontario goods and services within their own boundaries. The new regulations specify that in the event the free trade regulations conflict with other Ontario regulations, the free trade rules will prevail.

**Action Point:** Find out about the [5 ways the new interprovincial free trade and labour mobility regulations will impact HR operations](#).

## New Laws

Jan 1: New FSRA labour mobility rules provide financial services professional with equivalent licences from another Canadian jurisdiction an “express lane” to licensing allowing them to do business in Ontario almost immediately. While similar to Ontario’s current out-of-province licensing process, under the new process individuals will be deemed certified and allowed to start working once FSRA confirms receipt of a complete “as of right” application.

## New Laws

Mar 2: March 2 is the deadline to comment on new “Buy Ontario” public procurement [regulations](#) authorizing provincial government agencies, municipalities, and local boards to give preference to Ontario companies in awarding contracts for light duty fleet vehicles and major infrastructure construction projects.

## New Laws

Jan 13: Ontario will invest \$242 million to upgrade learning facilities at publicly funded colleges and universities across the province to bolster its pipeline of highly skilled workers by ensuring students have access to the latest equipment and state-of-the-art learning spaces. The investment includes \$209.3 million through the Facilities Renewal Program for facilities maintenance, repairs and upgrades, \$21.6 million through the College Equipment and Renewal Fund for purchase of instructional equipment and \$10.8 million through the Training Equipment and Renewal Fund for universities to renew and buy state-of-the-art equipment.

## Training

Dec 15: Ontario is investing \$2.6 million to enable Skills Ontario to add 2 more mobile learning hub trucks by August 2026. Equipped with simulators and state-of-the-art learning tools, the augmented 6-truck fleet will travel across the province offering hands-on training to an additional 75,000 young Ontarians seeking to break into the skilled trades.

## Training

Jan 19: Comments closed on the MOL’s [proposal](#) to increase training and job opportunities for more apprentices on public infrastructure projects. The questions: What kinds of initiatives and for what kinds of projects should the government make available?

## Privacy

Feb 9: February 9 is the deadline [to comment](#) on proposed regulations that would require acute care hospitals, school boards, children’s aid societies, colleges and universities, and other public sector entities to ensure that firms have taken specific measures to strengthen cyber security before awarding them contracts. Such required measures would include identifying points of contact for cybersecurity, submission of cybersecurity maturity assessment information, and reporting on critical cybersecurity incidents.

**Action Point:** Find out how to implement a [Data Breach Response & Damage Control Game Plan](#) to safeguard your company against cyberattack.

## Health & Safety

Jan 3: The MOL published the new OHS administrative monetary penalty [regulations](#) setting the AMP amount for public procurement contracts as the lesser of \$100,000 or 10% of the contract's value. The MOL will add AMP amounts for other offences later. The regulations also list the information the MOL must list in a Notice of administrative penalty and explain how it must be served and paid and how employers can appeal. It also authorizes the agency to publish the names of violators.

**Action Point:** Find out how to survive OHS and other [surprise government inspections](#) that can lead to AMPs.

## Health & Safety

Jan 1: The Ontario WSIB began accepting [applications](#) for automated external defibrillator reimbursement under new OHS rules making AEDs mandatory at construction project sites expected to last at least 3 months and that have 20 or more workers. Reimbursement will cover up to \$2,500 of one AED purchased between July 1, 2025, and June 30, 2027 per eligible construction site. Deadline to apply: July 31, 2027.

**Action Point:** Find out about the [new Ontario AEDs regulations](#) and how to save lives by [implementing an AEDs Program](#) at your own workplace regardless of where in Canada it's located.

## Workers' Compensation

Mar 31: March 31 is the deadline for Ontario Schedule 1 employers to submit their workers' compensation payroll reports listing their actual 2025 costs and projected costs for 2026 to the WSIB to avoid potential late fees, interest, and penalties. Keep in mind that employers who fail to pay workers' compensation premiums are now also subject to administrative monetary penalties.

**Action Point:** Look up the [2026 workers' compensation premium rates](#) in each part of Canada.

## Workers' Compensation

Dec 9: The Ontario Assembly tabled but will unlikely pass [Private Member Bill 86](#), an ambitious proposal to repeal the *Workplace Safety and Insurance Act, 1997* and replace it with a whole new fair compensation system called the *Meredith Act*.

## CASES

### Termination: Disturbing Employee at Home While on Leave Is Constructive Dismissal

After sending her numerous work-related texts, a supervisor showed up unexpectedly at the home of a personal care attendant on medical leave. Exactly what happened next was subject to dispute. The attendant claimed the supervisor walked in uninvited, tried to grab her, and then demanded her work cellphone. She also accused the supervisor of impatiently "hovering" over her as she deleted her personal information from the device. The supervisor described the episode as professional and non-confrontational. The attendant never returned from leave and sued for constructive dismissal. Combined with evidence of abusive treatment by the supervisor before and after the visit incident, the Ontario arbitrator awarded the attendant \$14,800 in damages for constructive dismissal and \$30,000 for disability discrimination. The

court found the ruling reasonable and dismissed the employer's appeal [[MINKARIOUS v. 1788795 ONTARIO INC.](#), 2025 ONSC 7245 (CanLII), December 29, 2026].

**Action Point:** Find out about the [13 most common constructive dismissal liability pitfalls](#) and what to do to manage each one.

## **Termination: Employee Who Loses Reprisal Claim Must Pay Employer's Legal Costs**

A grocery employee posted a 24-page diatribe on a social media site targeted to Chinese Canadians, the store's primary customer base, accusing the company of racism and comparing it to "the majesty of the party state." Management demanded that he take down the post by Nov. 27; he refused and was fired on the morning of Nov. 28. That same afternoon, he complained to the MOL about the store's failure to post required OHS workplace harassment and violence information. He also accused the company of reprisal for complaining to the MOL and engaging in union activity. The OLRB dismissed the complaint based on the store's 5 witnesses and "blatant falsehoods" in his own testimony. The Ontario court concluded that the Board's ruling was reasonable and the hearing fair. It also ordered the employee to pay the store \$7,500 in legal costs [[Cai Song v. Ontario Labour Relations Board](#), 2026 ONSC 165 (CanLII), January 14, 2026].

**Action Point:** Speaking out against workplace violence and harassment isn't blanket immunity to violate company rules and policies. Find out [how to discipline employees for legitimate offences without committing reprisals or retaliation](#).

## **Health & Safety: Use of Stepstools Doesn't Justify Failure to Provide Ladder Safety Training**

An MOL inspector ordered Starbucks to provide workers ladder safety training after observing elevated shelving units at its stores. Starbucks appealed the order, arguing that ladder training wasn't necessary because workers use a "stepstool" of less than 800 mm in height to access the shelves for which they receive safety instruction. But the Ontario Labour Relations Board upheld the order, giving deference to the inspector's view that the step-stool was a "ladder" for which training is required under OHS regulations [[Starbucks Coffee Canada Inc. v A Director under the OHS Act, and Brenden Laframboise](#), 2025 CanLII 133972 (ON LRB), December 19, 2025].

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