

Ontario Government Introduces The Working For Workers Five Act



Ontario's Bill 190 *Working for Workers Five Act*, 2004 ("Bill 190") was introduced on May 6, 2024 with the goal of building on four previous *Working for Workers Acts*. Bill 190 proposes to amend workplace legislation in order to reduce barriers to employment, increase fairness for job seekers, support women at work and amplify employee protection. The Bill proposes to make amendments to several workplace law statutes including:

- *Employment Standards Act, 2000*;
- *Workplace Safety and Insurance Act, 1997*;
- *The Occupational Health and Safety Act, 1990*;
- *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*;
- *Ontario Immigration Act, 2005*; and
- *Building Opportunities in the Skilled Trades Act, 2021*.

Proposed Changes to the *Employment Standards Act* ("ESA")

Fairness: Bill 190 introduces new sections for the ESA, which would mandate employers to disclose whether job positions are vacant and respond to applicants they have interviewed in publicly advertised job postings.

Penalties: Bill 190 proposes to double the maximum fine for those who are convicted of violating the ESA. These fines would be raised from \$50,000 to \$100,000, making it the highest fine in Canada. Furthermore, Bill 190 contains a proposal for increased penalties from \$1000 to \$5000 for repeat offenders who have violated the same ESA provision three or more times.

Sick Leave Documentation: The Bill proposes to prohibit employers from mandating a sick note for sick leaves under the ESA to assist in the reduction of administrative burden for healthcare professionals. The proposal allows employers to request for alternative forms of evidence if reasonable in the situation.

Proposed Changes to the *Workplace Safety and Insurance Act* ("WSIA")

Firefighters expanded coverage for occupational cancers, heart problems and PTSD by increasing coverage to two new categories of firefighting related roles. The amendments also propose a reduction in the years of service for presumptive coverage of primary site-skin cancer from 15 years to 10 years for firefighters.

Proposed Changes to the *Occupational Health and Safety Act* (“OHSa”)

Supporting Women: The definition of harassment under the OHSa would be updated if Bill 190 was passed to protect against virtual harassment including virtual sexual harassment. Further proposals include requiring bathrooms to be clean and sanitary while maintaining cleaning records. Additionally, the proposed changes would require construction sites to provide menstrual products if the job site has 20 or more regularly employed workers.

Electronic posting requirements: To help reduce environmental waste, Bill 190 proposes to allow electronic copies of OHSa to meet posting requirements and allow health and safety committee meetings to be held virtually.

Additional Proposed Changes to Workplace Legislation

This Bill proposes to amend the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*, to require regulated professions to have a policy to accept alternative documentation when an individual cannot obtain the typical required documentation of qualifications.

In an attempt to reduce the barriers the public face in obtaining employment, Bill 190 proposes to amend the *Ontario Immigration Act, 2015*, to delegate internal reviewer decision-making to speed up the immigration process. Additionally, Bill 190 proposes to increase the speed of the registration process for internationally trained workers and increase the number of occupations that are eligible for the In-Demand Skills stream of the Ontario Immigrant Nominee Program.

The Bill proposes a change in the *Building Opportunities in the Skilled Trades Act, 2021* to simplify the ability for individuals interested in skilled trades to find apprenticeship opportunities through high school streams and an online job portal. The proposed changes would also allow for alternative qualifying criteria for individuals who lack certain academic requirements.

Importance for Employers

As Bill 190 is only in the preliminary stages of the first reading, the proposed amendments have not received Royal Assent and become law. Some of these proposed changes will be subject to consultations and others are to be clarified by regulations. [CCPartners](#) will continue to monitor the progression of Bill 190 and provide timely updates as details arise regarding upcoming changes. A copy of Bill 190 can be accessed [here](#).

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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