

Working for Workers Act – Take Three



On March 20, 2023, the Government of Ontario introduced Bill 79, the *Working for Workers Act, 2023*, which, if passed, will bring more changes to workplace legislation. This is the third consecutive year of the Government of Ontario tabling changes to workplace legislation – as employers responded to new rules and requirements in 2022 via the [*Working for Workers Act, 2022*](#), and in 2021 via the [*Working for Workers Act, 2021*](#).

The *Working for Workers Act, 2023* is moving through the legislature and recently passed first reading. Below we have prepared a brief summary for employers of some of the main changes being proposed:

- Amending the *Occupational Health and Safety Act* (“*OHSA*”) to increase the maximum fine that may be imposed on a corporation for convicted of an offence under the *OHSA* from \$1.5 million to \$2 million.
- Broadening the term “establishment” under the *Employment Standards Act, 2000* (“*ESA*”) to include the private residence of the employee where the employee performs work from their home and does not perform work at any other location where the employer carries on business. This change would result in employees who work remotely from home being included in the count of employees when applying the mass termination provisions of the *ESA*.
- Revising the *ESA* to impose a statutory requirement for employers to provide new hires with certain information about their job (eg. hours of work, pay, location of work) in writing by a certain date (eg. before their first day or first shift).
- Enhanced job protected leave for military reservists under the *ESA*. This includes: 1) expanding the reasons for taking reservist leave to include treatment, recovery or rehabilitation in respect of a physical or mental health illness, injury or medical emergency that results from participation in certain operations or activities; 2) lowering the length of service required to be eligible for reservist leave to two months.
- Establishing the highest maximum fines in Canada for employers and people who are convicted of taking possession of or retaining a foreign national’s passport or work permit – this includes both per passport penalties of \$100,000 to \$200,000 per withheld passport, individual fines of up to \$500,000, and corporate fines of up to \$1 million.
- Ensuring that women have access to at least one women’s-only washroom on jobsites as well as properly fitting equipment.

We expect the *Working for Workers Act, 2023* to pass in short order. As the law moves

through the legislative process, significant amendments will be noted in future bulletins.