

Year-End Legislative Recap: What Employers Need To Know



In 2024, there were various amendments made and proposed to employment-related legislation across Canada. Some of these amendments are now in force. As we wrap up 2024, we have highlighted the more recent developments.

Bill 149, *Working for Workers Four Act, 2024*

[Bill 149, *Working for Workers Four Act, 2024*](#), received Royal Assent on March 21, 2024

The following changes are **now in force**:

- The [Ontario Employment Standards Act, 2000](#) (ESA) defines an employee to include: (a) a person, including an officer of a corporation, who performs work for an employer for wages; (b) a person who supplies services to an employer for wages; (c) a person who receives training from a person who is an employer, if the skill in which the person is being trained is a skill used by the employer's employees, or (d) a person who is a homemaker; and (e) a person who was an employee. As of March 21, 2024, the definition of "employee" in the ESA was amended to include individuals completing a "trial period" for an employer. As a result, employees on trial shifts are entitled to the minimum standards prescribed by the ESA, including minimum wage, overtime, and hours of work limits.
- Employers are not permitted to withhold or deduct the value of lost property or cash shortages from an employee's wages. The amendments now make it clear that this prohibition also applies to cash shortages or loss of property resulting from a customer of a restaurant, gas station, or other establishment leaving without paying for goods taken, or services received, from the establishment.
- Effective June 21, 2024, a written agreement is required if an employer wishes to pay vacation by any method other than: (1) in a lump sum before the employee commences their vacation; or (2) on the pay day for the pay period in which the vacation falls.

For more information on *Working for Workers Four Act, 2024*, please see our previous commentary available [here](#) and [here](#).

Bill 190, *Working for Workers Five Act, 2024*

[Bill 190, *Working for Workers Five Act, 2024*](#), received Royal Assent on October 28,

2024.

The following changes are now **in force**:

- Employers are prohibited from requiring an employee to provide a medical certificate from qualified health practitioners (i.e., doctors, registered nurses, psychologists, etc.) to substantiate their entitlement to ESA sick leave.
- The maximum fine for an individual convicted of violating the ESA has increased from \$50,000 to \$100,000.
- Certain definitions under the [Occupational Health and Safety Act](#) (OHSA) have been expanded, including: the “workplace,” which now includes “teleworking” from a private residence; and “workplace harassment” and “workplace sexual harassment” have been expanded to include certain forms of virtual harassment.
- Joint health and safety committee meetings may now take place remotely instead of exclusively physically in the workplace or in person.
- Employers may post a copy of the OHSA, explanatory materials, and their workplace health and safety policies in electronic format, rather than in the physical workplace, provided that: (1) workers are provided with direction on where and how to access the information; and (2) such information is provided in a format that is readily accessible by workers in the workplace.

For more information on the *Working for Workers Five Act, 2024*, please see our previous commentary available [here](#) and [here](#).

Minimum Wage

Ontario

Effective October 1, 2024, Ontario’s [minimum wage](#) increased from \$16.55 per hour to \$17.20. This 3.9% annualized wage increase is based on the Ontario Consumer Price Index and brings Ontario’s minimum wage to the second highest in Canada.

British Columbia

On March 14, 2024, [Bill 2, Employment Standards Amendment Act, 2024](#), received Royal Assent. With this amendment comes an automatic annual increase to minimum wage commensurate with inflation on June 1 of each year.

In light of this amendment, minimum wage in 2024 saw an increase of 3.9% from \$16.75/hour to \$17.40/hour, which is consistent with British Columbia’s average rate of inflation. These annual increases bring British Columbia’s minimum wage in line with most other provinces and federal legislation in Canada.

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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