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PUBLICATION

Ontario Introduces Working for Workers Six Act, 2024

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On November 27, 2024, the Ontario government introduced the sixth instalment of the Working for Workers Act series. If passed, Bill 229, the *Working for Workers Six Act, 2024* will amend various workplace legislation, including the *Employment Standards Act, 2000 ("ESA")*, the *Occupational Health and Safety Act ("OHSA")*, and the *Workplace Safety and Insurance Act, 1997 ("WSIA")*.

We highlight some of the key proposed changes arising from Bill 229, below.

Bill 229 - *Working for Workers Six Act, 2024*

PROPOSED AMENDMENTS TO THE *ESA*

- **Placement of a Child Leave:** Introducing a new leave entitling employees with at least 13 weeks' employment up to 16 weeks of unpaid, job-protected leave following the placement or arrival of a child into an employee's custody through adoption or surrogacy.
- **Long-Term Illness Leave:** Introducing a new long-term illness leave entitling employees with at least 13 weeks' employment and who are unable to work due to a serious medical condition up to 27 weeks of unpaid, job-protected leave. This provision would make Ontario's leave one of the longest in Canada for employees facing a serious illness and aligns with the 26 weeks of employment insurance sickness benefits under the *Employment Insurance Act*.

PROPOSED AMENDMENTS TO THE *OHSA*

- **Increased Fines for Repeat Offences:** Introducing a repeat offender provision under the *OHSA* whereby corporations found guilty of a second or subsequent offence resulting in the death or serious injury of one or more workers within a two-year period will face a minimum fine of $500,000.
- **Personal Protective Equipment (PPE) Standards:** Requiring employers to ensure that all personal protective clothing and equipment that is provided, worn or used is properly fitted and appropriate for the worker's needs. Further regulations regarding PPE assessment and requirements may follow, as prescribed.
- **Expansion of the Chief Prevention Officer's Powers:** Providing the Chief Prevention Officer (CPO) with expanded powers, including the ability to (i) assess and approve out-of-province training programs for equivalency under the *OHSA*, (ii) develop policies related to

general training requirements, and (iii) collect personal information to support health and safety strategies.
- **Expansion of the Minister's Powers:** Providing the Minister of Labour, Immigration, Training and Skills Development with the power to require a constructor to establish a worker trades committee at a project and provide for the composition, practice and procedure of that worker trades committee.

PROPOSED AMENDMENTS TO THE *WSIA*

- **Presumptive Coverage for Firefighters:** Extending presumptive coverage as an occupational disease to certain firefighters and fire investigators with at least 10 years' service prior to diagnosis in respect of primary-site kidney cancer and colorectal cancer.
- **Distribution of Surplus Funds to Municipal Employers:** Allowing for the distribution of surplus amounts in the *WSIA* insurance fund to Schedule 2 municipal employers, provided that prescribed requirements are met.

ADDITIONAL STATUTORY AMENDMENTS

- Amending *Highway Traffic Act* Amendments to introduce additional driver requirements when a work-related vehicle is stopped on a highway. These provisions aim to improve road safety and ensure better compliance with safety standards for vehicles on public roads. The definition of "work-related vehicle" will follow at a later date.
- Amending the *Ontario Immigration Act, 2015* to prohibit misrepresentation or the submission of false documents in immigration applications. The Minister would also have the authority to ban individuals or representatives found to be in violation of these provisions for a prescribed period.
- Proposing the *Skilled Trades Week Act, 2024*, which would proclaim the first week of November each year as Skilled Trades Week to highlight the importance of skilled trades in Ontario's economy.

TAKEAWAY

Bill 229 is currently making its way through Ontario's Legislative Assembly, which may lead to further changes before it is passed. If it is passed, the amendments will come into force on the date that the legislation receives Royal Assent or on a date to be proclaimed by the Lieutenant Governor, with a few exceptions.

If you have questions about the changes proposed by Bill 229, or their impact on your workplace, please reach out to a member of Blaneys' Employment & Labour Group.

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The information contained in this article is intended to provide information and comment, in a general fashion, about recent developments in the law and related practice points of interest. The information and views expressed are not intended to provide legal advice. For specific legal advice, please contact us.