

# Ontario's Fifth Working for Workers Act Receives Royal Assent

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On October 28, 2024, Bill 190, Ontario's [Working for Workers Five Act, 2024](#) received Royal Assent. Bill 190 amends the *Employment Standards Act, 2000* ("ESA"), the *Occupational Health and Safety Act* ("OHSA") and the *Workplace Safety and Insurance Act, 1997* ("WSIA"), among other workplace-related legislation. We highlight some of these key amendments below, certain of which are now in force, with others coming into force on a future date that has yet to be announced.

## AMENDMENTS TO THE *ESA*

The following amendments are now in force:

- **Doctor's notes:** Employers are prohibited from requiring an employee to provide certificates from qualified health practitioners as evidence of their entitlement to statutory sick leave (i.e. three days of unpaid statutory sick leave per calendar year).
- **Maximum fines:** The maximum fine for individuals convicted of violating the *ESA* has now doubled from \$50,000 to \$100,000.

The following amendments will come into force on a future date to be proclaimed:

- **Job posting requirements:** Publicly advertised job postings will require a statement disclosing whether the posting is for an existing vacancy. Exemptions may be prescribed by regulation.
- **Duty to inform applicants:** If an employer interviews an applicant for a publicly advertised job posting, they must provide the applicant with certain prescribed information within a set timeframe. No details have been provided yet regarding what these requirements will be.

## AMENDMENTS TO THE *OHSA*

The following amendments are now in force:

- **Application of *OHSA*:** The application of the *OHSA* is extended to private residences where telework is performed. The definition of "industrial establishment" is also amended to exclude any office in a private residence.

- **Workplace harassment:** The definitions of “workplace harassment” and “workplace sexual harassment” have been amended to now include virtual harassment occurring through the use of information and communications technology.
- **Electronic postings:** Employers may satisfy the requirement to “post” a copy of the *OHSA* and any explanatory information by granting workers access to such information in an electronic format that is readily accessible.
- **Remote JHSC meetings:** Joint health and safety committee meetings may occur remotely rather than exclusively in-person.

The following amendments will come into force on a future date to be proclaimed:

- **Washroom facilities:** Employers and constructors will be required to ensure that washroom facilities provided to workers are clean and sanitary, and maintain cleaning records, as prescribed.

#### AMENDMENTS TO THE *WSIA*

The following amendment is now in force:

- Presumptive coverage for post-traumatic stress disorder is extended to wildland firefighters and wildland fire investigators.

The following amendment will come into force on a future date to be proclaimed:

- Presumptive coverage for primary-site skin cancer is extended to firefighters and fire investigators, provided the worker had at least ten (10) years of service before being diagnosed.

#### ADDITIONAL AMENDMENTS

Bill 190 also makes additional amendments to the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*, the *Ontario Immigration Act, 2015* and the *Building Opportunities in the Skilled Trades Act, 2021*, as previously reported in our update on [June 13, 2024](#).

#### TAKEAWAY

Ontario employers should take note of the Bill 190 legislative changes already in force and turn their mind to planning for the changes to come. For example, existing workplace policies will need to be reviewed and, if necessary, updated to address the new requirements regarding sick notes and “virtual” workplace harassment. We will provide further updates on the additional amendments and regulations as more information becomes available.

If you have questions about Bill 190, or how these amendments might impact your workplace, please reach out to a member of Blaney’s [Employment & Labour Group](#).

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