Working for Workers Six Act, 2024: New obligations on Ontario employers

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On Nov. 27, 2024, just one month after many provisions of Ontario's *Working for Workers Five Act, 2024* (Bill 190) received Royal Assent, Ontario has proposed Bill 229, the *Working for Workers Six Act, 2024*. The new legislation, which builds upon its five predecessors, proposes changes that will affect employers, in particular to the *Employment Standards Act* (ESA) and the *Occupational Health and Safety Act* (OHSA).

Key proposed changes to the ESA

Section 47.1 – Placement of a child leave. This new section would entitle employees who have been employed by an employer for at least 13 weeks to take up to 16 weeks of unpaid leave for the placement or arrival of a child into the employee's custody, care and control, through adoption or surrogacy.

Section 49.8 – Long-term illness leave. This new section would entitle employees who have been employed by an employer for at least 13 consecutive weeks to take up to 27 weeks of unpaid leave if the employee will not be performing the duties of the employee's position because of a serious medical condition.

Key proposed changes to the OHSA

Expanding the power of the Chief Prevention Officer:

- The Chief Prevention Officer will have the authority to establish the criteria used for determining whether a training program outside of Ontario is equivalent to a program approved under the OHSA.
- The Chief Prevention Officer will have the authority to establish policies regarding general training requirements established under the OHSA.
- The Chief Prevention Officer will have the authority to seek advice from a committee or individual appointed under s. 21(1) of the OHSA. Additionally, any assistance, advice, or reports provided to the Minister by a committee must be shared with the Chief Prevention Officer.
- The Chief Prevention Officer will have the authority to collect personal information to develop, monitor, and evaluate a provincial occupational health

and safety strategy. This includes reporting on occupational health and safety, advising the Minister on the prevention of workplace injuries and occupational diseases, as well as planning and delivering programs and services aimed at preventing workplace injuries.

New personal protective equipment (PPE) requirements. Employers will now be required to ensure that personal protective clothing and equipment that is provided, worn, or used is a proper fit and is appropriate in the circumstances.

Minimum fines for serious violations. The new provision also establishes a minimum fine for second or subsequent offences that lead to the death or serious injury of one or more workers. If a corporation is convicted of a second or subsequent offence within a two-year period that results in the death or serious injury of one or more workers, the minimum fine imposed will be $500,000.

Key takeaways

The *Working for Workers Six Act, 2024* (Bill 229), like its predecessors, introduces significant amendments to Ontario's employment laws, particularly imposing new obligations on employers and increasing penalties.

Contact us

BLG's Labour & Employment lawyers continue to monitor the progress of the *Working for Workers Six Act* and its proposed amendments. We are available to answer any questions about these changes and the proactive steps that should be taken to prepare for their implementation: simply contact your BLG lawyer or any member of our Labour and Employment Group.

By

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