New deadlines announced for Ontario employers

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The Ontario Government has announced new deadlines for employers with employees in Ontario. This article contains a high-level summary of when key new deadlines from Bill 190, the *Working for Workers Five Act, 2024*, and Bill 229 the *Working for Workers Six Act, 2024* will come into force and what needs to be done.

Already in force

As we had written about in Fall 2024, many of the amendments brought about by Bill 190 had already come into force on Oct. 28, 2024. Employers should already have implemented changes in the workplace to ensure compliance with those changes.

As well, on Dec. 2, 2024, an amendment to the *Workplace Safety and Insurance Act* (WSIA) came into force. Bill 190 added sections to establish a presumption of occupational disease in respect of primary-site skin cancer for certain firefighters and certain fire investigators. Employers must now be compliant with this legislation.

On Dec.19, 2024, various *Occupational Health and Safety Act* (OHSA) section amendments came into force, which we wrote about in early December.

Further, on Jan.1, 2025, OHSA amendments regarding work trade committees came into force allowing the Minister of Labour, Immigration, Training, and Skills Development (the Minister) can issue orders concerning worker trades committees. The amendments enable the Minister to require a constructor to set up a worker trades committee for a project, including determining its composition, practices, and procedures. In exercising their authority, the Minister can consider factors such as the nature of the work, the rate of workplace or industry-related illness or injury, the presence and effectiveness of a workplace health and safety program, and any other relevant matters deemed appropriate.

Coming into force at the workplace on June 19, 2025

Recently, the Ontario Government has announced a summer 2025 date for the coming into force of a Bill 229 amendment to long-term illness leaves. The amendment entitles

an employee with at least 13 consecutive weeks of service to an unpaid leave of up to 27 weeks if the employee is unable to work due to a serious medical condition (includes conditions that are chronic or episodic). Specifically, employees:

- must notify their employer in writing that they intend to take such a leave as soon as possible, and provide a supporting certificate issued by a "qualified health practitioner" that,
    i. states that the employee has a serious medical condition, and
    ii. sets out the period during which the employee will be unable to perform the duties of their position as a result of their condition.
- the leave entitlement would be 27 weeks, or the period set out in the certificate, whichever one is less.
- if the employee's serious medical condition persists after returning to work, within 52 weeks of the certificate's issuance or the employee stopping work (whichever comes first), they may be able to extend the leave or take a new leave.
- if the serious medical condition continues after 52 weeks, the employee may be eligible to take another leave, provided they meet the legislative requirements for doing so.

Employers must ensure they comply with the following requirements by June 19, 2025.

Coming into force at the workplace on July 1, 2025

The Ontario Government has also announced a summer 2025 date for the coming into force of two of the Bill 190 amendments. Employers must ensure they comply with the following requirements by July 1, 2025.

1. Constructors and employers must ensure that washroom facilities for workers are maintained in a clean and sanitary condition. Constructors and employers are also required to keep, maintain and make available records of the cleaning of washroom facilities.
2. Regulated professions bodies must have alterative documentation of qualification policies and plans of how to enable multiple registration processes to concurrently take place.

Additionally, a new regulation, Ontario Regulation 477/24, was prescribed under the original *Working for Workers Act* 2023 that will require employers to provide certain information, set out below.

1. Employers with 25 or more employees will be required to provide new hires with their legal name, operating or business name if different from the legal name, their contact information, the general location description of where the employee will work, the starting pay (hourly, wage rate, or commission), pay period in accordance with s.s. 11(1) of the ESA and lastly, the hours of work.

Coming into force at the workplace on Jan. 1, 2026

In just under a year, by Jan. 1, 2026, employers must be compliant with amendments that mandate certain requirements with respect to job postings. Employers must ensure publicly advertised job postings include, in the posting, a statement disclosing whether

the posting is for an existing vacancy or not and any other prescribed information (detailed in the regulation discussed below). The employer also must retain copies of all prescribed information provided to applicants that are interviewed. These requirements are further explained below.

ESA and OHSA regulations coming into force at the workplace on Jan. 1, 2026

1. On Nov. 29, 2024, Ontario published three implementing regulations in connection with the amendments made by Bill 190, all of which will come into force on Jan. 1, 2026.
    a. *Regulation 476/24: Rules and Exemptions re Job Postings*. Among other things, this regulation defines a "publicly advertised job posting" as an external job posting that an employer or person acting on behalf of an employer advertises to the general public in any manner. Publicly advertised job postings are **not**:
        - a general recruitment campaign or help wanted sign that does not advertise a specific position;
        - a posting for a position that is restricted to existing employees of the employer; or
        - a posting for a position performed outside Ontario that does not fall within the scope of the ESA.

The regulation also defines an "interview" as a meeting in person or using technology, which can include teleconference or videoconference technology, between an applicant who has applied to a publicly advertised job posting and an employer or person acting on behalf of an employer where questions are asked and answers are given to assess the applicant's suitability for the position, but does not include preliminary screening before the selection of applicants for such a meeting.

Employers with more than 25 employees will be required to provide information about expected compensation or a range of expected compensation in publicly advertised job postings (with exceptions), to inform interviewed applicants of hiring decisions within 45 days of the last interview, in person, writing or using technology.

Specifically, this Regulation:

- indicates that the requirement to include "expected compensation" or "range of expected compensation" will not apply to a position that has an expected compensation of $200,000 or more annually;
- stipulates that for the purposes of the requirement to post a range of expected compensation, the range must not exceed $50,000 annually;
- prohibits employers from including any requirements related to Canadian work experience in the job posting or in any associated application form;
- requires an employer who uses artificial intelligence to screen, assess, or select applicants to disclose this practice on its job postings. "Artificial intelligence" has been defined to mean a machine-based system that, for explicit or implicit objectives, infers from the input it receives in order to generate outputs such as predictions, content, recommendations or decisions that can influence physical or virtual environments;

- requires the job posting to include a statement disclosing whether it is for an existing vacancy; and
- requires an employer to retain job postings and any associated application forms, as well as the information provided to applicants after an interview, for a period of three years.

a. Regulation 480/24 – Washroom Facilities – Records of Cleaning. This regulation requires employers or constructors to keep, maintain and make available records of the cleaning of washroom facilities by placing the record in or near the washroom facility where it is likely to come to the attention of workers, or posted electronically where it may be accessed by workers and workers are provided direction on how to access the record. Records must include the date and time of the two most recent cleanings of the washroom.
b. Regulation 482/24 – Washroom Facilities – Construction Projects. This regulation specifies that constructors must keep a record or washroom servicing, including any sanitizing and cleaning, for the past six months, or the duration of the project, whichever is shorter.

Proposed amendments to come into force on a date to be proclaimed

We will be keeping an eye on the progress of the following proposed Bill 229 amendments and provide updates as they come into force:

1. Parental leave for employees who become parents through adoption or surrogacy:
    - employees with at least 13 weeks of service are entitled to an unpaid leave of up to 16 weeks, which can be taken 6 weeks before the placement on account of the placement or arrival of a child into the employee's custody, care, and control by way of adoption or surrogacy. The employee must provide at least two weeks' notice;
    - leave can be taken by more than one employee with respect to the same child and will be 16 weeks per employee to be taken at a single period; and
    - may require reasonable evidence for the leave.
2. End of Parental leave:
    - 61 weeks after it began if the employee also took pregnancy leave;
    - 62 weeks after it began if the employee also took placement of a child leave; or
    - 63 weeks after it began, otherwise.

As always, employers will need to take both immediate and future steps to comply with the newly passed legislation, including but not limited to reviewing (and amending as appropriate) washroom facilities cleanliness, external job posting requirements, and other workplace policies.

In relation to this, it would be an opportune time to consider a legal update of related employment policies and documents, including employment agreements.

Please contact your BLG lawyer or any member of our Labour and Employment Group for any questions, including steps to take to be compliant with the newest announced changes.

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