

Stronger Workplaces for a Stronger Economy Act – Key Changes

Changes to the Employment Standards Act, 2000

Claim Period Extended from Six/Twelve Months to Two Years – Single two-year limitations period on ESA wages claims, consistent with the general civil limitations period. (Feb. 20, 2015)

Removal of the \$10,000 Cap for ESA Wage Claims – Will no longer be any restriction or cap on claims for unpaid wages (which may include regular salary, commissions, certain bonuses, termination pay, severance pay or vacation pay) (Feb. 20, 2015)

Employer Self-Audit - In addition to the investigative and inspection powers that employment standards officers currently possess, officers will be empowered to order employers to conduct a detailed self-audit with respect to their ESA compliance, at the employer's expense. Employers will be required to report results within a designated period of time, including any unpaid wages or instances of non-compliance that may have been revealed. Once reported, the employer could face wage orders or other compliance orders. (May 20, 2015)

Ministry of Labour Information Poster – Employers will have to provide each employee with a copy of the MOL poster in the language of the employee's choice (provided that the MOL has a copy in the language requested) within 30 days. (May 20, 2015)

Minimum Wage – Will be linked to CPI and will be published by April 1 of each year. (Oct. 1, 2015)

Utilization of Temporary Help Agencies – Employers who utilize the services of temporary help agencies will be required to record hours worked and will be jointly and severally liable for wage claims by temporary employees. (Nov. 20, 2015)

Changes to the Occupational Health and Safety Act

Protection Under OHSA for Unpaid Interns – Definition of "worker" under OHSA will include unpaid co-op students who are working as part of a secondary school program, unpaid co-op students who are working as part of a program authorized by a post-secondary institution, and true interns who meet the conditions under section 1(2) of the ESA. (Nov. 20, 2014)

Changes to the Labour Relations Act, 1995

"Open Period" for Union Raids – Will be reduced for displacement applications (commonly known as union raids) in the construction industry from three months to two months. (May 20, 2015)

Changes to the Workplace Safety and Insurance Act/Other

Utilization of Temporary Help Agencies – Employers who use temporary help agencies will be responsible for WSIB premiums and related accident costs of temporary workers; and responsible, with the temporary help agency, for reporting injury/illness situations to WSIB. (TBD)

Increased Protection for Foreign Workers - Protection under EPFNA extended to all foreign workers in Ontario (instead of just live-in caregivers). Employers and/or recruiters must provide MOL info guides to all foreign workers and are limited in ability to charge fees or recover costs from foreign workers who come to Canada. (Nov. 20, 2015)

If you have any questions or require further assistance, please contact us:

Tim Lawson, Partner
timlawson@mccarthy.ca
(416) 601-8172

Daniel Pugen, Partner
dpugen@mccarthy.ca
(416) 601-7955

Kate McNeill-Keller, Partner
kmcneill@mccarthy.ca
(416) 601-8108