

Multiple Working for Workers Acts Were the Tale of Ontario's 2024

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Ontario saw a ramp-up in 2024 of changes to workplace laws through the ongoing saga of the *Working for Workers Acts* (and their various iterations). Three consecutive *Working for Workers Act* bills either received royal assent or were introduced this year. These acts have brought about significant changes to the labour and employment law landscape in Ontario, shaping the way employers manage the workplace.

Quick Hits

- Ontario's *Working for Workers Acts* (Four, Five, and Six) have introduced changes to the ESA and the OHSa, impacting sick leave policies, job posting transparency, and workplace safety regulations.
- Some changes are already in force; others are coming in 2025 and 2026, including stricter job posting requirements.
- The proposed *Working for Workers Six Act, 2024* includes unpaid leave provisions for child placement and long-term illness, as well as increased fines for repeat OHSa violations resulting in serious injury or death.

In this article, we highlight some key changes brought about by the following acts:

- *Working for Workers Four Act, 2024* (WFW Act Four)
- *Working for Workers Five Act, 2024* (WFW Act Five)
- *Working for Workers Six Act, 2024* (WFW Act Six)

We previously [reported on WFW Act Five](#). This article will focus on WFW Act Four and the updates to WFW Act Five, as the government has now provided dates for when certain provisions become effective. This article also covers WFW Act Six's proposed changes.

Ontario's *Working for Workers Four Act* and *Working for Workers Five Act*

WFW Act Four (aka [Bill 149](#)) and WFW Act Five (aka [Bill 190](#)) both received Royal Assent earlier this

year, officially making them law.

On December 3, 2024, many key provisions in both WFW Act Four and WFW Act Five took effect, along with additional regulations clarifying the application of these new regulations.

Below are key changes that these acts introduced to the *Employment Standards Act, 2000* (ESA) and the *Occupational Health and Safety Act* (OHSA).

Amendments to the ESA

- *Sick notes*: Effective October 28, 2024, employers are limited on when and what they can request as evidence in support of an employee's absence. Employers cannot ask for a medical note from a "qualified health practitioner" for the three-day sick leave provided under the ESA, but they can ask for "evidence reasonable in the circumstances." For other statutory leaves or sick days exceeding three days, the employer may still ask for such a medical note.
- *Tips and gratuities pooling*: As of June 21, 2024, employers that have tip-sharing policies have to post a copy of the policy in a "conspicuous place in the employer's establishment." Furthermore, an employer is required to pay an employee's tips or other gratuities by cash, by a cheque payable only to the employee, by direct deposit, or by any other prescribed method of payment.
- *Job postings*: The changes introduce new transparency requirements for job postings and recruiting. Starting on January 1, 2026, employers must disclose if they are using artificial intelligence (AI) during the hiring process and if the position is currently vacant. Also, employers with twenty-five or more employees must include information about the expected compensation range in publicly advertised job postings. The lowest and highest ends of the range of a posted compensation may not exceed a \$50,000 difference (for example, a posted compensation range of \$75,000 –\$150,000 would not be acceptable, but \$110,000 to \$150,000 would be acceptable). Furthermore, information on compensation is required only for positions that have an expected compensation of \$200,000 annually or less (or where the compensation range's upper limit is no more than \$200,000 annually).

Employers are also prohibited from including Canadian experience requirements in publicly advertised job postings or associated job application forms.

The new rules clarify the definition of 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." There are exceptions for certain job postings that are not included in this definition. Employers must retain documents such as job postings, applications, and post-interview information for three years.

Included in these changes is also a requirement that employers inform interviewees about the status of the positions for which they applied—for instance, whether a hiring decision was made. Employers have forty-five days after the date of the interview or within forty-five days of the last interview to provide the interviewee with this information in person, in writing, or using technology.

- *ESA violation fines*: Effective October 28, 2024, the maximum fine for individual violations of the ESA doubled, increasing to \$100,000.

Amendments to the OHSA

Offices located in private residences are now specifically excluded from the definition of “industrial establishment,” under the OHSA. However, the OHSA still applies to “telework performed in or about a private residence.” Additionally, the definitions of “workplace harassment” and “workplace sexual harassment” now include virtual activities.

Effective July 1, 2025, employers and constructors are obligated to ensure workplace washrooms are kept clean and that cleaning records are available.

Starting January 1, 2026, cleaning records must be posted by employers in a (1) conspicuous place in or near the washroom facility or (2) electronically where workers can access them.

Ontario’s *Working for Workers Six Act, 2024*

The WFW Act Six (aka [Bill 229](#)) was introduced by the Ontario government on November 27, 2024, and builds on the previous *Working for Workers Acts*. Here are some key proposed amendments under the WFW Act Six.

Proposed Amendments to the ESA

- The WFW Act Six introduces a new “placement of a child” leave, which grants employees with a minimum of thirteen weeks of service the right to take up to sixteen weeks of unpaid leave following the placement or arrival of a child into their custody, care, and control through adoption or surrogacy.
- The legislation also introduces long-term illness leave, which allows employees with a minimum of thirteen weeks of service to take up to twenty-seven weeks of unpaid leave if they are unable to perform their job duties due to a serious medical condition. Currently, employees must look to laws outside the ESA, such as human rights legislation, to support leaves taken for their own long-term illnesses.

Proposed Amendments to the OHSA

- The WFW Act Six proposes a minimum fine of \$500,000 for any corporation convicted of a second or subsequent offense under the OHSA that results in death or serious injury of workers within a two-year period.
- An additional OHSA amendment would give the chief prevention officer the power to create policies concerning general training under the OHSA.

Other Proposed Statutory Amendments

- The WFW Act Six would amend the *Highway and Traffic Act* to include additional driver requirements when a work vehicle is stopped on a highway.
- The WFW Act Six would amend the *Ontario Immigration Act* (OIA) to prohibit individuals from making oral or written misrepresentations in an application under the OIA, submitting false documents, or advising others to engage in these acts.

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