

## ***Ontario Government Introduces Working for Workers Six Act***

December 2, 2024

On November 27, 2024, the Ontario Government introduced Bill 229, [\*Working for Workers Six Act, 2024\*](#). If passed, Bill 229 will amend, among other things, the [\*Employment Standards Act, 2000\*](#) (“ESA”), [\*Occupational Health and Safety Act\*](#) (“OHSA”) and [\*Workplace Safety and Insurance Act\*](#) (“WSIA”).<sup>1</sup> The following is a summary of key proposed amendments. For more information and assistance, contact your Sherrard Kuzz LLP lawyers or [info@sherrardkuzz.com](mailto:info@sherrardkuzz.com).

### **Changes to the ESA**

If passed, Bill 229 will provide an employee with two new unpaid ESA leave entitlements.

#### ***a. Placement of a child leave***

An employee who has been employed for at least thirteen weeks will be entitled to an unpaid leave of sixteen weeks if a child is placed in their care, custody or control through adoption or surrogacy.

#### ***b. Long-term illness leave***

An employee who has been employed for at least thirteen consecutive weeks will be entitled to an unpaid leave of up to twenty-seven weeks if they are not able to perform their duties because of a serious medical condition. Entitlement to the leave is conditional on the employee providing a certificate or note from a medical practitioner confirming the employee has a serious medical condition and the period in which the employee will not perform their duties because of the serious medical condition.

### **Changes to the OHSA**

If passed, Bill 229 will make the following amendments to the OHSA.

#### ***a. Increase minimum fines***

Bill 229 will impose a \$500,000 minimum fine on a corporation found guilty of a second or subsequent offence under the OHSA that results in the death or serious injury of a worker in a two-year period. The maximum fine of \$2,000,000 for a corporation that contravenes the OHSA for either a first offence or any subsequent offence, remains the same.

#### ***b. Add requirement to ensure PPE is appropriate***

Bill 229 will require an employer to ensure personal protective equipment (“PPE”) that is provided, worn or used is a proper fit and appropriate in the circumstances. This is aimed at ensuring PPE fits diverse bodies. Regulations are expected to be passed to help employers determine what is appropriate PPE.

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<sup>1</sup> See our briefing note on [\*Working for Workers Five Act, 2024\*](#), and all other related briefing notes, [here](#).

***c. Expand authority of the Chief Prevention Officer***

Under the OHSA, the Minister of Labour, Immigration, Training and Skill Development (“Minister”) must appoint a Chief Prevention Officer for the province. Bill 229 will provide the Chief Prevention Officer authority to:

- Establish criteria to assess and approve training programs which have been delivered outside of Ontario for the purposes of determining if they equivalent to those under OHSA.
- Establish policies regarding training requirements under OHSA.
- Collect and use personal information to monitor or report on health and safety strategy and to provide advice on the prevention of workplace injuries and occupational disease.

***d. Order worker trades committee***

The Minister will have the power to order a constructor to establish a worker trades committee at a project, and to determine the composition, practice, and procedure of the committee.

**Changes to the WSIA**

If passed, Bill 229 will amend the WSIA to:

- Establish presumptive coverage for certain firefighters and fire investigators in respect to primary-site kidney cancer and primary-site colorectal cancer if the worker had at least ten years of service prior to being diagnosed.
- Create a new section 97.3 of the WSIA. This section provides that, in certain circumstances, the WSIB is required to redistribute certain surplus amounts in the insurance fund back to a Schedule 2 employer that is a municipality.
- Provide immunity to the WSIB, its members, directors, officers, or employees from legal proceedings commenced against it/them, subject to the requirement that it/they were exercising their authority in good faith.

**To learn more and for assistance, contact your Sherrard Kuzz lawyer or [info@sherrardkuzz.com](mailto:info@sherrardkuzz.com).**

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