

Working for Workers Six Act Received Royal Assent

January 2025

On December 19, 2024, the Ontario Government passed the sixth installment of its working for workers legislation: Bill 229, [*Working for Workers Six Act, 2024*](#). Bill 229 amends, among other things, the [*Employment Standards Act, 2000*](#) (“ESA”), [*Occupational Health and Safety Act*](#) (“OHSA”) and [*Workplace Safety and Insurance Act*](#) (“WSIA”). Some of these changes took immediate effect, while others will come into force on a set date, or on a day to be proclaimed by the Lieutenant Governor. The following is a summary of key amendments. For more information and assistance, contact your Sherrard Kuzz LLP lawyers or info@sherrardkuzz.com.

Changes to ESA

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 weeks¹ 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. **This change will come into force upon proclamation.**

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 qualified health practitioner (*e.g.*, doctor, registered nurse or psychologist), 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. **This change will come into force on June 19, 2025.**

Changes to OHSA

Bill 229 makes the following amendments to OHSA, **all of which are now in force.**

a. Increased minimum fine

Bill 229 imposes a \$500,000 minimum fine on a corporation found guilty of a second or subsequent offence under OHSA that results in the death or serious injury of a worker in a two-year period. The

¹ The ESA differentiates between “weeks” and “consecutive weeks” in several provisions (*e.g.*, pregnancy leave, or critical illness leave). To understand the impact of the new unpaid ESA leave entitlement on your workplace, contact your Sherrard Kuzz lawyer or info@sherrardkuzz.com.

maximum fine of \$2,000,000 for a corporation that contravenes OHSA for either a first offence or any subsequent offence, remains the same.

b. Added requirement to ensure PPE is appropriate

Bill 229 requires 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.

c. Expanded authority of the Chief Prevention Officer

Under OHSA, the Minister of Labour, Immigration, Training and Skill Development (“Minister”) must appoint a Chief Prevention Officer for the province. Bill 229 gives 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. Power to order worker trades committee

Bill 229 gives the Minister 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 WSIA

Bill 229 will make several amendments to WSIA, **to come into force upon proclamation.**

- Establish presumptive coverage for certain firefighters and fire investigators regarding primary-site kidney cancer and colorectal cancer if the worker had at least ten years of service prior to being diagnosed.
- Create a new section 97.3 of WSIA. This section provides that, in certain circumstances, the Workplace Safety and Insurance Board (“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, if it/they were exercising their authority in good faith.

To learn more and for assistance, contact your Sherrard Kuzz lawyer or info@sherrardkuzz.com.

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