Parishes reminded to review their hiring and employment practices to align with legislation

Bill 190, the *Fifth Working for Workers Act* amends the Employment Standards Act (ESA), the Ontario Health and Safety Act (OHSA), and the Workplace Safety and Insurance Act (WSIA). It received Royal Assent on October 28, 2024 and came into effect immediately.

It contains several key changes to the Acts regarding sick leave, job postings and interviews, and health & safety. The WSIA changes relate to firefighters. For more information please read the government's posted legislative change (https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-190#BK4) or contact LegalConnex to ask questions about what you may need to do.

The changes under the ESA include:
- **Hiring:** job postings need to include a statement disclosing whether the posting is for an existing vacancy or not; employers have a duty inform applicants that you interview if they are successful or not; employers are required to keep information provided to job applicants for 3 years.
- **Sick Leave:** an employer cannot require an employee to provide a certificate from a qualified health practitioner as evidence of entitlement to an ESA sick leave (3 days). The employer may require evidence reasonable in the circumstances that the employee is entitled to the leave.
- **Fines:** that the maximum fine for violating the ESA increased from $50,000 to $100,000.

The changes under the OHSA include:
- **Remote Worker**: the Act applies to both in person and remote workers.
- **Workplace Harassment**: the definitions of harassment now include harassment that occurs virtually through the use of information and communications technology.
- **Electronic Posting**: the employer may now post H&S information in a readily accessible electronic format, including a copy of the Act, JHSC member names and work locations, and the employer's policy. Employers need to provide workers with direction on where and how to access the information.