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Ontario Government Introduces Working for Workers Seven Act ~ *Earlier 'Working For Workers' amendments come into force shortly*

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On May 28, 2025, the Government of Ontario introduced Bill 30, *Working for Workers Seven Act, 2025*. If passed, Bill 30 will amend, among other things, the *Employment Standards Act, 2000* ("ESA"), *Occupational Health and Safety Act* ("OHSA") and *Workplace Safety and Insurance Act* ("WSIA").[1]

The following is a summary of key proposed amendments. For more information and assistance, contact your Sherrard Kuzz LLP lawyer or info@sherrardkuzz.com.

Changes to the ESA

If passed, Bill 30 will make the following changes to the ESA.

a) Fraudulent job posting

A person who operates a job posting platform will be required to:

1. Have a procedure for users of the platform to report a fraudulent job posting, and
2. Post a written policy regarding fraudulent job postings and how the operator will address such a posting.

This requirement only applies to an operator of a "job posting platform." It does not apply to an employer that has an online platform that only advertises job postings for positions with the employer.

b) Job seeking leave

An employer who provides notice of termination to 50 or more employees (a "mass termination") will be required to provide an employee who receives the notice with three days of unpaid "job seeking leave" during the notice period to engage in activities related to obtaining employment.

However, there are circumstances in which an employee will not be entitled to this leave, if the employer provides pay in *lieu* of notice as opposed to working notice. Bill 30 states, "if an employer… terminates an employee with a period of notice that is 25 per cent of the notice required under section 58, or less, the employee is not entitled to leave under this section."

An employee must advise the employer three days in advance (if possible) of their intention to take the leave. An employer may require an employee to provide evidence reasonable in the circumstances that

[1] See our briefing notes on previous Working for Workers legislation, here.

they are entitled to the leave (*i.e.*, evidence they took the leave to engage in activities related to obtaining employment, including job searches, interviews and training).

c) Extended temporary lay-off

At present, a "temporary lay-off" is not a termination under the ESA if the lay-off is:

- Equal to or less than 13 weeks in any period of 20 consecutive weeks, or
- Less than 35 weeks in any period of 52 consecutive weeks if certain conditions are met.

Bill 30 would permit an extended temporary lay-off, of a non-unionized employee, of not more than 52 weeks in any period of 78 consecutive weeks if the employer and employee agree and the Director of Employment Standards approves. Once an extended temporary lay-off agreement is in place, an employee may not withdraw their agreement.

An employer must apply to the Director for approval. The approval expires on the earlier of (a) the latest date the employer intends to recall the employee and (b) the first day on which the lay-off is 52 or more weeks in any period of 78 consecutive weeks.

For an agreement to be valid, the employer must provide the employee in writing the latest date it intends to recall the employee and a statement that the employee may not withdraw their agreement. An employer must retain a copy of the agreement for three years after the date the approval of the extended lay-off expires.

Changes to the OHSA

If passed, Bill 30 will make the following changes to the OHSA.

a) Health and safety management systems equivalency

Health and safety management systems that have been accredited by the Chief Prevention Officer must be treated as equivalents for any purpose for which they are required. The Lieutenant Governor in Council may make regulations governing:

- Procurement or tendering requirements related to accredited health and safety management systems that project owners, constructors, or employers may impose on a project.
- Record-keeping requirements.

b) Reimbursement for defibrillator costs

In a separate press release, the Government of Ontario proposed that an automatic external defibrillator be required at a construction site expected to last three months or longer, with 20 or more workers. This proposal is not currently set out in Bill 30.

However, Bill 30 does include a reimbursement mechanism through the Workplace Safety and Insurance Board ("WSIB") should an employer be required to have a defibrillator on site. The WSIB may

determine the form and timing of any such reimbursement, subject to any regulation from the Lieutenant Governor in Council (*e.g.*, re the application, eligibility, time limits, and maximum reimbursement).

c) Administrative penalty scheme

An inspector will have the authority to impose an administrative penalty if the inspector finds a person has contravened or failed to comply with the OHSA or its regulations. The amount of the administrative penalty shall be determined in accordance with the regulations. A person may request a review of the notice of administrative penalty in accordance with the regulations and the notice may be confirmed, varied or set aside. If a person pays the administrative penalty, that person cannot be charged with an offence under the OHSA for the same contravention.

Changes to the WSIA

If passed, Bill 30 will make the following changes to the WSIA.

a) Administrative penalty for false or misleading statement or inaccurate record keeping

An employer that makes a false or misleading statement or representation to the WSIB in connection with any person's claim for benefits under the insurance plan, will be subject to an administrative penalty, in addition to any penalty imposed by a court for an offence under the WSIA.

Similarly, if an employer does not meet the requirement to keep accurate records of wages paid or does not produce those records to the WSIB when asked, it may be subject to an administrative penalty, in addition to any penalty imposed by a court.

b) Failure to pay premiums

Bill 30 will make it an offence for a Schedule 1 employer to fail to comply with the requirement to calculate and pay premiums to the WSIB. Further, an employer that does not pay premiums when they become due will also be subject to an administrative penalty. This penalty will be in addition to any existing amounts payable to the WSIB and any penalty imposed by a court for an offence. Courts will also be authorized to order an employer to pay outstanding premiums to the WSIB.

c) Provisions regarding penalty for an offence

An employer convicted of two or more counts of the same offence in the same legal proceeding will be liable to a maximum penalty of $750,000 for each conviction. At present, an employer convicted of an offence is liable for a penalty of up to $500,000.

Bill 30 will also add a list of aggravating factors to be considered when determining a penalty for an offence under the WSIA (previous conviction, conviction of two or more counts of the same offence in the proceeding, record of prior non-compliance with the WSIA).

REMINDER regarding forthcoming *Working for Workers* changes

Earlier *Working for Workers* amendments will come into force over the next few months:

- The new long-term illness leave comes into force **June 19, 2025**[2]
- Requirements regarding providing a new employee with certain information, and some requirements regarding washroom facilities come into force **July 1, 2025**.[3]

We will continue to monitor Bill 30 and will keep readers apprised. To learn more and for assistance, contact your Sherrard Kuzz lawyer or info@sherrardkuzz.com.

*The information contained in this article is provided for general information purposes only and does not constitute legal or other professional advice, nor does accessing this information create a lawyer-client relationship. This article is current as of **June 6, 2025** and applies only to Ontario, Canada, or such other laws of Canada as expressly indicated. Information about the law is checked for legal accuracy as at the date the article is prepared but may become outdated as laws or policies change. For clarification or for legal or other professional assistance please contact Sherrard Kuzz LLP.*

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[2] See our January 9, 2025 briefing note for more details: Working for Workers Six Act Received Royal Assent.
[3] See our December 9, 2024 briefing note for more details: Working for Workers Provisions Scheduled to Come into Force.