



Bill 79, Working for Workers Act, 2023 Receives Royal Assent

On October 26, 2023, Bill 79, the [Working for Workers Act, 2023](#) received royal assent.

This Act is the third in a trilogy of “Working for Workers” statutes introduced by the Ford government. It revises and amends several statutes. Most notably, it amends the *Employment Standards Act, 2000*, to extend mass termination protections to remote workers, regardless of their location. Other key features of Bill 79 will be discussed below.

Amendments to the *Employment Standards Act, 2000* (“ESA”)

a) Termination and Severance of Employment – Place of Business and Form 1 Notice

If an employer terminates more than 50 employees at their “establishment” within a four-week period, they must provide a mass termination notice. This notice must be given at least eight weeks in advance, and longer if the number of terminated employees exceeds 200. Severance is also owing to qualified employees if 50 or more employees are severed due to a permanent closure of all or part of the employer’s business at the establishment. Establishment is defined as follows:

“establishment”, with respect to an employer, means a location at which the employer carries on business but, if the employer carries on business at more than one location, separate locations constitute one establishment if,

(a) the separate locations are located within the same municipality, or

(b) one or more employees at a location have seniority rights that extend to the other location under a written employment contract whereby the employee or employees may displace another employee of the same employer;

With the amendment under the Act, a “location at which the employer carries on business” has been defined, for the purposes of the termination and severance of employment, to include an employee’s private residence where the employee does not perform any work at the employer’s other premises.



This means that employees who work from home are now included in the count of employees to whom an employer's obligations during mass terminations apply pursuant to s. 58 of the ESA (notice) and section 64 (severance).

In addition, the Act has been amended to require employers to provide the Form 1 to every affected employee. The Form 1 is the notice required to be sent to the Ministry of Labour and posted in the workplace if there is a mass termination.

b) Reservist Leave Amendments

Reservist leave entitlements were expanded to include individuals who are in treatment, recovery or rehabilitation in respect to a mental or physical illness or injury resulting from their service with the Canadian Forces. The leave entitlement lasts for as long as these circumstances persist, or as prescribed by regulation.

Reservist leave entitlements are now triggered after the person claiming the leave has been employed by an employer for at least two consecutive months or as prescribed by regulation. Previously, leave entitlements only began after 3 months of continuous employment.

c) Recruiting Fees

The Act is amended to require individuals applying for a license to act as a recruiter to sign various statements relating to the prohibition on collecting recruiting fees from foreign nationals.

Licenses will be denied to any person who has used the services of a person who charged fees to foreign applicants.

Amendments to the Occupational Health and Safety Act

The maximum fine for a corporation convicted under this Act has been increased from \$1,500,000 to \$2,000,000.



Amendments to the *Employment Protection for Foreign Nationals Act, 2009*

Changes to the *Employment Protection for Foreign Nationals Act, 2009* grant the Ontario Labour Relations Board discretion to reduce the penalty for certain contraventions of the Act involving retaining the passport or work permit of a foreign national in one's employ. The penalties for illegally holding the property of a foreign national have been increased.

Amendments to the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*

The duty of a regulated profession to ensure its registration practices are "transparent, objective, impartial and fair" now includes a duty to work with a Minister to ensure that the people of Ontario have access to "adequate numbers of qualified, skilled and competent regulated professionals."

Regulated professions that require Canadian experience to satisfy a qualification must also accept alternatives to Canadian experience to satisfy the same qualification.

Amendments to the *Ministry of Training, Colleges and Universities Act, the Ontario Disability Support Program Act, 1997, and the Ontario Works Act, 1997*

The amendments to these Acts expand and define the purposes for which the Ministry may collect and disclose personal information.

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