

Ontario

LAWS & ANNOUNCEMENTS

Housekeeping & Sanitation

Oct 28: Ontario passed and declared effective [Bill 190](#), *Working for Workers Five Act*, 2024, creating new OHS employer duties to: i. Provide menstrual products at construction sites expected to last 3 months or more with at least 20 workers; ii. Provide clean and sanitary washrooms for workers; and iii. Keep cleaning records.

Action Point: Find out more about [mandatory OHS workplace menstruation product rules](#) across Canada.

Heat Stress

Nov 7: Ontario tabled [Bill 222](#) adding new heat stress protections to the *OHS Act*. Under the proposed Worker Heat Protection Standard, employers would have to implement heat stress prevention programs providing for hazard assessment, training, and implementation of controls. Workers would also be guaranteed pay for their time in heat stress rest, break, removal protection, and time.

Action Point: Find out how to implement an effective [Heat Stress Compliance Game Plan](#) at your workplace.

Workplace Harassment

Oct 28: New legislation ([Bill 190](#)) took effect that adds cyber and virtual harassment to the definitions of “workplace harassment” and “sexual harassment” contained in the *OHS Act*.

Action Point: Find out how to implement an effective [Workplace Violence and Harassment Compliance Game Plan](#) at your site.

Fire Safety

Nov 8: As leaf burning season swings into high gear, Ontario signaled that it will be cracking down on *Forest Fire Prevention Act* violators by imposing separate fines of \$1,100 against 2 landowners for burning grass without a permit.

Action Point: Find out how to implement an effective and legally sound [Fire Prevention Compliance Game Plan](#) at your workplace.

Transportation Safety

Oct 29: Second Reading for [Bill 197](#), the [Safer Roads and Communities Act](#) proposing lifetime license suspensions for impaired driving causing death, mandatory ignition interlock devices, longer roadside suspensions, and zero-tolerance conditions for offenders. The bill would also create a new *Highway Traffic Act* offence for knowingly providing a false vehicle identification number (VIN) when applying for a vehicle permit, with penalties of up to \$100,000 for convictions, 6 months in jail, and one-year driver's licence or vehicle permit suspensions.

Industry Challenges

Nov 6: The newly passed provincial budget bill ([Bill 216](#)) includes *Construction Act* amendments designed to help Ontario construction contractors get paid on time and resolve contract disputes more efficiently.

Privacy

Oct 29: Significant new legislation, [Bill 194](#), that would create privacy, cyber security, and ethical standards for handling of AI and digital public information by government officials, among other things, passed Second Reading. *The Strengthening Cyber Security and Building Trust in the Public Sector Act* requires public agencies to establish policies for collecting, use, and disclosure of private information, strengthen cybersecurity, and report data breaches.

Action Point: Find out how [privacy laws affect workplace safety](#).

New Laws

Nov 8: The legislation honouring veterans ([Bill 218](#)) that the Ontario Assembly will soon pass includes provisions making it easier and faster for current and former members of the Canadian Armed Forces and their spouses to secure the credentials they need to start a career in the skilled trades.

Workers' Comp

Oct 28: [Bill 190](#), *Working for Workers Five Act, 2024*, which has passed the Ontario Assembly and taken effect, expands presumptive coverage for occupational cancers, heart injuries, and post-traumatic stress disorder to wildland firefighters and fire investigators. It also adds primary-site skin cancer to the list of presumed to be work-related for firefighters and investigators with at least 10 years of service before being diagnosed.

Workers' Comp

Dec 5: The WSIB revised Operational Policy Manual (OPM) document [18-02-02, Determining Short-term Average Earnings](#) to remove the policy distinction that currently exists between mandatory and voluntary overtime in the short-term

average earnings determination. The change, which has already taken effect, means all overtime worked in the 4-week period or complete shift rotation before the injury will be included in an injured worker's short-term average earnings determination.

Environmental

Nov 4: The Ontario Assembly tabled and is expected to pass [Bill 219](#) giving municipalities and local boards authority to impose fees or charges on a producer, gas distributor, gas transmitter, or storage company for services or activities, costs payable, or the use of property.

CASES

Drugs & Alcohol: Disheveled Appearance + Sleeping on Job = Just Cause for Drug Testing Bus Driver

TTC ordered a bus driver to undergo for-cause drug testing after catching him sleeping in his vehicle parked on a residential street during work hours. The test came back positive for marijuana and TTC fired the driver for violating its fitness for duty policy. While acknowledging that sleeping on the job is a violation, the union insisted it wasn't reasonable cause for testing. But the Ontario arbitrator disagreed. The driver wasn't just sleeping on the job; he was sweaty and his uniform and appearance were "disheveled," suggesting that he might be impaired. And that was enough to justify testing given that the driver was a safety-sensitive employee [[TTC v ATU, Local 113](#), 2024 CanLII 106159 (ON LA), November 1, 2024].

Action Point: Find out how to create a legally sound [Drugs and Alcohol Testing Policy](#) for your workplace.

Trenches & Excavation: Contractor Fined \$200,000 for Compressed Air Work Violation

Workers installing underground high-speed underground fiber optic lines stuck the nozzle of a portable air compressor into a previously buried high-density polyurethane (HDPE) pipe to remove traceable mule tape from it. As the blockage began to clear, the tangled ball of mule tape shot into the air and over a live hydro line, seriously injuring a worker standing at the other end of the pipe. The victim's employer was fined \$200,000 after pleading guilty to failing to develop written procedures for the use of compressed air to clear HDPE pipes ([Pickard Construction, MOL Press Release](#), November 6, 2024).

Action Point: Find out how to implement an effective [Compressed Air for Cleaning Compliance Game Plan](#) at your workplace.

Material Handling: Hydroelectric Generator Injury Results in \$80,000 Fine

A millwright suffered serious injuries after being hit by a falling sole plate that wasn't adequately secured. The incident occurred at a project to rehabilitate hydroelectric

generators at Red Rock Falls Generating Station. The employer/constructor pleaded guilty to failing to ensure that the sole plate was adequately braced to prevent any movement that may affect its stability or cause its failure or collapse and received an \$80,000 fine [*Andritz Hydro Canada*, [MOL Press Release](#), October 17, 2024].

Safety Training: Employer Must Pay Food Handlers Wages for Recertification Training Time

After paying food service representatives (FSRs) wages for their hours in completing mandatory food handling recertification, the hospital implemented a new policy: From now on, FSRs would have to take recertification during non-work hours without being paid wages for the time. The union objected and the Ontario arbitrator upheld the grievance. While the education leave provisions of the collective agreement didn't expressly address recertification, the arbitrator reasoned that the obligation of employers to pay for the demands they make on an employee's time "is a cornerstone of the employment relationship." Bottom line: The hospital had to pay the FSRs wages for their time receiving recertification [[CUPE, Local 5180 v Trillium Health Partners](#), 2024 CanLII 95450 (ON LA), October 2, 2024].