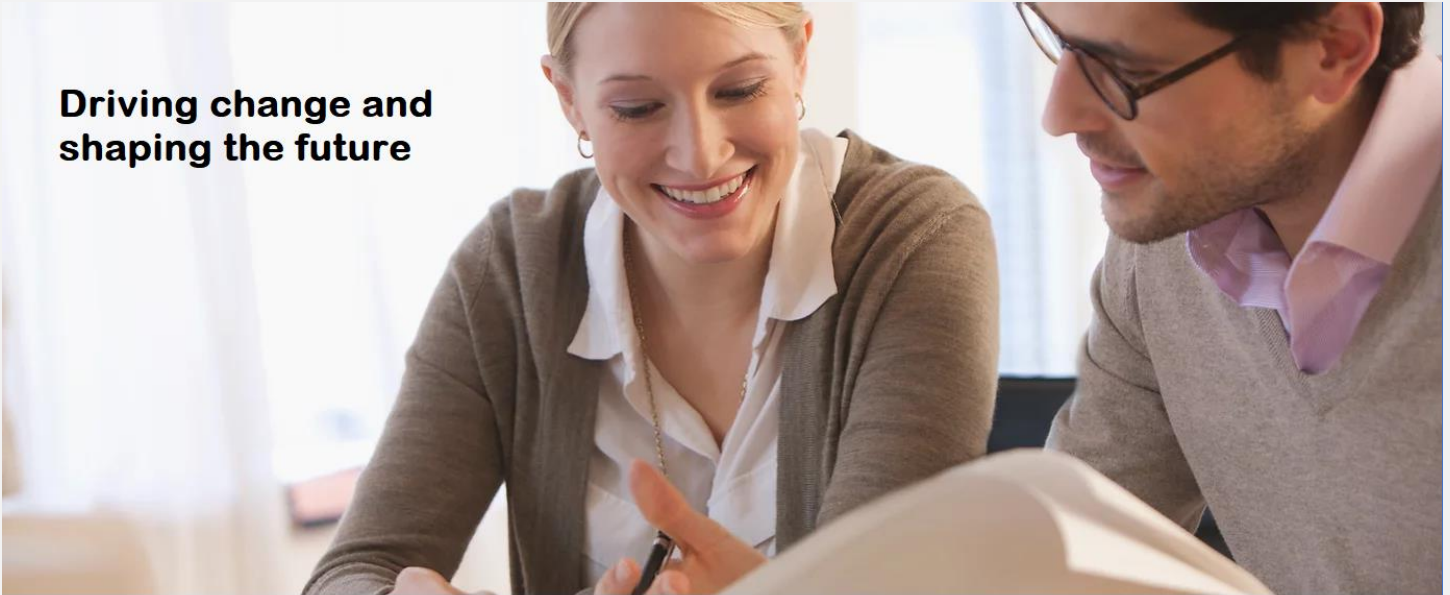


HR QUARTERLY BULLETIN

SPRING 2024

Driving change and shaping the future



LEGAL UPDATES

Bill 149 the Working for Workers Four Act, 2023- Amendments of several employment-related statutes, including the *Employment Standards Act, 2000* (the “ESA”),

HEALTH & WELLNESS

OHSA - Understanding the consequences of Bill 79.

Employee Assistance Program (EAP) - Factors employers should consider when selecting an EAP provider.

FEATURE ARTICLE

Advice on conducting a workplace investigation involving thorough and impartial examination of allegations of misconduct, harassment, discrimination, or other workplace issues, and ensuring legal compliance.



Employers have been adjusting to everchanging and shifting priorities. At S&G HR Consulting, Sandra & Marina support local businesses to adapt to these changes by providing consulting services, policy development, and training programs that fit their organization’s unique, specific needs. For any additional questions, please contact us through our [website](#) or call us at [905-325-3396](tel:905-325-3396).



LEGISLATIVE UPDATES

The Ontario government has introduced Bill 149 the Working for Workers Four Act, 2023, to amend several employment-related statutes, including the *Employment Standards Act, 2000* (the “ESA”), currently the 2nd reading accepted, awaiting the 3rd reading!

Bill 149 aims to provide workers with more information and amendments to the ESA by:

- Requiring employers who advertise a publicly advertised job posting to include information in the posting about the expected compensation or the range of expected compensation for the position. The reason for this change would be to increase pay transparency and close the gender pay gap.
- Requiring employers who publicly advertise a job posting and who use AI to screen, assess or select applicants for the position to include a statement disclosing the use of AI in the posting.
- To prohibit employers from requiring Canadian work experience in any publicly advertised job postings or associated application forms.
- The vacation pay provisions would be clarified to require the written agreement of employees to pay vacation pay in any way other than as a lump sum before their vacation.
- The definition of “employee” would be revised to ensure any person performing work during a trial period would also be considered an employee.

More info at [Bill 149, the Working for Workers Four Act, 2023](#)



HEALTH & SAFETY

Understanding the consequences of increased fines under the Ontario Occupational Health & Safety Act

The enactment of Bill 79 increased the maximum corporate fine under the OHSA from \$1,500,000 to \$2,000,000 per charge for incidents occurring on or after October 26, 2023.

In practical terms, due to the Ministry of Labour, Immigration, Training and Skills Development's two-year window for laying charges following a violation of the OHSA, it's probable that court cases subject to the new maximum fine won't materialize for at least a year.

The repercussions of this recent increase in the maximum corporate fine are yet to unfold. However, Crown prosecutors are already advocating for increased penalties in ongoing cases, leveraging supportive case law and the recent 33% boost in maximum fines.

Therefore, organizations are strongly urged not to overlook this development. Instead, they should conduct a thorough review to ensure the comprehensive implementation of their occupational health and safety programs. Moreover, strategic approaches to addressing health and safety concerns and incidents should be adopted, alongside thoroughly documenting the measures taken to defend the workplace safety.

What factors should employers consider when selecting an Employee Assistance Program (EAP) provider:

- 1) *Services Offered*: Ensure the provider offers a comprehensive range of services, including counseling, mental health support, financial advice, and legal assistance.
- 2) *Accessibility*: The EAP should be easily accessible to all employees, whether through online platforms, phone lines, or in-person sessions.
- 3) *Confidentiality*: Guarantee that the provider maintains strict confidentiality to encourage employees to seek help without fear of repercussions.
- 4) *Quality of Counselors*: Assess the qualifications, experience, and specialization of the counselors to ensure they can effectively address a variety of employee needs.
- 5) *Integration with Existing Programs*: Ideally, the EAP should seamlessly integrate with existing wellness and support initiatives within the organization.
- 6) *Cost-effectiveness*: Consider the cost of the EAP in relation to the services provided and the potential benefits to employee well-being and productivity.
- 7) *Crisis Management*: Ensure the provider has protocols in place to handle crises or emergencies effectively.
- 8) *Cultural Sensitivity*: Choose a provider capable of addressing the diverse cultural backgrounds and sensitivities of your workforce.

FEATURE ARTICLE

Advice on conducting workplace investigations!

Conducting a workplace investigation involves thorough and impartial examination of allegations of misconduct, harassment, discrimination, or other workplace issues, and ensuring legal compliance.

In Ontario, workplace investigations must adhere to provincial legislation, including the Ontario Human Rights Code and the Occupational Health and Safety Act. These laws establish the framework for employers to address workplace disputes promptly, fairly, and impartially.

- Maintaining confidentiality throughout to protect the integrity of the investigation and the privacy of individuals involved. Potentially consider engaging an external investigator to ensure impartiality.
- Interviewing all the parties involved, as well as all witnesses.
- Clearly communicating with all stakeholders regarding the purpose and scope of the investigation is essential to ensure cooperation and transparency.



- Should be conducted promptly and objectively, and fairness must always be maintained to uphold the credibility of the investigation and its findings.
- Once all information has been gathered and analyzed, a detailed report should be prepared outlining the findings, conclusions, and any recommended actions or disciplinary measures.

Effective workplace investigations promote a culture of accountability, trust, and respect within the organization, ultimately demonstrating a commitment to upholding the rights and well-being of all employees.

Resources:

For your free Organizational Assessment, click [here](#)

For access to further resources and useful links relating to legislative updates, health and safety regulations, and employment standards, please visit: [S&G HR Consulting Resources](#).