

FAST FACTS

Bill 18, Stronger Workplaces for a Stronger Economy Act, 2014

On November 6, 2014, the government passed Bill 18, Stronger Workplaces for a Stronger Economy Act, 2014. The Bill amends a number of Ontario's labour and employment statutes, with meaningful changes including:

- Expanding the definition of worker to ensure Occupational Health and Safety Act coverage for unpaid co-op students and other unpaid learners, which will give them protection under the OHSA such as the right to know about workplace hazards and the right to refuse unsafe work
- Holding temporary help agencies and their employer clients accountable for certain employment standards violations, such as failure to pay regular wages, overtime pay, and public holiday entitlements
- Expanding employment protections to cover all foreign employees who come to Ontario under an immigration or foreign temporary employee program

For access to Bill 18, please visit http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=3010

Amendments to OHSA (Schedule 4 of Bill 18)

Currently, the OHSA includes the following definition of worker: "a person who performs work or supplies services for monetary compensation."

Bill 18 replaces this definition with an expanded list of individuals that would be considered workers for the purposes of the OHSA.

- Individuals who are currently included as workers under the OHSA, that is, persons performing work or supplying services for monetary compensation. This part of the definition retains the current language in the OHSA;
- High school students volunteering as part of a work experience program authorized by the school board operating the student's school;
- Persons performing work or supplying services without compensation as part of an approved post-secondary program (for e.g., co-op programs);
- Persons receiving training but that are not considered employees under the ESA because they fall within a specific exclusion set out in the ESA. (This exclusion captures some unpaid internships for example.); and
- Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation; ("travailleur")

Implications

This new definition of a worker for the purposes of the OHSA will require employers to provide the education/training requirements for these individuals including worker and supervisor awareness, and workplace violence/workplace harassment training.

Amendments to WSIA (Schedule 5 of Bill 18)

Bill 18 amends the WSIA in relation to temporary employment agencies and employers who contract with those agencies. Specifically, the Bill provides

the Lieutenant Governor in Council the authority to make regulations defining a temporary help agency and provides for the Workplace Safety & Insurance Board (WSIB) to (1) deem all wages paid by the agency employer for work at the specific client employer to have been paid by the client employer; (2) attribute the injury and accident costs to the client employer; and (3) increase or decrease the client employer's premiums.

The regulation would also result in notice requirements to client employers. If such a regulation proceeds, it would also result in notice requirements to client employers. Client employers would be responsible for sending notice of a workplace injury requiring health care or preventing a worker from earning full wages to the WSIB within three days of the client employer learning of the injury. Notice would be required on a WSIB-approved form and the client employer would be required to provide additional information as necessary. Where a client employer fails to meet the notice requirements, it would be required to pay the amounts set out in regulations. Client employers would be required to provide the injured employee with a copy of the notice as well.

Implications

If such regulations proceed, the changes would require employers to include temporary agency workers in their WSIB reporting obligations. The costs associated with these claims would be attributed to the employer (as opposed to the temporary agency) and may impact the employer's premiums.

This creates additional incentive to provide training and education for all workers.

How PSHSA Can Help

PSHSA can help you

- Understand the implications for your organization
- Develop a transition plan to ensure you meet new legislative requirements
- Provide training to enable compliance
 - PSHSA also offers both Supervisor and Worker Health & Safety Awareness training via eLearning and classroom courses. The training will enhance general awareness of legislated health and safety responsibilities, including the Internal Responsibility System, worker rights as well as the supervisor's role in workplace management.

Upon completion of the training, participants will understand the requirements of [Regulation 297/13](#) and will be informed on how to recognize, assess and control workplace hazards and how to evaluate such controls. These courses are applicable across all sectors, and will provide certificates upon completion. Please access the course here: <http://www.pshsa.ca/mandatory-worker/>

- Provide a variety of relevant tools and resources: Workplace Violence and Harassment in the workplace Risk Assessment tool and Fast Facts, can be found here: <http://www.pshsa.ca/search-results/?q=workplace+violence#gsc.tab=0&gsc.q=workplace%20violence&gsc.page=1>

Information related to Co-Op students and the WSIB are available here: Student Resource Placement Manual: <http://www.pshsa.ca/products/student-placement-resource-book/>

Information relating to return-to-work (RTW) including training sessions, based on NIDMAR (National Institute of Disability Management and Research) principles, outlining the benefits of a RTW program, an overview of relevant legislation and the steps to developing a comprehensive program using many tools and templates. More information can be found here: <http://www.pshsa.ca/training/return-to-work-part-1-legislation-and-the-return-to-work-program/>