

Human Resources Legislative Update

Significant ESA, WSIA, OHSA, LRA Amendments Proposed (Bill 146, *Stronger Workplaces for a Stronger Economy Act*)

Date: December 4, 2013

On December 4, 2013, the Ontario government introduced [Bill 146, the *Stronger Workplaces for a Stronger Economy Act*](#), omnibus legislation that would, if passed, amend several key employment-related statutes, including the *Employment Standards Act, 2000* (“ESA”), the *Workplace Safety and Insurance Act, 1997* (“WSIA”), the *Occupational Health and Safety Act* (“OHSA”), the *Labour Relations Act, 1995* (“LRA”) and the *Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others), 2009* (“EPFNA”).

Notable highlights of the Bill outlined in the [government’s Backgrounder](#) include:

- amending the ESA to remove the \$10,000 cap on the recovery of unpaid wages owed through a Ministry of Labour order to pay;
- extending the ESA time limit for recovery of wages from six- and 12-month periods to two years;
- requiring employers to provide a French and English handout containing information about ESA rights to employees, or, if requested, providing Ministry of Labour information handouts in one of 23 other languages;
- extending EPFNA coverage to all employees who come to Ontario under an immigration or temporary foreign employee program;
- imposing joint and several liability between temporary help agencies and their clients for unpaid regular wages and unpaid overtime under the ESA;
- amendments to the WSIA that would require the Workplace Safety and Insurance Board to assign workplace injury costs under its experience rating programs to temporary help agency clients, and not temporary help agencies, when an employee is injured at work;
- amendments to the definition of “worker” that extend the OHSA to co-op students, trainees and other unpaid learners; and
- amending the LRA to decrease the construction industry’s open period to two months instead of three months.

We are in the process of reviewing the Bill, and a more detailed *FTR Now* will be published on [our website](#).