

## Human Resources Legislative Update

### **Ontario Tables Omnibus Legislation with Proposed Amendments to *Employment Standards Act, 2000* and *Class Proceedings Act, 1992***

**Date:** April 21, 2021

On April 15, 2021, the Ontario government tabled Bill 276, [Supporting Recovery and Competitiveness Act, 2021](#), omnibus legislation which would, if passed, amend the *Employment Standards Act, 2000* and the *Class Proceedings Act, 1992*, as well as a number of other statutes.

#### ***Employment Standards Act, 2000 (ESA)***

Bill 276 would amend the payment of wages provisions in the ESA and would expand the powers of Employment Standards Officers (ESOs) with respect to self-audits.

##### *Payment of Wages Provisions*

Bill 276 would remove the condition for an employer to obtain employee consent to pay wages by direct deposit where the employee's financial institution is not within a reasonable distance of the location where the employee usually works.

##### *Self-Audits*

Bill 276 would repeal the existing provision regarding self-audits by employers. It would expand the powers of ESOs to "require an employer to conduct an examination of the employer's records, practices or both." This request would be done by written notice. Bill 276 specifies the content to be included in the notice and the employer assessments that the ESO may require to be included in the employer's report to the ESO. The employer would be required to conduct the examination and report its results to the ESO in accordance with the notice.

The Ministry of Labour, Training and Skills Development is [seeking comments](#) on these proposed amendments to the ESA, with a due date of May 25, 2021.

#### **[Class Proceedings Act, 1992 \(CPA\)](#)**

The CPA requires that, on motion, a court must dismiss a class proceeding commenced under the CPA by the first anniversary of the day on which the proceeding was commenced. There are certain exceptions to this requirement.

Bill 276 would repeal the following exception to the mandatory dismissal: where a “court has ordered that the proceeding not be dismissed and has established a timetable for service of the representative plaintiff’s motion record in the motion for certification or for the completion of one or more other steps required to advance the proceeding.”

The repealed exception would be replaced with an exception that states where “the court has established a timetable for service of the representative plaintiff’s motion record in the motion for certification or for completion of one or more other steps required to advance the proceeding.”