



Legislative Requirements for Ontario Workplaces

I) Introduction

Employers in Ontario are subject to a number of workplace requirements, including health and safety, accessibility and equal rights. For businesses expanding into Ontario, many of these requirements may be unfamiliar. Fortunately, many requirements can be quite easily met by doing something as simple as putting up a poster. Other requirements are more onerous, and can involve regular committee meetings or changing physical spaces.

This guide is meant to help companies that are new to Ontario understand their high-level employment obligations.

Aird & Berlis LLP's Workplace Law Group is experienced in helping employers meet their obligations. We regularly assist companies expanding into Ontario in these matters and have a proven record of success.

II) Occupational Health and Safety Act

Under Ontario's *Occupational Health and Safety Act* (OHSA), employers have the following requirements.

<u>OHSA Requirement</u>	<u>Employer Action</u>
Display OHSA	<ul style="list-style-type: none">• Employers must post a copy of the OHSA in a visible location in the workplace.• A copy can be purchased from Service Ontario here.
Occupational Health and Safety Policy	<ul style="list-style-type: none">• At least annually, employers are required to establish and implement a written occupational health and safety policy.• This policy must be posted in a visible location the workplace.
Notices of Compliance with an Order	<ul style="list-style-type: none">• If applicable, employers must post any "Notices of Compliance with an Order".
Health & Safety at Work Poster	<ul style="list-style-type: none">• Employers must post the Health & Safety at Work Poster.• The poster informs employees of their rights and responsibilities and provides the contact information for the Ministry of Labour in the event that an employee wants to report workplace health and safety issues or to obtain information.
Joint Occupational Health and Safety Committee	<ul style="list-style-type: none">• Workplaces with 20 or more employees are required to establish a Joint Occupational Health and Safety Committee, consisting of two members if the workplace has between 20 and 49 employees, and four members if the workplace has 50 or more employees.• Once the committee is selected, the names of the appointees should be posted in a visible place in the workplace.



Health and Safety Representative	<ul style="list-style-type: none">• Workplaces with fewer than 20 employees do not have to establish a Joint Occupation Health and Safety Committee, but a Health and Safety Representative must be appointed for workplaces with more than five (and fewer than 20) employees.• Once the representative is selected, the name of the representative should be posted in a visible place in the workplace.
Workplace Harassment and Sexual Harassment Policy and Program	<ul style="list-style-type: none">• Employers are required to work with the occupational health and safety committee or representative to develop and implement a workplace harassment and sexual harassment policy and program.• The policy, which must be reviewed at least once a year, must express the employer's commitment to addressing workplace harassment and specify that the policy applies equally to all employees and all harassment.• The policy must also clearly express that the employer will perform an investigation of harassment complaints without penalizing those who report harassment or participate in the investigation.• Workplaces with more than five employees must post the policy in a visible location.
Occupational Health and Safety Awareness Training	<ul style="list-style-type: none">• Employers must provide mandatory Occupational Health and Safety Awareness Training to employees.• Employers must keep a record of those who have completed the training.
Workplace Violence Policy and Workplace Violence Training	<ul style="list-style-type: none">• Employers must post a workplace violence policy in a visible location and ensure that their employees complete Workplace Violence Training.• Employers should conduct risk assessments of workplace violence frequently and update training to reflect any policy changes.
Hazardous Products	<ul style="list-style-type: none">• If hazardous products are present in the workplace, employers are required to:<ul style="list-style-type: none">i. ensure hazardous products in the workplace are labeled and identified;ii. obtain material and safety data sheets for hazardous products; andiii. provide WHMIS training to employees.
Anti-Discrimination Policy (Recommended)	<ul style="list-style-type: none">• Although not required by the OHSA, the Human Rights Tribunal of Ontario is likely to consider whether an employer has implemented an anti-discrimination policy when determining potential damages for discrimination.• It is recommended that employers adopt such a policy.

Employer Action Required: Employers must ensure that they prepare applicable written policies, establish applicable committees and carry out applicable training. The Workplace Law Group at Aird & Berlis is standing by and here to provide support with these requirements.



III) Accessibility for Ontarians with Disabilities Act, 2005

Under the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), employers have the following requirements.

<u>AODA Requirement</u>	<u>Employer Action</u>
Accessibility Plan and Customer Service Policy	<ul style="list-style-type: none"> • Employers must provide accessible service to customers, including accessible self-serve kiosks (if any). • A multi-year Accessibility Plan and Customer Service Policy with respect to accessibility and compliance with AODA are required. • Employers with 20 or more employees must post the plan and policy on the company website or wherever is reasonable and provide it in an accessible format upon request.
AODA and Human Rights Code Training	<ul style="list-style-type: none"> • Employers must ensure that employees, volunteers and those who provide services on behalf of the employer complete training on AODA and the <i>Human Rights Code</i>.
Accessible Emergency Information	<ul style="list-style-type: none"> • Employers must provide accessible emergency information to employees and to the public, upon request.
Accessibility Compliance Reports	<ul style="list-style-type: none"> • Employers with 20 or more employees must file Accessibility Compliance Reports every three years, confirming compliance with the AODA requirements.
Accessibility Feedback	<ul style="list-style-type: none"> • Employees must institute a system for receiving and implementing feedback with respect to accessibility.
Accessible Employment Practices	<ul style="list-style-type: none"> • Employers must establish accessible employment practices, including supporting return to work for employees with a disability and creating an accommodation plan for staff with a disability.
Accessible Public Space	<ul style="list-style-type: none"> • Employers that have the authority or approval to make significant physical changes to the public space must comply with accessible public space requirements under AODA.
World Wide Web Consortium Web Content Accessibility Guidelines	<ul style="list-style-type: none"> • If employers have control of the company website and employ 50 or more workers, any content published after January 1, 2012 must conform to the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0, Level A, if (i) the employer launches a new public website; or (ii) the employer's website undergoes a significant update. • As of January 1, 2021, all public websites and web content published after January 1, 2012 must meet the WCAG 2.0, Level AA standard.

Employer Action Required: Employers must ensure that they prepare applicable written policies, carry out applicable accessibility training, file the required accessibility compliance reports and ensure their websites comply with the accessibility rules. The Workplace Law Group at Aird & Berlis is standing by and here to provide support with each of these requirements.



IV) Other Statutes

<u>Statute</u>	<u>Description</u>	<u>Employer Action Required</u>
Employment Standards Act	<ul style="list-style-type: none"> Employers are required to provide employees with the Employment Standards in Ontario Poster prepared by the Minister of Labour. The poster must be distributed within 30 days of hire to new employees and immediately to current employees who have not already received the most up-to-date version. Distribution can occur by circulating a printed copy, by email attachment or by link to an online database so long as employees are able to access and print the poster. The poster must be distributed in English and in the majority language of the workplace, if available. 	<ul style="list-style-type: none"> Ensure that the proper postings are made. Employers should also ensure that their employment agreements are in line with current Ontario employment law. Aird & Berlis lawyers can assist with this process.
Workplace Safety and Insurance Act, 1997	<ul style="list-style-type: none"> Employers subject to the <i>Workplace Safety and Insurance Act, 1997</i>, are required to post and display the In Case of Injury (Form 82) Poster prepared by the Workplace Safety and Insurance Board. 	<ul style="list-style-type: none"> Ensure that the proper postings are made. Aird & Berlis lawyers can assist with this process.
Pay Equity Act	<ul style="list-style-type: none"> Employers with 10 or more employees are required to achieve pay equity in their workplaces. 	<ul style="list-style-type: none"> If your company has not yet implemented pay equity and it has 10 or more employees, it should do so immediately. The process can be onerous, so contact your Aird & Berlis lawyer if you require assistance with it.
Smoke Free Ontario Act, 2017	<ul style="list-style-type: none"> Employers or owners of “enclosed workplaces”, “enclosed public places”, or any other smoke-free or vape-free places, as defined and described in the <i>Smoke-Free Ontario Act, 2017</i>, are required to post either the “Tobacco Sign for Employers” and the “Electronic Cigarette Sign for Employers” or the “Tobacco and Electronic Cigarette Sign for Employers” in a visible place, as well as at each entrance, exit and restroom. Employers or owners of hotels, motels or inns are required to post those signs in each guest room. Employers or owners of residential care facilities or hospices may choose to operate 	<ul style="list-style-type: none"> Ensure that the proper postings are made. Aird & Berlis lawyers can assist with this process.



	a controlled smoking and vaping area, but must post the “Controlled Areas in Certain Residential Facilities” sign outside the entrance of the controlled area, along with a sign specifying the maximum amount of people allowed in the area at one time.	
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If you have any questions regarding the above high-level obligations, both Fiona Brown and Aaron Baer are standing by and delighted to provide guidance. Fiona and Aaron’s goal is to make your Canadian Expansion as simple as possible.

Contacts



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Fiona is known for her commitment to outstanding client service. Fiona's practice focuses on advising clients with respect to employment issues related to compliance with employment standards, human rights, pay equity and occupational health and safety requirements. She also coordinates a team of lawyers to assist her clients in corporate commercial matters, litigation, intellectual property, and other areas. Fiona's responsiveness, dedication to clear communication, and hands-on approach show that she is personally invested in the success of her clients.

Fiona frequently advises international clients expanding into Canada. She works closely with lawyers and patent agents in all major practice areas and many industries, including technology, cannabis, energy, retail, manufacturing, infrastructure, construction, and others to provide her clients with a full range of legal services to take their business to the next level.

Fiona is a practical lawyer who enjoys working with clients to develop workable business solutions.



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With a strong education and background in business, Aaron brings a sensibility for framing his legal advice from the perspective of a business professional. The underlying question that consistently guides his work is whether he is adding value to his clients and furthering their business objectives.

Aaron has helped dozens of companies from the U.S., Europe, and Central and South America establish Canadian subsidiaries. He works closely with Aird & Berlis tax experts to ensure subsidiaries are set-up in a tax efficient manner. As a member of the firm's Privacy & Data Security Group, Aaron regularly advises companies that are establishing Canadian operations about Canadian privacy matters.

Aaron has a keen interest in legal technology and has played a leading role in the firm's adoption of artificial intelligence, legal project management, and data analytics tools that are transforming the practice of law. In 2018, Aaron was seconded to Diligen, a leading AI contract review company based in Toronto. Aaron is an active member of the firm's Technology Advisory Committee and an advisor to a number of leading legal tech startups.

Matthew Patterson, a summer student at Aird & Berlis LLP, contributed to this article.