

MY HR ADVICE

2025 Ontario HR Compliance Checklist

Legislative requirements for employers are frequently updated, making it challenging to keep track of all the different requirements. These guidelines are essential to maintaining a safe and compliant workplace.

HR Proactive Inc. has prepared the 2025 HR Compliance Checklist to help Ontario employers understand and meet regulatory compliance standards.

WORKPLACE POLICIES

The following policies are mandated by HR compliance laws:

Health and Safety: Under OHSA, an employer must prepare and review at least annually a written occupational health and safety policy and must develop and maintain a program to implement that policy. If a workplace has five or fewer regularly employed workers, the policy does not need to be in writing, unless ordered by an inspector.

Workplace Violence and Harassment: All employers, who are subject to the OHSA, must prepare policies concerning workplace violence and workplace harassment and review them at least once a year. In a workplace where there are six or more regularly employed workers, the policies are required to be in writing and posted in the workplace. Employers must set up and maintain programs to implement their workplace violence and workplace harassment policies according to the requirements set out in the OHSA.

Accessibility Policies: Per the *Accessibility for Ontarians with Disabilities Act (AODA)*, organizations must establish accessibility policies describing what they do, or intend to do, to meet the accessibility requirements of the Act and regulations, including a statement of organizational commitment. Organizations with 49 or fewer employees are not required to put their policies in writing.

Disconnecting from Work Policy: In workplaces with 25 or more employees, employers must prepare a policy and provide a copy to each employee within 30 days of preparing it or changing an existing policy, and to new employees within 30 days of becoming an employee per Part VII.0.1 of the ESA.

Electronic Monitoring Policy: Workplaces with 25 or more employees are required to have a written policy on the electronic monitoring of employees, required by Part XI.1 of the ESA.

Privacy Policy: Businesses must develop, document and implement policies and procedures to protect personal information, as required by the *Personal Information Protection and Electronic Documents Act (PIPEDA)*.

Pay Equity Plan: required by public sector employers and all employers in the private sector who employ 10 or more employees, by the Pay Equity Act.

POSTINGS AND DOCUMENTS

Employers are required by law to display specific information in the workplace to help employees stay informed about their rights, responsibilities, and workplace policies.

WORKPLACES COVERED BY THE EMPLOYMENT STANDARDS ACT (ESA) MUST DISTRIBUTE:

1. The “Employment Standards in Ontario” poster

Employers must distribute the employment standards poster to all employees but are no longer required to post it in the workplace. This poster describes important rights and requirements under the ESA. It must be provided to employees within 30 days of their date of hire.

Copies of this poster can be ordered directly from ServiceOntario for free, or you can download and print it yourself (available in multiple languages).

2. Information Sheets

In specific situations, employers must give employees one or more Ministry of Labour, Immigration, Training and Skills Development (MLITSD) posters and information sheets.

In addition to the Employment Standards poster, employers must provide employees with the following information sheets:

- When an employee agrees to work more than the daily or weekly limits on hours of work. These agreements are only valid if the employer gives the employee a copy of the most recent version of the information sheet **before** the agreement is made. The agreement must also include an acknowledgment by the employee that they received the most recent version of the information sheet.
- when an employee is assigned by a temporary help agency. This information sheet explains the rights of employees assigned by temporary help agencies under the ESA.
- if the employee is a foreign national and the employer did not use the services of a recruiter in hiring the employee. Two information sheets must be given to the employee explaining their rights as a foreign national under the ESA and their employment protection rights.

These documents can be provided as printed copies or, if the employee has access to and knows how to use a printer:

- An email attachment
- A link to the document on an online database, if the employee can access the link

If an employee needs a poster or information sheet in a language other than English, the employer must provide a copy in their preferred language (if available) as well as the English version.

WORKPLACES COVERED BY THE OCCUPATIONAL HEALTH AND SAFETY ACT (OHSA) MUST POST:

1. The “Health & Safety at Work: Prevention Starts Here” poster

This poster outlines the rights and responsibilities of workers, supervisors and employers under the OHSA, and includes contact information for reporting severe injuries, fatalities and work refusals.

- must be displayed in English and the majority language of the workplace
- must be printed on paper that is at least 8.5 × 11 inches (letter size).

Copies of this poster can be ordered directly from ServiceOntario for free or can be downloaded and printed (available in multiple languages).

2. A copy of the Occupational Health and Safety Act

Employers must post, in a conspicuous place at the workplace, or in a readily accessible electronic format, a copy of the Act and any explanatory material prepared by the Ministry, both in English and the majority language of the workplace.

The Act can be downloaded and printed, or you can order hard copies from Service Ontario (\$8 each)

3. The names and locations of Joint Health and Safety Committee Members

Employers must post the names and work locations of JHSC members in a place where they are easy for employees to find.

a copy of the Occupational Health and Safety Act

the names and locations of your workplace joint health and safety committee members

If your workplace has more than 5 regularly employed workers you must also prepare, maintain and post health and safety, workplace violence and workplace harassment policies every year.

WORKPLACES COVERED BY THE WORKPLACE SAFETY AND INSURANCE BOARD (WSIB) MUST POST:

1. The "In Case of Injury Poster (1234)' poster

This poster (also known as Form 82) describes the steps employers and employees must take if there is an injury at work. The WSIB mails a copy of this poster to each business when they first register with them.

If you need a new poster, you can order one directly from the WSIB or download and print a version yourself.

When applicable, employers must also post:

- Orders from an MLITSD inspector and notice of compliance to an MLITSD order
- Results of monitoring of airborne concentrations of a designated substance and worker exposure to airborne concentrations of a designated substance

TRAINING

Health and Safety Awareness Training for Employees and Supervisors

OHSA, Reg. 297/13: requires employers to provide basic health and safety awareness training to all employees and supervisors. In addition to basic health and safety training requirements, employers are also required to train all employees on policies and procedures specific to their workplace.

Workplace Hazardous Materials Information System - WHMIS (2015)

Per OHSA, Reg. 860 the Workplace Hazardous Materials Information System (WHMIS) requires employers to ensure that workers who work with or may be exposed to a hazardous product is trained on the general requirements under WHMIS as well as hazardous products specific to their workplace.

Respect in the Workplace (Harassment and Violence in the Workplace)

Under the Occupational Health and Safety Act, employers are required to prepare and maintain violence and harassment (including sexual harassment) prevention policies and programs. Employers must provide employees with information and instruction on the contents of these policies and programs.

Accessibility for Ontarians with Disabilities Act (AODA) and the Ontario Human Rights Code (OHRC)

Employers must train their employees on the Accessibility for Ontarians with Disabilities Act (AODA) and the Integrated Accessibility Standards Regulation (IASR). The IASR specifies the obligations of employers and service providers to deliver goods, services, and facilities to individuals with disabilities.

Along with the general training requirements under AODA, employers must also provide training on the Ontario Human Rights Code in relation to individuals with disabilities.

OPTIONAL POLICIES

Although not mandatory, employers should consider creating and implementing policies covering the following areas:

An **Anti-Spam (CASL) Policy** helps ensure that everyone in your organization adheres to CASL requirements, such as obtaining consent before sending CEMs, providing clear sender identification, and including an easy-to-use unsubscribe mechanism. Non-compliance with CASL can result in significant penalties, including fines of up to \$10 million for businesses.

A **Social Media Policy** sets clear guidelines for employees on appropriate social media use. This policy helps to protect your organization's reputation, ensures compliance with legal and regulatory standards, and encourages a professional and respectful work environment.

A **Diversity, Equity, and Inclusion (DEI)** policy helps support an environment where all employees feel valued, respected, and empowered to contribute fully. It supports the organization's ability to attract diverse talent, enhance creativity, and ensure compliance with legal and ethical standards.

A **Workplace Drug and Alcohol Policy** provides guidelines for managing drug and alcohol use and impairment in the workplace. It addresses safety concerns and promotes the well-being of your employees.

A **Flexible Work Policy** establishes clear expectations for employees, outlining when and where they can work while ensuring accountability measures are in place to apply these arrangements fairly and consistently across the organization.

Flexible work arrangements—such as adjustable hours, compressed workweeks, and remote work options—allow employees to better balance their personal and professional lives.

2024 KEY LEGISLATIVE UPDATES

The Working for Workers Five Act, 2024 (Bill 190)

The bill makes changes to the Occupational Health and Safety Act (OHSA), the Employment Standards Act and the Workplace Safety and Insurance Act.

Definition of Harassment

- The definition of harassment now includes protection against virtual harassment and virtual sexual harassment.

OHSA Virtual Information

- The OHSA was amended to permit employers to post information required to be posted by the OHSA in an electronic format provided the employer provides clear instructions on how and where to access the information and it is easily accessible by employees. This includes, for instance, the names and work locations of Joint Health & Safety Committee members, a copy of the OHSA and explanatory materials from the Ministry.

JHSC Meetings

- Joint Health and Safety Committee (JHSC) meetings can now be held virtually instead of in person. All committee members must have a chance to participate in the virtual meeting and have the resources and support they need to attend the meetings.

Sick Notes

- Employers can no longer ask employees for a certificate from a “qualified health practitioner” for that employee to get their ESA-protected sick leave days for personal illness, injury, or medical emergency.
- The ESA guarantees a minimum of three (3) unpaid days of sick leave for any employee after they have worked at least two consecutive weeks for their employer. If an employer provides paid sick leave days under policy or employment contract, the first three (3) of those days are deemed to be sick leave under the ESA, and subject to the same requirements.

Fine Maximums

- Any individual convicted of a violation under the ESA can now be subject to a fine of up to \$100,000 - doubled from the previous maximum of \$50,000.

Remote Work

- The OHSA now covers remote work performed at or near a private residence.

Working for Working for Workers Six Act, effective December 19, 2024:

- a new requirement for employers to ensure employees have properly fitting personal protective equipment in all sectors; and
- a new minimum fine of \$500,000 for corporations convicted of repeated offences that result in death or serious injury for employees within two years

WHAT TO EXPECT IN 2025/2026

The Working for Workers Six Act

Key upcoming changes (effective date TBD) to be introduced by the Working for Workers Six Act include:

- new unpaid parental leave for employees who become parents through adoption or surrogacy
- the codification of a long-term illness leave for employees with serious medical conditions

Effective **July 1, 2025**

Employers with 25 or more employees must provide an employee with the following information before the first day of work or, where that is not practicable, as soon thereafter as is reasonably possible:

- the legal name of the employer, as well as any operating or business name of the employer, if different
- contact information for the employer, including address, telephone number and one or more contact names
- a general description of where it is anticipated the employee will initially perform work
- the employee's starting hourly wage or other wage rate or commission, as applicable
- the applicable pay period and payday
- a general description of the employee's initial anticipated hours of work

Washroom Facilities

The OHSA will require employers and constructors to ensure that washroom facilities that are provided by the employer or constructor are maintained in a clean and sanitary condition. Employers and constructors will be required to keep, maintain, and make available records of cleanings. As of **January 1, 2026**, the records must be posted in a conspicuous place in or near the washroom facility.

Information for Employees

As of July 1, 2025, employers will be required to provide employees with information about employment before their first day of work, or, if that is not practicable, as soon as reasonably possible. This requirement will not apply to:

- Employers who employ fewer than 25 employees on the employee's first day of work.
- Employees who are assignment employees (i.e. workers engaged through a temporary help agency).

The information that must be provided is:

- The legal name of the employer, as well as any operating or business name of the employer if different from the legal name.
- Contact information for the employer, including address, telephone number and one or more contact names.
- A general description of where it is anticipated that the employee will initially perform work.
- The employee's starting hourly or other wage rate or commission, as applicable.
- The pay period and pay day established by the employer.
- A general description of the employee's initial anticipated hours of work.

Effective **January 1, 2026**

Job Postings and Hiring Decisions

The ESA and the new regulation will require publicly advertised job postings to:

- include a statement indicating whether the posting is for an existing vacancy.
- include the expected compensation or range of compensation for the position (except for positions that pay \$200,000 or more). Where a range of compensation is posted, the range must not exceed more than \$50,000 annually.
- include a statement on whether the employer uses artificial intelligence to screen, assess or select applicants.
- omit any requirement related to the Canadian experience. This requirement also applies to any associated application forms.

Additionally, an employer who interviews an applicant for a publicly advertised job posting must inform the applicant whether a hiring decision has been made within 45 days after the date of the last interview and must retain a copy of such information for three years.