

LEGISLATIVE BRIEFING

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ONTARIO PASSED WORKING FOR WORKERS ACT, 2022

On April 11, 2022, [Bill 88, Working for Workers Act, 2022](#) (Bill 88) received Royal Assent. Of the various legislative changes introduced by Bill 88 that will impact employers and employees in Ontario, this Legislative Briefing focuses on (1) new requirements under the *Employment Standards Act, 2000* (ESA) regarding [electronic monitoring of employees](#), and (2) [red tape reductions to encourage out-of-province skilled workers to work and live in Ontario](#).

Electronic Monitoring of Employees

Schedule 2 of the Bill amends the ESA by requiring employers to inform employees if they are being monitored electronically by establishing electronic monitoring policies. The purpose is to protect workers' privacy by requiring employers to be transparent on how employees' use of computers, cell phones, GPS systems, and other electronic devices are being tracked. This is the first such legislation in Canada.

Some key aspects of Schedule 2 of Bill 88 include:

- The requirement for businesses to have a written policy for businesses with 25 or more employees.
- The written policy would address (1) whether employees are electronically monitored, (2) if so, how and in what circumstances are they being monitored, and (3) the purpose of collecting the information.
- The policy would apply to employees working in the workplace or working remotely.

The following are some of the relevant sections from Schedule 2 related to electronic monitoring of employees.

"PART XI.1

WRITTEN POLICY ON ELECTRONIC MONITORING

Written policy on electronic monitoring

41.1.1 (1) An employer that, on January 1 of any year, employs 25 or more employees shall, before March 1 of that year, ensure it has a written policy in place for all employees with respect to electronic monitoring of employees.

Required information

(2) The written policy with respect to electronic monitoring must contain the following information:

1. Whether the employer electronically monitors employees and if so,
 - i. a description of how and in what circumstances the employer may electronically monitor employees, and



- ii. the purposes for which information obtained through electronic monitoring may be used by the employer.
2. The date the policy was prepared and the date any changes were made to the policy.
3. Such other information as may be prescribed.”

Reducing Delays for Out-of-Province Skilled Workers

Schedule 3 of the Bill amends the *Fair Access to Regulation Professions and Compulsory Trades Act, 2006* to ensure that workers in over 30 in-demand professions from other provinces or territories can get their credentials processed within a service standard of 30 business days, making it easier for individuals to move to Ontario and continue their careers. The professions include engineers, auto mechanics, plumbers, and other regulated professionals.

The following are some of the relevant sections from Schedule 3 related to the credential processing amendments:

“Registration decision

(4) A regulated profession shall, within 30 business days after receiving an application for registration from a domestic labour mobility applicant and everything required by the regulated profession in respect of the application, make a registration decision and provide the applicant with,

- (a) written communication of the registration decision;
- (b) written reasons respecting a registration decision,
 - (i) to propose that the applicant not be granted registration,
 - (ii) to not grant registration to the applicant, or
 - (iii) to grant registration to the applicant subject to conditions; and
- (c) information respecting the applicant’s rights to any internal review or appeal, including any applicable procedures and deadlines.”

Although not part of Bill 88, this [Backgrounder](#) outlines additional measures taken by the government to address the Ontario labour shortage for in-demand professionals and tradespeople, which includes:

- Recognizing the three remaining occupations under the Red Seal Trades program, namely Gas Fitter Class A, Gas Fitter Class B, and Oil and Heat Systems Technicians.
- Making it easier for workers who have completed fall protection training in another province to come to work in Ontario, by completing a refresher course from an accredited Ontario provider.
- Skilled Trades Ontario, a new provincial agency is harmonizing training standards for a dozen trades, making it easier for apprentices from other provinces to continue their training in Ontario.

Other Issues Addressed

This February 28, 2022 Government of Ontario [Backgrounder](#) outlines the other issues covered by Bill 88.

QUESTIONS?

If you have any comments or questions about this update, please e-mail RES360@metrovancover.org or call 604-451-6558.

SOURCES

"Ontario Requiring Employers to Disclose Electronic Monitoring." February 24, 2022.

<https://news.ontario.ca/en/release/1001654/ontario-requiring-employers-to-disclose-electronic-monitoring>

"Ontario Removing Barriers for Out-of-Province Skilled Workers." February 25, 2022.

<https://news.ontario.ca/en/release/1001662/ontario-removing-barriers-for-out-of-province-skilled-workers>

"Backgrounder: Working for Workers Act, 2022." February 28, 2022.

<https://news.ontario.ca/en/backgrounder/1001668/working-for-workers-act-2022>

"Bill 88, Working for Workers Act, 2022 – Royal Assent." April 11, 2022.

[Bill 88, Working for Workers Act, 2022 - Legislative Assembly of Ontario \(ola.org\)](https://www.ola.org/en/bills/100/bills-2022/bill-88-working-for-workers-act-2022)