

ISSUES IN CANADIAN EMPLOYMENT & LABOUR LAW

PageTurner is an occasional publication from Turner, A Human Resources Law Firm™ that provides a general overview on topics of interest to our clients. The information contained in PageTurner usually addresses workplace issues or strategies that arise as a result of new legislation, legal developments or case law. At Turner, A Human Resources Law Firm™ our ongoing objective is to provide insightful and practical advice and representation to our clients. Our goal is to help our clients excel.

RECENT CHANGES TO ONTARIO'S *OCCUPATIONAL HEALTH AND SAFETY ACT*

What's New?

As employers head into a new year, several important changes to the *Occupational Health and Safety Act* ("OSHA") that have recently come into effect bear review to ensure workplaces are aware of, and compliant with, the new rules and regulations, which include the following changes as are discussed further below:

- Defibrillators required on construction sites
- Washroom cleaning records
- Personal Protective Equipment
- Maximum and Minimum Fines
- Administrative Monetary Penalties
- Equivalent Training

Defibrillators on Construction Sites

A new regulatory amendment made under the *Working for Workers Seven Act* which took effect **January 1, 2026** now requires defibrillators on any construction sites for projects that will be at least 3 months long with 20 or more regularly employed workers. There must also be a worker trained in CPR and defibrillator operation present when work is being done.

The Workplace Safety and Insurance Board will reimburse eligible employers up to \$2,500 per device per eligible construction project in an effort to help businesses mitigate the resulting costs. Criteria that must be met for reimbursement are further set out under the new O. Reg 360/25.

Washroom Cleaning Records

As of **July 1, 2025**, employers are required to ensure that any washroom facilities provided for workers' use are maintained in a clean and sanitary condition, and must also keep, maintain and make available records of the cleaning of washroom facilities as prescribed.

O. Reg 480/24 established in relation to this requirement states that, effective **January 1, 2026**, these records may either be: (a) physically posted in a conspicuous location near the washroom facilities to which they pertain where it is likely to come to the attention of workers; or (b) be posted electronically where it can be accessed by workers, and workers are provided with direction on where and how to access the record. The records must also include the date and time of the two most recent cleanings of the washroom facility.

A definition of “washroom facility” has now been added to the *OHSA* as: “includes a washroom, toilet facility, clean-up facility, urinal, shower or other similar facility, but does not include an eye wash station or emergency shower”.

Personal Protective Equipment

Section 25 of the *OHSA* was recently amended to require employers to ensure that personal protective clothing and equipment that is provided, worn, or used, is a proper fit and is appropriate in the circumstances, having regard to all relevant factors, including such factors as may be prescribed by the regulations.

Section 70 of the *OHSA* was also amended in conjunction with the above in order to give the Lieutenant Governor in Council authority to make regulations requiring the assessment of personal protective clothing and equipment and prescribing requirements related to the conduct of those assessments.

Changes to Maximum and Minimum Fines

Bill 229, the *Working for Workers Six Act, 2024* also repealed and replaced subsection 66 (2) of the *OHSA*, which sets out the fines applicable to corporations for convictions under the Act.

In addition to setting the maximum fine, the new provision also sets a minimum fine for subsequent offences that result in one or more workers’ death or serious injury as follows:

- (2) If a corporation is convicted of an offence under subsection (1),
 - (a) the maximum fine that may be imposed upon the corporation is \$2,000,000; and
 - (b) for a second or subsequent offence that results in the death or serious injury of one or more workers in a two-year period, the minimum fine that may be imposed is \$500,000.

Administrative Monetary Penalties

O. Reg 365/25 establishes a new scheme for administrative penalties, effective **January 1, 2026** which significantly expands the enforcement tools available to inspectors.

Under s. 69.1 of *OHSA*, inspectors may now issue an administrative penalty for contraventions or failures to comply with provisions of *OHSA* or the regulations made thereunder, orders or requirements of Inspectors or Directors, or orders of the Minister of Labour, Immigration, Training and Skills Development.

Notices of administrative penalties must be in writing and include certain prescribed details including the deadline for payment as well as information regarding the right to request a review by the Ontario Labour Relations Board, the prescribed reviewing entity.

Of note, the Minister may publish or otherwise make available to the general public the name of any person against whom an administrative penalty has been imposed, the nature of the contravention or failure to comply, and the amount of the penalty, and any such disclosure is deemed to include such publication on the Internet, and to be compliant with the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

Equivalent Training

The new section 7.2.1 of the *OSHA* allows the Chief Prevention Officer to establish criteria to assess whether a training program delivered outside of Ontario is equivalent to an approved program under the *OSHA*.

O. Reg 364/25: Health and Safety Management Systems and Procurement has also been introduced to ensure that Chief Prevention Officer-accredited Health and Safety Management Systems are treated as equivalent in government and public sector organization procurements and contracts involving construction work, effective **January 1, 2026**. This regulation applies to procurement processes and contracts initiated or entered into (whether directly or indirectly) by, or on behalf of, the Government of Ontario or public sector organizations (which includes municipalities, local boards, school boards, hospitals, post-secondary institutions and local housing corporations) seeking vendors to perform construction work.

To promote compliance with the regulation, administrative monetary penalties have also been established.

For any questions or assistance in ensuring your organization understands and is meeting these new obligations, please call Turner HR.

Please note that material contained in this update is meant to provide a general discussion or overview with respect to certain areas of employment and labour law. PageTurner is not a substitute for legal advice or other professional advice. While we believe that the information provided in PageTurner is helpful and provides a solid foundation, many issues in the workplace turn on a specific set of facts for which customized advice should be obtained. Additionally, although PageTurner sets out the law as it stands at the time of publication, the law and statutes change and it is important to remain current.