



What's New in HR Law

Bill 88 Passes Third Reading

April 7, 2022 | By [Cassandra Ma](#)

Summary of Changes Arising from Bill 88

On April 7, 2022, the Ontario Government passed [Bill 88, the Working for Workers Act, 2022](#). Bill 88 is omnibus labour and employment legislation that will:

- establish employment rights for digital platform workers (including rights to information, minimum wage, and recurring pay periods and pay days) through the enactment of the *Digital Platform Workers Rights Act, 2022*;
- amend the *Employment Standards Act, 2000* to require employers to implement electronic monitoring policies;
- establish timelines under the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* relating to the registration of domestic labour mobility applicants in regulated professions; and
- amend the *Occupational Health and Safety Act* to require the provision of naloxone kits in the workplace and increase the maximum fines that can be issued for health-and-safety offences.

Last month, we provided detailed analyses of these developments in our previous Insights (see [update 1](#), [update 2](#), and [update 3](#)). Since then, the text of Bill 88 has largely remained unchanged.

Revisions to the Bill: Expanded Requirements Relating to the Disclosure of Performance Rating Information to Digital Platform Workers

The most notable revisions to the Bill consist of an expansion of the requirement for digital platform operators to provide workers with information about performance ratings. Operators are now required

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to provide the following types of information to a digital platform worker within 24 hours after the last day that is included in the calculation of the worker's average performance rating:

- If a worker receives five or more performance ratings for work assignments on a calendar day, the operator must provide the worker with the average performance rating for that day.
- If a worker receives fewer than five performance ratings for work assignments on a given calendar day but a total of five or more such ratings over two or more days (including that day), the operator must provide the worker with the average of all the performance ratings received on those days.
- The operator must also provide the worker with the aggregate details of their ratings, including details of whether there are any consequences based on the rating and a description of those consequences.

Check the Box

The Ontario Government has sent Bill 88 to the Lieutenant Governor for Royal Assent in the coming days. Employers should therefore prepare to comply with any new requirements applicable to their businesses, including implementing a written electronic monitoring policy within six months of the date on which Bill 88 receives Royal Assent.

Need More Information?

For more information about Bill 88, advice on how to implement the Bill's requirements, or assistance with drafting an electronic monitoring policy, contact 416.408.3221 or your regular lawyer at the firm.



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