



What's New in HR Law

More Announcements on Job Postings and Injured Workers Benefits

November 10, 2023 | By Micah Fysh

Bottom Line

The Government of Ontario has followed up this past Monday's employment law announcements ([summarized in an earlier Insight](#)) with two further announcements on November 8 and November 9, 2023. The Government of Ontario has announced that, in addition to the previously discussed new requirements on job postings, it would introduce legislation which would ban Canadian work experience requirements in job postings. The Government of Ontario also announced a series of changes expanding benefits for injured workers, particularly for firefighters and fire investigators.

Opening Ontario to Foreign Workers

On November 9, 2023, the Government of Ontario announced various changes to make it easier for qualified international workers to find appropriate work in Ontario, particularly in sectors facing labour shortages.

The Province announced that it would prohibit employers from including in a job posting a requirement for Canadian work experience. If passed, this would be the first such law in Canada. The change is aimed at making it easier for qualified and trained immigrants without Canadian work experience to begin work in their professions in Ontario.

The second change which the Government of Ontario announced on November 9, 2023 is to more closely regulate how regulated professions assess international qualifications in satisfaction of

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registration requirements. Some regulated professions use third-party organizations to assess international qualifications. The proposed changes would regulate the use of such third-party organizations.

These changes build on amendments made in the *Working for Workers Act, 2023* and in the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*, which required regulated professions who required Canadian experience as a qualification for registration, to also accept an alternative to Canadian experience in satisfaction of a qualification for registration. These changes [were summarized in an earlier Insight](#).

Along with these two changes, Ontario is proposing to take other actions to encourage immigrants qualified in certain critical sectors to come to Ontario, including changes to college graduate certificate program eligibility requirements.

Expanding Injured Workers Benefits

On November 8, 2023, the Government of Ontario announced expanded benefits for injured workers, and in particular for firefighters and fire investigators exposed to carcinogens at work.

Changes to *Workplace Safety and Insurance Act, 1997* (“WSIA”) Benefits

The *WSIA* provides insurance benefits, including loss-of-earnings benefits, to workers who suffer workplace injuries or illnesses. Currently, benefits, once set, increase yearly indexed to the Consumer Price Index for Canada for all items, as tracked by Statistics Canada. This effectively guarantees that benefits in Ontario increase aligned with cost-of-living increases for Canada as a whole.

The Government of Ontario announced that it would amend the *WSIA* to allow increases in benefit payments to injured workers over and above cost-of-living, which the Government has called “super-indexing”. The announcement did not reveal whether there would be a cap to such increases, or who would have discretion to set such increases.

The Province also announced changes that will make it easier for firefighters and fire investigators to access benefits for esophageal cancer. Currently, firefighters can claim benefits under the *WSIA* for esophageal cancer if they can show that the cancer was work-related, but if they have 25 years of service, the cancer is assumed to be work-related unless shown otherwise. The announced changes would lower the years of service required to presume the cancer is work-related from 25 years to 15 years.

Consultation on Expanded Medical Leave

Recently, the Federal Government permanently extended the period for which workers unable to work for medical reasons could claim Employment Insurance (“EI”) sickness benefits from 15 weeks to 26 weeks. This change was effective from December 18, 2022.

On November 8, 2023, the Government of Ontario announced that it would begin consultations on a new 26-week job-protected medical leave which paralleled the extended EI sickness benefit period. The announcement implied that this leave would be in addition to existing sick leave under the *Employment Standards Act, 2000*, which currently guarantees employees three days of job-protected unpaid leave. However, this proposal is subject to change following the consultation period. It is also not known at this point what the Government of Ontario is considering with respect to eligibility requirements, which may be subject to the results of the consultation.

Check the Box

As with this week's earlier announcements, the specifics of these announced changes will be revealed when the laws are officially proposed at the Legislative Assembly of Ontario, and will be subject to change as they move through the legislative process.

For employers who wish to voice their opinion on the proposed leave changes, it should be noted that the announced consultation process on a new job-protected leave will also be announced at a further date.

We will continue to monitor the status of all of these announcements as they proceed through the Legislative Assembly of Ontario and will provide updates on further developments.

Need More Information?

For more information or assistance with hiring and workers' compensation issues, contact [Micah Fysh](mailto:mfysh@filion.on.ca) at <mailto:mfysh@filion.on.ca> or your [regular lawyer](#) at the firm.



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