



What's New in HR Law

New Obligations for Federal Employers to Come Into Effect Soon

June 16, 2016 | By [Clifton Yiu](#)

Overview

On April 21, 2023, the Federal Government issued an [Order in Council](#) proclaiming that specific amendments to the [Canada Labour Code, RSC 1985, c L-2](#) (the “Code”), that were proposed in [The Budget Implementation Act, 2018, No. 2, SC 2018, c. 27](#) (“Bill C-86”), will soon come into effect. These amendments require federally regulated employers to provide employment information to their employees and reimburse employees for their reasonable work-related expenses.

The amendments will come into force on July 9, 2023. On that same date, [amendments to the Canada Labour Standards Regulation](#) (the “Regulation”) released on May 10, 2023, which provide greater detail about the above requirements, will also come into force.

Federally regulated employers must be aware of these new obligations, as employers may need to act immediately to comply with the deadlines imposed by the Code and the Regulation.

Information Related to Employment

Under the amendments, employers will be required to provide employees with a copy of any information regarding employers’ and employees’ rights and other materials that the Head of Compliance and Enforcement (the “Head”) makes available. These materials must be provided to employees within 90 days of July 9, 2023, or the day on which the Head first makes the materials available, whichever is later.

This article is for the purposes of only general information and does not constitute legal advice or opinion.

Thereafter, new employees must be provided with a copy of these materials within 30 days of starting their employment. Employers will also have to:

- post the materials in a readily accessible place;
- ensure that employees have copies of the most recent materials made available by the Head; and
- provide any terminated employees with the current materials published by the Head that relate to termination, by no later than their last day of employment.

Additionally, employers must also provide new employees with a written statement containing information relating to their employment. Pursuant to the Regulation, the written statement must include:

- (a) the names of the parties to the employment relationship;
- (b) the job title of the employee and a brief description of their duties and responsibilities;
- (c) the address of the ordinary place of work;
- (d) the date on which the employment commences;
- (e) the term of the employment;
- (f) the duration of the probationary period, if any;
- (g) a description of the necessary qualifications for the position;
- (h) a description of any required training for the position;
- (i) the hours of work for the employee, including information on the calculation of those hours and rules regarding overtime hours;
- (j) the rate of wages or salary and the rate of overtime pay;
- (k) the frequency of pay days and the frequency of payment of any other remuneration;
- (l) any mandatory deductions from wages; and
- (m) information about how the employee can claim reimbursement of reasonable work-related expenses.

Employers must provide the written employment statements to employees within 90 days of July 9, 2023. After this first deadline, new employees must be provided with the written statements within the first 30 days of their employment. Additionally, employers must provide employees with updated employment statements within 30 days of any changes to the information within the statement and retain a copy of any employment statement for 36 months after an employee's employment ends.

If an employer fails to provide employees with the required employment information, it may be liable for \$200 to \$2,000 in fines for each violation. The amount of the fine will depend on the size of the business.

Reimbursement of Work-Related Expenses

In addition to materials that employers are required to provide to employees, employers will be required to reimburse employees for "reasonable work-related expenses".

Pursuant to the Regulation, whether an expense is "work-related" will depend on factors such as:

- whether the expense was connected to the employee's performance of the work;
- whether the expense enables the employee to perform work; and
- whether the expense is required by the employer as a condition of employment or continued employment.

Similar factors will be used to determine whether an expense is “reasonable”.

If an expense is found to be a “reasonable work-related expense”, employers are required to reimburse the employee within 30 days of when the employee submits the expense for reimbursement.

Employers may be liable for \$500 to \$6,000 in fines for each time they fail to reimburse reasonable work-related expenses, depending on the size of their business.

Check the Box

Federally regulated employers must be cautious of the strict timelines imposed by the impending amendments to the *Code*. Depending on the size of the employer’s workforce, preparing written statements for different classifications of employees can be an onerous task. While there may be significant overlaps between an employment statement and existing job descriptions or employment contracts, employers will need to ensure that the employment statements are consistent with the duties of each employee and the statutory requirements.

Employers must also consider their capabilities to provide materials made available by the Head to existing and new employees. Employers with a significant number of employees may face difficulties in complying with these new amendments without adequate preparation, especially if a portion of the workforce may be working remotely.

Need More Information?

For more information or assistance with federal employment obligations, contact [Clifton Yiu](#) at cyiu@filion.on.ca or your regular lawyer at the firm.



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