

Ontario Government Proposes Changes to Employment and Labour Legislation

April 30, 2026

On April 20, 2026, the Ontario government introduced Bill 105, *Protecting Ontario's Workers and Economic Resilience Act, 2026*, which, if passed, will amend various employment and labour legislation including the *Employment Standards Act* ("ESA"), *Occupational Health and Safety Act* ("OHSA"), *Labour Relations Act* ("LRA") and *Workplace Safety and Insurance Act* ("WSIA").

The following is a summary of key proposed amendments. We will keep readers apprised as Bill 105 makes its way through the legislative process. **For more information and assistance, contact your Sherrard Kuzz LLP lawyer or info@sherrardkuzz.com.**

Proposed Changes to the ESA

Uniform Charges

An employer will be prohibited from requiring an employee to pay for a uniform, uniform repair or uniform laundering, except in limited circumstances such as (a) loss, (b) damage beyond normal wear and tear or (c) failure to return a uniform as agreed. A uniform is defined as attire unique to or identified with an employer's business (e.g., clothing bearing an employer's name, logo or brand).

If a collective agreement is already in place that addresses uniform or laundry charges, the collective agreement provisions will govern for the remainder of the agreement and until a new agreement is in place. A new collective agreement entered into after Bill 105 comes into effect must comply with the new uniform provisions.

Complaint Inspection and Investigation

The Director of Employment Standards will have the authority to assign a complaint for inspection regarding (a) job posting rules, (b) an electronic monitoring or disconnecting from work policy, or (c) temporary help agency licensing requirements.

The Director will also have the authority to refuse to assign any complaint for inspection or investigation if the Director is satisfied (a) the complaint is frivolous, vexatious or an abuse of process, or, (b) there is insufficient information to substantiate the complaint.

Proposed Changes to the OHSA

Occupational Exposure Registry

The Chief Prevention Officer will be permitted to collect personal information about workers' exposure to a physical, chemical, or biological agent for the purpose of maintaining a worker occupational exposure registry. The Ontario government launched its [Occupational Exposure Registry](#) in February 2026.

Recognition of Interprovincial Standards

The Minister of Labour, Immigration, Training and Skills Development ("Minister") may recognize standards that comply with requirements in another Canadian jurisdiction or under an agreement between Ontario and another Canadian jurisdiction as they relate to training, personal protective equipment and other equipment. The purpose of this change is to facilitate interprovincial labour mobility across Canada.

Reimbursement for Protective Headwear

On July 1, 2027, [O Reg 213/91, Construction Projects](#) will require a worker who may be exposed to a side impact hazard on a project to wear Type 2 protective headwear (which provides lateral protection). Where a dislodgement risk exists, the headwear must have a chin strap or other means of retention. In prescribed circumstances, Bill 105 will authorize the Minister to reimburse an employer or constructor for the cost of purchasing this headwear.

Proposed Changes to the LRA

Shortened Open Period in Construction Industry

Currently, the final two months of a construction industry collective agreement is known as the "open period." During an open period, (a) a union, with the support of the bargaining unit members, can apply to displace existing rights held by another union, or (b) a bargaining unit member can apply to terminate their union's bargaining rights. Bill 105 proposes shortening the open period in the construction industry from two months to one month.

The government has not indicated whether the proposed one month open period will be the final month or the second to last month of the collective agreement. The government is seeking feedback from stakeholders regarding these options until **July 6, 2026**. To learn more about the proposal and/or to provide a comment, visit the [Ontario Regulation Registry](#). Contact Sherrard Kuzz LLP for assistance.

Proposed Changes to the WSIA

If passed, Bill 105 will:

- Increase loss of earnings (“LOE”) benefits from 85% to 90% and allow the Workplace Safety and Insurance Board (“WSIB”) to pay LOE benefits to a worker over the age of 65 if the worker demonstrates they would have worked past this age.
- Allow the WSIB to review and adjust payments of LOE benefits to a worker more than 72-months after the worker’s injury.
- Set a maximum threshold for the total income a worker may receive from collateral benefits and LOE benefits.
- Make workers’ compensation coverage mandatory for employers that operate a residential care facility or group home.

For additional details regarding these WSIA changes, see our briefing note [Ontario Government Proposes Changes to Workers’ Compensation System](#).

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