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Employment-Related Compliance and Best Practices Spring Review: Must Do's and Smart Moves



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Spring is the perfect time to revisit your firm's employment-related legal compliance and best practices. In this article we provide a:

- Annual legislative compliance checklist** for a provincially regulated employer in Ontario; and
- Best practices checklist** to minimize legal risk.

To learn more and for assistance drafting policies tailored to your firm, or regarding any aspect of employment-related compliance or best practices, contact Sherrard Kuzz LLP

Must Do's - Legislative Compliance

Every provincially regulated employer in Ontario must prepare or review certain policies and documents annually. Here's what your firm needs to do in 2026:

Occupational Health and Safety Act

Review your health and safety policy and implementation program

An employer must have a written occupational health and safety policy and a program to implement it. The policy should include a clear statement that reflects the employer's commitment to a health and a safety program tailored to the hazards in the particular workplace, including, for example, worker training, workplace inspections, a health and safety budget, and fire prevention and engineering controls. Both the policy and program must be reviewed annually.

Review your workplace violence and harassment policies

An employer must have a written workplace violence policy and workplace harassment policy. The policies should include the procedure for a worker to report an incident of workplace violence and harassment and the process for an investigation. Both

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Review health and safety training for workers exposed to hazards

An employer must provide training to any worker exposed, or likely to be exposed, to a hazardous material or physical agent. In an office environment, this could include, for example, cleaning agents or printer toner. An employer must review this training and its workers' familiarity with the training at least annually, and more often if there is a change in circumstance that may affect the health or safety of a worker. The employer must develop and implement the training in consultation with its health and safety committee or safety representative.

Employment Standards Act ("ESA")

Disconnecting From Work Policy

An employer with 25 or more employees must have a written policy on disconnecting from work. The ESA defines "disconnecting from work" as "not engaging in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, so as to be free from the performance of work."

NOTE: Contrary to popular belief the policy is not required to provide an employee the 'right' to disconnect from work, only to set out workplace expectations. However, an employer should ensure it complies with the hours of work, vacation, and public holiday provisions of the ESA.

Each employee must be given a copy within 30 days of the policy being created or amended, or when they start employment.

Electronic Monitoring Policy

An employer with 25 or more employees must have a written electronic monitoring policy. The policy must describe how and in what circumstances the employer may electronically monitor employees and the purposes for which information obtained through electronic monitoring may be used.

Each employee must be given a copy within 30 days of the policy being created or amended, or when they start employment.

Accessibility for Ontarians with Disabilities Act ("AODA")

Accessibility Compliance Report by December 31, 2026

A **business or non-profit organization** with 20 or more employees in Ontario must file an accessibility compliance report every three years, confirming it has met the accessibility requirements under the AODA and its Regulation. The next reporting deadline is December 31, 2026. It takes time to develop and implement the required policies and training, so we recommend you start this process well in advance of the deadline.

Smart Moves - Best Practices to Minimize Legal Risk

To minimize legal risk, we recommend firms take (at least) the following steps each year:

Review employment and/or independent contractor agreements

It seems with every passing week there is another decision from the courts calling into question the enforceability of an employment and/or independent contractor agreement.^[1] This may mean that a contract that was enforceable last year, may no longer be enforceable. The most cost-effective way to mitigate the risk of liability is to review and update your employment and independent contractor agreements annually. An ounce of prevention...

Reconcile vacation pay

Vacation pay requirements in Ontario can have unexpected traps and pitfalls; if you have not reviewed your vacation policy recently, now is a good time. Among other things, check that any employee who earns commission and/or bonuses received the correct statutory vacation pay. If they have received too little, this liability can add up quickly over time.

Maintain complete and accurate records

Good record-keeping isn't just a legal requirement it's an important piece of your defense if a claim arises. Keep detailed records of employment information and other matters that arise over the course of the year, including regarding:

- Employee information
- Hours worked and wages paid
- Agreements, such as to average overtime, work excess hours, substitute holidays, etc
- Vacation time and pay
- Leaves of absence
- Performance management and training.

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[1] To learn more about the importance of a well drafted employment agreement, see Sherrard Kuzz LLP's April 1, 2025, Briefing Note, [Is an Employment Agreement Worth the Paper On Which It's Written?](#)

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