

## Working For Workers Four Act Update: What Small Business Owners Need to Know

On March 21, 2024, Ontario updated the Working For Workers Four Act (2023), which means there is a series of upcoming amendments that small business owners should be aware of, in order to remain compliant with labour regulations.

We've broken down the updates here, along with timelines for when the changes will be implemented.

### With Immediate Affect

1. The definition of “employee” now includes individuals completing a trial period. This means that unpaid trial periods (or practice shifts) are now effectively prohibited.
2. Employers cannot deduct or withhold wages when a customer of a restaurant, gas station, or other service-based establishment leaves without paying for the goods or services exchanged at said establishment.

### Changes as of June 21, 2024

1. Employers will not be able to pay vacation pay at any other time than the “default” unless an agreement has been made between the employer and employee.
2. If an employer has a policy in place regarding the sharing of tips and gratuities as permitted by the ESA, that policy must be visible within the establishment in a place where employees can see it and understand the policy. If the policy is suspended, they must keep the policy on file for at least 3 years following.

### Unknown Implementation Date

1. Employers will be expected to include expected compensation, or compensation range, on publicly posted job postings.
2. Employers cannot include requirements for Canadian experience within job postings or on any application forms.
3. Should the employer use AI to screen, select, or assess applicants for a job position, the employer will be required to include a statement on the posting disclosing usage of AI. Note this appears to be only stating AI is used, not how and where.
4. Employers will be required to retain copies of every publicly posted job posting up to three years after the post goes down.
5. All the above provisions will extend to prospective employers.

While the bulk of policies have no set Implementation date, its time for employers to start drafting their action plans for their eventual implementation dates, as many of these changes cannot be enacted overnight.