

## Ontario Business Owner's Checklist for 2021: Posters / Policies / Plans – Are You Compliant?

Please note that many employment sectors have specific obligations that employers must follow in addition to and/or separate from the chart below.

<input type="checkbox"/>	<b>Distribute the <i>Employment Standards Act, 2000</i> (“ESA”) Poster</b>	All employers covered by the <i>Employment Standards Act, 2000</i> (“ESA”) in the province (excluding the Crown) must provide any new employees with a copy of the poster within thirty days of being hired. Employers are no longer required to display this poster in the employer’s workplace.
<input type="checkbox"/>	<b>Post a Copy of the <i>Occupational Health and Safety Act</i> (“OHS”) Poster and a copy of the <i>OHS</i>.</b>	The <i>Occupational Health and Safety Act</i> (“OHS”) is Ontario’s law that governs health and safety in the workplace and establishes legal duties and minimum safety responsibilities for employers, supervisors, and workers. Employers are required to post a copy of the <i>OHS</i> in a prominent place.  Additionally, if your workplace has 20 or more employees, you are required to have a joint, health and safety committee (“JHSC”), comprised of both worker and employer representatives. You must also post the names of the people sitting on the <i>JHSC</i> in an inconspicuous place in the workplace.
<input type="checkbox"/>	<b>Develop a Health and Safety Policy</b>	Employers with five or more regular employees must prepare and review at least annually a written Occupational Health and Safety Policy and must develop and maintain a program to implement that policy. An example of a Health and Safety Policy, and guidance on how to prepare such policies, is available <a href="#">here</a> .
<input type="checkbox"/>	<b>Have a Harassment and Violence in the Workplace Policy</b>	The <i>OHS</i> requires all employers in Ontario with 5 or more regular employees to have a <b>Harassment</b> and <b>Violence</b> in the Workplace Policy. The employer must also provide their employees with information and instruction on the contents of the policy and program. A useful resource called “ <a href="#">Developing Workplace Violence and Harassment Policies and Programs: A Toolbox</a> ” has been developed to help Ontario employers meet the <i>OHS</i> ’s requirements and is a great starting point for employers.
<input type="checkbox"/>	<b>Workplace Safety and Insurance Board (WSIB) Requirements</b>	Most employers in Ontario are required to register with the WSIB within 10 days of hiring their first full or part-time worker. To learn more about who is covered by the WSIB, and the various types of employer responsibilities, click <a href="#">here</a> . <ul style="list-style-type: none"><li>• First Aid and Training Employers who are covered by the <i>Workplace Safety and Insurance Act, 1997</i> are required to provide specific first aid equipment and <b>training</b> for workers and</li><li>• Display a WSIB poster Employers covered by the WSIB are also required to post the <b>WSIB Poster</b> in a prominent place (if relevant). The poster is available online or can be ordered in by calling 1-800-387-0750.</li></ul>
<input type="checkbox"/>	<b>Comply with the <i>Accessibility for Ontarians with Disabilities Act, 2005</i> (“AODA”)</b>	All businesses in Ontario have obligations under the <i>Accessibility for Ontarians with Disabilities Act, 2005</i> (“AODA”). In an effort to assist employers in meeting their obligations under this Act, the Ontario Ministry of Economic Development, Job Creation and Trade has put together a <b>reporting tool</b> which is designed to help employers know what they need to do to help them comply Ontario’s accessibility law.  The Ontario Human Rights Commission offers a <b>free 20 minute on line course</b> called “Working Together: The Ontario <i>Human Rights Code</i> and the <i>AODA</i> ” which completes the training requirements for section 7 of the Integrated Accessibility Standards of the <i>AODA</i> .”
<input type="checkbox"/>	<b>Have a Privacy Plan under the <i>Personal Information Protection and Electronic Documents Act</i> (“PIPEDA”)</b>	The <i>Personal Information Protection and Electronic Documents Act</i> (“PIPEDA”) requires organizations to take reasonable steps to safeguard the personal information in their custody or control from such risks as unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction. The <b>Office of the Privacy Commissioner</b> has prepared an <b>online tool</b> to assist small and medium sized businesses to develop a Privacy Plan as well as a <b>self-assessment tool</b> for organizations to evaluate how securely they protect individuals personal information.
<input type="checkbox"/>	<b>Develop an Emergency Procedures Policy</b>	Protective measures must be in place and available during disasters and the Ministry of Labour, Training and Skills Development (“MOL”) has provided <b>guidance</b> .
<input type="checkbox"/>	<b>Develop a Fire Safety Policy</b>	Additional information on Fire Prevention is available <a href="#">here</a> .
<input type="checkbox"/>	<b>No smoking and no vaping signs for businesses</b>	Employers or owners (proprietor) of a hotel, motel or inn, must post the individual ( <b>tobacco/e-cigarette</b> ) signs OR combined ( <b>tobacco and e-cigarette</b> ) signs in every “non-smoking” or “non-vaping” guest room. Owners/employers of all other facilities are required to post enough of the individual ( <b>tobacco/e-cigarette</b> ) signs OR combined ( <b>tobacco and e-cigarette</b> ) signs at each entrance, exit and washroom to ensure that employees and the public know that they cannot smoke tobacco or cannabis (medical or recreational) or vape anything there.
<input type="checkbox"/>	<b>Promote good mental health in the workplace (voluntary, but highly recommended)</b>	Described as a world first and entirely voluntary, the <b>Mental Health Commission of Canada</b> launched the <b>National Standard</b> , designed to help employers of all sizes, and in all sectors, promote good mental health and prevent psychological harm for every employee. It does this by providing the guidelines, resources and tools needed to build a mentally healthy workplace. The Ontario MOL also has provided <b>guidance</b> on mental health in the workplace.
<input type="checkbox"/>	<b>Obligations under the Ontario <i>Human Rights Code</i> (“HRC”)</b>	Every Ontario employer has an obligation to keep the workplace free from discrimination and harassment that relates to specific grounds outlined in the Ontario <i>Human Rights Code</i> (“HRC”). Additionally, employers are required to accommodate employees who require extra support related to a <i>HRC</i> ground, unless such accommodation would cause the employer undue hardship.
<input type="checkbox"/>	<b>Obligations under the <i>Employer Health Tax Act</i> (“EHTA”) and the <i>Income Tax Act</i> (“ITA”)</b>	Every Ontario employer has intricate responsibilities for reporting income paid to employees under both the provincial <i>Employer Health Tax Act</i> (“EHTA”) and the Federal <i>Income Tax Act</i> (“ITA”). Some preliminary guidance on employer obligations under the <i>EHTA</i> and <i>ITA</i> is offered by the Ministry of Finance <a href="#">here</a> .
<input type="checkbox"/>	<b>The New Paradigm: Working From Home</b>	Many of the above standards may be impacted by the increased prevalence of work-from-home arrangements. Qualified employment counsel should be consulted if you have questions
<input type="checkbox"/>	<b>COVID and the Workplace</b>	Employers must now have a <b>COVID Health and Safety Plan</b> .