Bill 30, Working for Workers Seven Act, 2025

Submitted to: Minister of Labour, Immigration, Training and Skills Development

Submitted by: Ontario Bar Association

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ONTARIO BAR ASSOCIATION
A Branch of the Canadian Bar Association

L'ASSOCIATION DU BARREAU DE L'ONTARIO
Une division de l'Association du Barreau canadien

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Introduction

The Ontario Bar Association ("**OBA**") welcomes the opportunity to provide feedback on *Bill 30, the Working for Workers Seven Act, 2025* (the "**Bill**"). We have commented on several previous *Working for Workers Act* bills, and we provide comments on the seventh iteration, focusing on proposed amendments to the *Ontario Immigration Act* and the *Employment Standards Act*.

Ontario Bar Association

Established in 1907, the OBA is the largest and most diverse volunteer lawyer association in Ontario, with close to 16,000 members, practicing in every area of law in every region of the province. Each year, through the work of our 40 practice sections, the OBA provides advice to assist legislators and other key decision-makers in the interests of both the profession and the public and we deliver over 325 in-person and online professional development programs to an audience of over 20,000 lawyers, judges, students, and professors.

This submission was prepared and reviewed by members of the OBA's Citizenship and Immigration Law and Labour and Employment Law sections. Members of these sections include barristers and solicitors in public and private practice in large, medium, and small firms, and in-house counsel across every region in Ontario. Members of the Citizenship and Immigration Law section have extensive experience dealing with all aspects of immigration law and the Ontario Immigrant Nominee Program specifically. Members of the Labour and Employment Law section represent both employers and employees in complex employment law matters and have extensive experience with the *Employment Standards Act*.

Comments & Recommendations

Ontario Immigration Act

Authorizing In-Person Interviews

Proposed amendments to the *Ontario Immigration Act* would authorize processing officers or appointed inspectors to require applicants to the Ontario Immigrant Nominee Program to present themselves for in-person interviews if requested. It is noted that this would only be required for a small number of employers or foreign national applicants.

We are concerned about the impact this will have on processing times, which are already very long. This may have further negative impacts on the timelines. There is also a question about the necessity of this change, and under what grounds it can be ordered. There is no information or factors regarding the circumstances when this would be required, and it appears to be purely discretionary. We recommend providing clarity and guidance on this. There is a further need to ensure procedural safeguards are in place, including the ability to engage interpreters and lawyers through the process as necessary.

Returning Applications

While not included in the legislation itself, a backgrounder was released that indicated a regulatory change would be made to allow the government to return applications that no longer match current job market needs or raise concerns.

This change would have significant negative impacts on individuals and employers. There would be no certainty for individuals as their application could be returned at any time without recourse. The individual may lose their path to immigration and may lose status that could come with a subsequent work permit. There is also a question whether the individual would get their fees refunded. The stream usually involves a job offer, so employers who are relying on the program to fill the necessary work would be in limbo.

There is a need for predictability, certainty and fairness. It would be beneficial to publicize the types of jobs that "no longer match current job market needs", and to apply the changes on a go-forward basis after making the information known (applications in the pipeline would not be impacted). There is also a need to specify what "raise concerns" means, as this is a highly discretionary and ambiguous criteria.

Employment Standards Act

Extension of Temporary Layoff Duration

The proposed amendments would permit an extended layoff in certain circumstances of 35 or more weeks in any period of 52 consecutive weeks, but not 52 or more weeks in any period of 78 consecutive weeks.

A point that would benefit from clarity is whether the section 56(2)(b) rules would apply in extended layoff scenarios. In other words, would one of the sub-factors need to be present for an extended layoff scenario. We think it is preferable that it does apply.

For extended layoffs, is the Director of Employment Standards ("**DES**") approval needed in all cases including where the employer and employee agree? There appears to be conflicting wording between the regulatory registry explanation and the language in the bill as to this requirement. There is further confusion given the language in the bill being permissive ("an employer *may* apply to the Director…"). This should be clarified. Clarity would also be welcomed as to the circumstances under which the DES will approve such a request. The backgrounder indicates that the extended layoff provisions are intended to deal with tariff-related impacts, but is it limited to tariff-related disruptions? Knowing the circumstances or considerations that the DES will factor into the approval decision is recommended.

Job-Seeking Leave

The proposed new provision would give employees impacted by mass termination a new 3-day unpaid job protected leave during the 8-16 week working notice period for activities related to job seeking.

We support the intention of this proposal to assist employees in finding new employment. Specificity is needed as to the intended application of section 50.3(8) which says, "all applicable requirements and prohibitions under this Act apply…".

Two provisions include ambiguous language that would invite disputes. Section 50.3(4) says that "An employee who wishes to take a leave under this section shall advise the employer that the employee will be doing so at least three days before beginning the leave, *if possible*." [Emphasis added]. While we understand the potential rationale for keeping this less proscriptive, given interviews are often scheduled last minute, the language or process for resolving a dispute of this nature between the employee and employer should be more concrete. For example, what happens if an employer says that notice should have been given, but the employee takes the day off?

Section 50.3(6) says that an employer may require an employee who takes leave under this section to provide evidence reasonable in the circumstances that the employee is entitled to the leave. The language "evidence reasonable in the circumstances" is vague and would likely result in disputes without additional guidance.

Section 50.3(10) provides an exception when an employee is terminated with a period of notice that is 25 per cent of the notice required under section 58 or less. In those cases, the employee is not entitled to job-seeking leave. Our interpretation is that this is meant to exclude employees who are receiving *pay in lieu* (and therefore already have a significant number of days off, compared to working through the notice period). This would benefit from clearer language.

Section 50.3(5) states that if an employee takes any part of a day as leave under this section, the employer may deem the employee to have taken one day of leave on that day. We recommend clarifying that if an employee works part of the day, they must be paid for the part of the day that they work.

Mechanism for Reporting Fraudulent Publicly Advertised Job Postings

This new provision would require persons operating job posting platforms to have a mechanism or procedure for users of the platform to report fraudulently advertised job postings to the person operating the website, and to have a written policy with respect to this issue.

We support the intention to deal with fraudulent job postings and to have a written policy available to the public. We would like to see the explicit information that would be required which is left to future regulations.

We are concerned with the removal of the ability for an individual to file a complaint under section 96(1) alleging a contravention of this section or to have such a complaint investigated. The policy intention appears to be shifting responsibility to address these complaints to the job posting platforms itself, but there is a question about how a complaint regarding a job posting platform failing to meet the regulations and requirements would be handled. The public must have a form of recourse if a job posting platform fails to meet the regulatory requirements or fails to adhere to their policy.

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The OBA would be pleased to discuss this further and answer any questions that you may have.