

# HR QUARTERLY BULLETIN

SUMMER 2024

**Driving change and  
shaping the future**



## LEGAL UPDATES

**Update on Bill 149 the Working for Workers Four Act, 2023 & details of New Bill 190 Working for Workers Five Act 2024 – Changes to the Employment Standards Act (ESA)**

## HEALTH & WELLNESS

Improving the employee experience can lead to improved employee wellbeing and ultimately great organizational success. Read how some practices can positively impact your business!

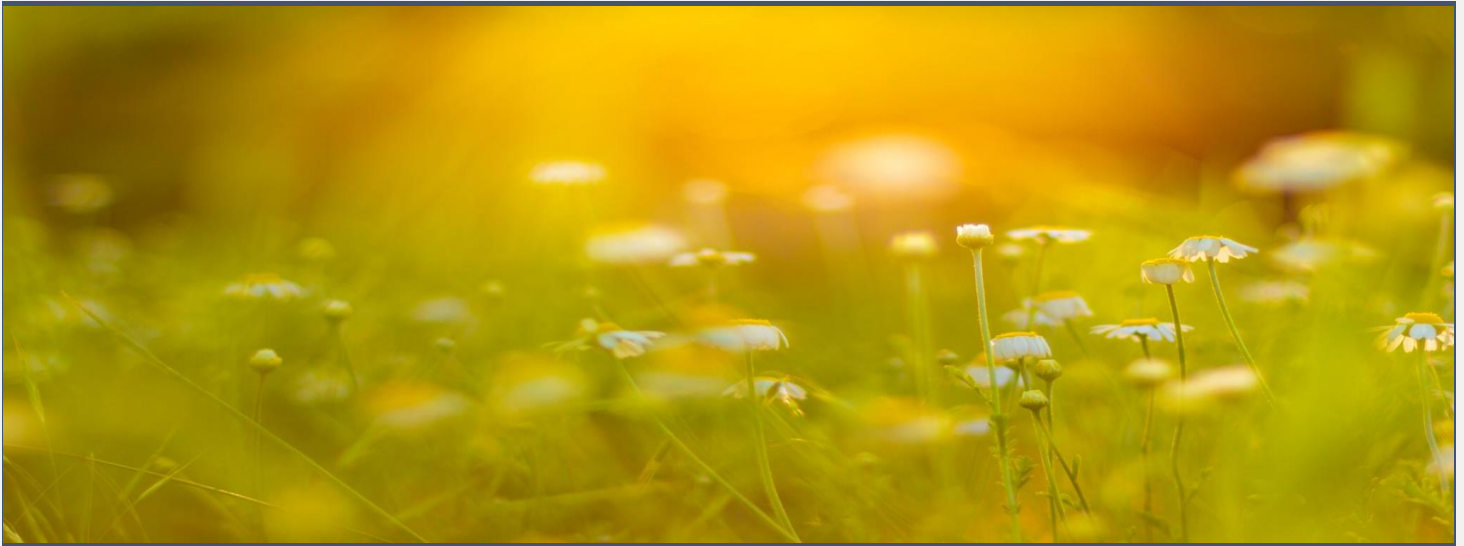
## FEATURE ARTICLE

### **Advice on Managing Absenteeism!**

Managing absenteeism is one of the most important and challenging issues that managers must deal with in the workplace. Read to find out more!!



Employers have been adjusting to everchanging and shifting priorities. At S&G HR Consulting, Sandra & Marina support local businesses to adapt to these changes by providing consulting services, policy development, and training programs that fit their organization's unique, specific needs. For any additional questions, please contact us through our [website](#) or call us at [905-325-3396](tel:905-325-3396).



## LEGISLATIVE UPDATES

### Bill 149 the Working for Workers Four Act, 2023

As of March 21, 2024, the Ontario government announced royal assent for Bill 149, to amend several employment-related statutes, including the *Employment Standards Act, 2000* (the “ESA”).

Some key changes under Bill 149 amending the ESA effective June 21, 2024, are:

- Vacation pay provisions need to be clarified to require the written agreement of employees to pay vacation pay in any way other than as a lump sum before their vacation.
- Tip/Gratuities An employer may only pay an employee’s tips or other gratuities (i) by cash; (ii) by cheque payable to the employee; (iii) by direct deposit to the employee; or (iv) by any method as prescribed. The payment must be given to the employee at their workplace, unless otherwise agreed to by the employee.

We are still awaiting specific details on the new regulations for the other key changes that we discussed in our [Spring Bulletin](#), requiring employers who advertise a publicly advertised job posting.

More info at [Bill 149, the Working for Workers Four Act, 2023](#)

### BILL 190 THE WORKING FOR WORKERS FIVE ACT, 2024

Bill 190 is still only a proposal, and is subject to public consultation, however, it proposes the following changes to the ESA and Occupational Health & Safety Act:

- All publicly advertised job postings to include a statement disclosing whether the posting is for an existing vacancy or not. This is to address the practice of posting a job to survey the market and not to fill a vacancy.
- Employers must provide, within a defined period, certain prescribed information to an applicant who has interviewed for a position.

- New prohibition on employers requiring an employee to provide a certificate from a “qualified health practitioner” as reasonable evidence when an employee takes sick leave.
- Expanded definitions of “workplace harassment” and “workplace sexual harassment” to include conduct which occurs virtually through the use of information and communications technology.

More info at Bill 190, visit [Working for Workers Five Act, 2024](#)

## HEALTH & WELLNESS

Focusing on improving the employee experience can help organizations uncover numerous benefits that directly contribute to the organization’s success. Here are some practices that employers can implement that will positively impact your business:

### 1. Improved Productivity

- Using clear communication of goals with regular feedback ensures that your team members are aligned with your organization’s objectives
- Ensuring ongoing training and development helps expand skills and knowledge which leads to better performance and innovation

### 2. Greater Employee Satisfaction

- Creating a supportive and inclusive workplace culture where everyone feels valued and respected with the opportunity to provide feedback contributes to job satisfaction
- Offering flexible work arrangements and remote work options for work-life balance improves overall happiness and reduces burnout
- Recognizing and rewarding employees for their hard work and contributions boosts morale

### 3. Business Agility, Flexibility, and Speed

- Ensuring a positive employee experience fosters a culture of adaptability and team members’ willingness to embrace change
- Promoting effective communication channels and collaborative tools enables decision-making and implementation of new strategies

### 4. Higher Employee Retention

- Providing clear career paths and opportunities for advancement encourages employees to stay
- Being an effective and empathetic leader can foster a culture of trust and loyalty
- Prioritizing employee well-being fosters a sense of community

### 5. Improved Automation

- Involving employees in the process helps identify repetitive and time-consuming tasks that can be automated freeing time to focus on meaningful and engaging work
- Ensuring employees are adequately trained to use new automated systems enhances their efficiency and reduces resistance to change.

## FEATURE ARTICLE

### Advice on Managing Absenteeism!

Managing absenteeism is one of the most important and challenging issues that managers must deal with in the workplace. Therefore, it is important for employers to establish: -

- Clear comprehensive attendance policy, detailing expectations, and consequences while applying consistently.
- Open communication to help understand employees' reasons for absenteeism, fostering a supportive environment.
- Support systems by implementing flexible work arrangements, providing resources for mental and physical health, and encouraging a positive work-life balance and wellness programs can help reduce absenteeism.
- Only request what medical information is reasonably necessary to establish the authenticity of an employee's absence.



Absenteeism can occur for various reasons and is generally categorized as either:

- Culpable Absenteeism occurs when an employee is absent from work without a reasonable explanation, usually on a regular or habitual basis. For example, repeated failure to attend work, tardiness without a reasonable explanation, dishonesty about absences, etc.

Culpable absences can be addressed through progressive discipline or other disciplinary channels, provided that a strong attendance management policy is in place.

- Non-Culpable Absenteeism occurs when an employee is unable to work due to reasons outside of their control. For example, illness, injury, or personal emergencies.

Non-Culpable absences require more attention with a case-by-case approach and may need to offer an accommodation.

Absenteeism, whether culpable or non-culpable, causes issues in the workplace, including loss of productivity and organizational performance. Legal compliance with Ontario's employment standards, including job-protected leaves, is essential.

#### **Resources:**

For your free Organizational Assessment, click [here](#)

For access to further resources and useful links relating to Covid-19, health and safety mandates, and public health updates, please visit: [S&G HR Consulting Resources](#).