

Key Changes in Canadian Human Resources Legislation (2025 Q1)

It's recommended employers take the time, at least annually, to review [legislations in their jurisdictions \(https://healthybusinessbookmark.com/key-canadian-legislation-quick-links/\)](https://healthybusinessbookmark.com/key-canadian-legislation-quick-links/) and, if needed, adjust their human resources policies and practices to ensure they remain compliant.

With the number of legislative changes that have happened recently, we wanted to make sure you had everything you need at your fingertips to stay on top of things for your business and employees. If you missed our last update for 2024, check [that article \(https://healthybusinessbookmark.com/key-changes-in-canadian-human-resources-legislation-2024-q4/\)](https://healthybusinessbookmark.com/key-changes-in-canadian-human-resources-legislation-2024-q4/) first to get started on the right foot.

Canada

- On April 1, 2025, the federal minimum wage will increase.
- In June 2024, the following [legislative changes \(https://www.canada.ca/en/employment-social-development/news/2024/06/legislative-changes-to-support-federally-regulated-employees.html\)](https://www.canada.ca/en/employment-social-development/news/2024/06/legislative-changes-to-support-federally-regulated-employees.html) received royal assent:
 - Leaves related to pregnancy loss: this new three-day paid leave following a pregnancy loss will come into force no later than December 2025.
 - Leave for placement of child: there's a new 16-week unpaid leave to support employees who need to carry out responsibilities related to the placement of a child(ren) into their care, whether through adoption or surrogacy. This will ensure they can access the Employment Insurance (EI) benefit for adoptive parents without fear of losing their jobs. This new leave is expected to come into force through an Order in Council. The additional week of leave considers the waiting period prior to receiving EI benefit.
 - Better protection for gig workers: the new legislation addresses misclassification.
 - The right to disconnect: employers will be required to establish a right-to-disconnect policy that would help limit work-related communication outside of scheduled working hours. This change will ensure employer expectations are clear, employee work-life balance is better protected and employees are compensated fairly for engaging in work-related communication outside of their scheduled hours of work.

Alberta

- The Court in Chinook confirmed that a probationary employee can only be terminated during the probation period for “cause.” “Cause” in the context of a probationary employee requires the employer to establish that they had “proper justification” for the termination. The Alberta Court of Appeal previously confirmed that “proper justification” for a probationary termination means:
 - The probationary employee was given a reasonable opportunity to demonstrate their suitability for the job.
 - The employer’s assessment is that the employee wasn’t suitable for the job.
 - The decision to terminate was based on an honest, fair and reasonable assessment of the suitability of the employee, including not only job skills and performance, but character, judgment, comparability, reliability and future with the employer.
- Where an employer terminates a probationary employee without undertaking the above assessment, the employee can commence a wrongful termination claim and seek damages for breach of the employment contract.
- Legal websites are recommending Alberta employers remove probationary clauses from employment contracts and include a written termination clause that’s compliant with the Alberta *Employment Standards Code* (the Code).

Manitoba

- On November 7, 2024, a newly passed bill, Bill 9, increased serious injury leave from 17 to 27 weeks. Prior to this, eligibility required employees to have worked for the same employer for at least 90 days and provide a physician certificate verifying that they’re incapable of being at work for at least two weeks due to serious illness or injury.

New Brunswick

- On April 1, 2025, the New Brunswick minimum wage will increase.

Newfoundland and Labrador

- On April 1, 2025, the Newfoundland and Labrador minimum wage will increase.

Nova Scotia

- On April 1, 2025, the Nova Scotia minimum wage will increase.

Ontario

- On October 1, 2025, the Ontario minimum wage will increase.

- On October 28, 2024, Bill 190, Ontario's *Working for Workers Five Act, 2024*, received royal assent. Bill 190 impacts provincially regulated employers by amending various statutes, including the *Employment Standards Act, 2000* (ESA); the *Occupational Health and Safety Act* (OHSA) and the *Workplace Safety and Insurance Act, 1997*. Specific changes include:
 - Under the ESA, employers can require an employee to provide “evidence reasonable in the circumstances” that they’re entitled to sick leave under said ESA. Furthermore, employers can no longer require employees to provide a certificate from a qualified health practitioner. More specifically, a medical note from a person who is qualified to practice as a physician, registered nurse or psychologist under the laws of the jurisdiction in which care or treatment is provided to the employee.
 - Employers who publicly advertise job postings will be required to include a statement in the job posting indicating if the position is for an existing vacancy. However, additional requirements for information and exceptions may be prescribed by regulation. Employers will have to retain copies of every publicly advertised job posting and any associated application form for three years after access to the posting by the general public is removed. Furthermore, employers who interview an applicant for a publicly advertised job posting must provide the applicant with prescribed information within a prescribed timeframe—however, that timeframe hasn’t yet been disclosed.
 - The OHSA has been amended to explicitly confirm that the OHSA applies to remote work (or “telework”) performed in or about an employee’s private residence. Relatedly, the OHSA’s definition of “industrial establishment” has been amended to confirm that an office located in a private residence isn’t considered an “industrial establishment” for the OHSA’s purposes.
 - Providing that an employer has an occupational health and safety policy, a copy of the OHSA and any explanatory material prepared by the Ministry of Labour may be posted in a readily accessible electronic format. With this amendment, employers now have the option to continue to post hard copies of these documents in a visible location or locations in the workplace or, alternatively, post them in a readily accessible electronic format.
 - Joint health and safety committee meetings can be held virtually.
- As of June 1, 2023, the Ontario OHSA requires that naloxone be available in some workplaces in case a worker has an opioid overdose—not all employers have to comply with this OHSA requirement. Furthermore, the requirements don’t change how an employer may choose to manage worker impairment from drugs or alcohol that may pose a risk to workplace safety. Employers must provide a naloxone kit

when an employer becomes aware, or ought reasonably to be aware, of the following scenarios or risk:

- 1. of a [worker opioid overdose \(https://www.ontario.ca/page/naloxone-workplace#overdose\)](https://www.ontario.ca/page/naloxone-workplace#overdose),
- 2. that a [worker overdoses while in a workplace \(https://www.ontario.ca/page/naloxone-workplace#perform\)](https://www.ontario.ca/page/naloxone-workplace#perform) where they perform work for the employer, or
- 3. is posed by a [worker who performs work for the employer \(https://www.ontario.ca/page/naloxone-workplace#risk\)](https://www.ontario.ca/page/naloxone-workplace#risk).
- Ontario's free workplace naloxone program ended on March 31, 2024. As such, employers now bear all costs associated with compliance with the OHSA's naloxone requirements. According to the OHSA, employers are required to provide at least one naloxone kit for every 50 employees with each naloxone kit containing:
 - two doses of intra-nasal spray
 - one rescue breathing barrier
 - one pair of non-latex gloves
- Employers face risk of penalties and legal action for failure to comply with the OHSA minimum requirements. Currently, the maximum fine under the OHSA is two million dollars for organizations that contravene workplace health and safety regulations.

Yukon

- On April 1, 2025, the Yukon minimum wage will increase.

We understand that legislative changes can be complicated. If you have questions about how any of these changes may impact your business, or would like support updating your [HR policy handbook \(https://www.arcora.ca/hr-handbook/\)](https://www.arcora.ca/hr-handbook/), please [get in touch \(https://healthybusinessbookmark.com/contact-us/\)](https://healthybusinessbookmark.com/contact-us/)—we'll connect you to professionals who can help.

Disclaimer: Articles regarding key legislative changes are an overview, not an exhaustive list, of key changes. Furthermore, these articles don't constitute as legal advice and, as such, readers are cautioned against making any decisions based solely on articles without consulting a professional.