

Legislative
Assembly
of Ontario



Assemblée
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de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
69 ELIZABETH II, 2020

Bill 242

An Act to create a provincial registry to protect caregivers and homeworkers

Mr. R. Baber

Private Member's Bill

1st Reading December 8, 2020

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Caregiver and Homeworker Protection Act, 2020*. The Act provides that the Minister of Labour, Training and Skills Development shall establish and maintain a Caregiver and Homeworker Protection Registry. The Registry shall list the names of all employers to whom a notice of contravention has been issued under subsection 113 (1) of the *Employment Standards Act, 2000* in relation to one or more caregivers or homeworkers unless the Ontario Labour Relations Board finds that the employer did not contravene the provision set out in the notice.

An Act to create a provincial registry to protect caregivers and homeworkers

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1 In this Act,

“caregiver” means an employee working under National Occupational Classification 4411 who works in the private residence of their employer or in the private residence of a relative of their employer, but does not include a child care provider as defined in the *Child Care and Early Years Act, 2014*; (“fournisseur de soins”)

“homeworker” means an employee working under National Occupational Classification 4412 who works in the private residence of their employer or in the private residence of a relative of their employer; (“aide à domicile”)

“National Occupational Classification” means the National Occupational Classification available on the website of the Government of Canada, as the Classification is amended from time to time. (“Classification nationale des professions”)

Caregiver and Homeworker Protection Registry

2 (1) The Minister of Labour, Training and Skills Development shall establish and maintain a Caregiver and Homeworker Protection Registry.

Website

(2) The Caregiver and Homeworker Protection Registry shall be published on a Government of Ontario website.

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(3) The Caregiver and Homeworker Protection Registry shall list the names of all employers to whom a notice has been issued under subsection 113 (1) of the *Employment Standards Act, 2000* in relation to one or more caregivers or homeworkers.

Same

(4) For greater certainty, subsection (3) does not apply,

- (a) in respect of notices issued to the employer in relation to a regulated health professional or a public sector employee; or
- (b) in any setting regulated by the Ministry of Health.

Same

(5) The name of an employer shall be removed from the Caregiver and Homeworker Protection Registry as soon as is practicable if the employer applies to the Ontario Labour Relations Board for a review of a notice referred to in subsection (3) and the Board finds that the employer did not contravene the provision set out in the notice.

Deemed compliance — FIPPA

3 Any disclosure of personal information made in compliance with this Act is deemed to be in compliance with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act*.

Commencement

4 This Act comes into force on the day it receives Royal Assent.

Short title

5 The short title of this Act is the *Caregiver and Homeworker Protection Act, 2020*.