

Legislative
Assembly
of Ontario



Assemblée
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70 ELIZABETH II, 2021

Bill 6

**An Act to amend the Employment Standards Act, 2000
with respect to reprisals respecting the vaccination status of employees**

Mr. R. Baber

Private Member's Bill

1st Reading October 5, 2021

2nd Reading

3rd Reading

Royal Assent



**An Act to amend the Employment Standards Act, 2000
with respect to reprisals respecting the vaccination status of employees**

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

1 Subsection 1 (1) of the *Employment Standards Act, 2000* is amended by adding the following definition:

“vaccination status” means any information respecting any vaccines that have been administered to an employee; (“statut vaccinal”)

2 Section 74 of the Act is amended by adding the following subsections:

Reprisal re: vaccination status prohibited

(1.1) No employer or person acting on behalf of an employer shall intimidate, dismiss, place on leave or otherwise penalize an employee or threaten to do so because of the employee’s vaccination status or because the employee refuses to disclose their vaccination status to the employer.

Exception

(1.2) Subsection (1.1) does not apply with respect to compliance with any of the requirements under the *Child Care and Early Years Act, 2014*.

3 Section 104 of the Act is amended by adding the following subsection:

Reinstatement mandatory

(1.1) If the employment standards officer finds that an employer has contravened subsection 74 (1.1) by dismissing or terminating the employment of an employee, the officer shall make an order under subsection (1) requiring that the employee be reinstated in addition to any other remedies described in that subsection that the officer deems to be appropriate to remedy the contravention.

Commencement

4 This Act is deemed to have come into force on September 1, 2021.

Short title

5 The short title of this Act is the *Jobs and Jabs Act, 2021*.

EXPLANATORY NOTE

The Bill amends the *Employment Standards Act, 2000* to prohibit employers and persons acting on behalf of an employer from intimidating, dismissing, placing on leave or otherwise penalizing an employee, or threatening to do so, because of the employee’s vaccination status or because the employee refuses to disclose their vaccination status to the employer. An exception is provided for compliance with the requirements under the *Child Care and Early Years Act, 2014*. Employment standards officers are required to order the reinstatement of an employee if the employer is found to have contravened this new reprisal provision by dismissing or terminating the employment of the employee. The amendments are deemed to have come into force on September 1, 2021.