

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

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1 CHARLES III, 2023

Bill 76

**An Act to require the minister to take certain steps to improve
the working conditions of health care workers and workers in related fields**

Co-sponsors:

MPP F. Gélinas

Mr. W. Gates

MPP J. West

Private Members' Bill

1st Reading March 7, 2023

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Respecting Workers in Health Care and in Related Fields Act, 2023*, which requires the Minister to take all necessary steps to ensure the following:

1. No less than 70 per cent of individuals employed at a hospital, long-term care home or home care agency or with a health care provider be employed on a permanent and full-time basis in certain circumstances.
2. Personal support workers receive at least \$8.00 more than the minimum wage for each hour worked in addition to health benefits, membership into a pension plan and a minimum amount of paid sick leave.
3. Homemakers receive at least the minimum wage for each hour worked in addition to having the provisions on hours of work, eating and free time periods and overtime pay in the *Employment Standards Act, 2000* apply to them.

**An Act to require the minister to take certain steps to improve
the working conditions of health care workers and workers in related fields**

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

Purpose

1 The purpose of this Act is to improve the working conditions of personal support workers, homemakers and workers in certain health care settings in order to encourage these workers to remain in these career fields as well as encourage future workers to enter these career fields.

Definitions

2 (1) In this Act,

“minimum wage” has the same meaning as in the *Employment Standards Act, 2000*; (“salaire minimum”)

“Minister” means the Minister of Labour, Immigration, Training and Skills Development or such other member of the Executive Council to whom responsibility for the administration of this Act may be assigned or transferred under the *Executive Council Act*. (“ministre”)

Health care providers

(2) A reference in this Act to a health care provider means a member of a College under the *Regulated Health Professions Act, 1991*, provided that the member is acting within the scope of the member’s practice at the relevant time.

Permanent and full-time employment in certain health care settings

3 The Minister shall take all necessary steps, including introducing legislation if necessary, to ensure that, if a hospital, long-term care home, home care agency or health care provider employs more than 20 individuals, no less than 70 per cent of the total number of individuals employed by the hospital, long-term care home, home care agency or health care provider are employed on a permanent and full-time basis at the hospital, long-term care home or home care agency or with the health care provider.

Personal support workers

4 The Minister shall take all necessary steps, including introducing legislation if necessary, to ensure that,

- (a) an individual who is working as a personal support worker is paid at least \$8.00 more than the minimum wage for each hour worked as a personal support worker;
- (b) an individual who is working as a personal support worker on a full-time basis in a calendar year is entitled to no less than 10 days of paid leave for the calendar year with respect to a personal illness, injury or medical emergency of the personal support worker;
- (c) an individual who is working as a personal support worker on a part-time basis in a calendar year is entitled to a certain number of days of paid leave for the calendar year, pro-rated in proportion to the 10 days provided for in clause (b) based on the number of hours worked in the calendar year, with respect to a personal illness, injury or medical emergency of the personal support worker; and
- (d) an individual who is working as a personal support worker on a full-time or part-time basis is entitled to receive health benefits and be a member of a pension plan.

Homemakers

5 (1) The Minister shall take all necessary steps, including introducing legislation if necessary, to ensure that,

- (a) an individual who is working as a homemaker is paid at least the minimum wage for each hour worked as a homemaker; and
- (b) Parts VII (Hours of Work and Eating Periods) and VIII (Overtime Pay) of the *Employment Standards Act, 2000* apply to an individual who is working as a homemaker.

(2) In this section,

“homemaker” means a person who is employed,

- (a) to perform homemaking services for a householder or member of a household in the householder’s private residence,
and
- (b) by a person other than the householder.

Commencement

6 This Act comes into force one year after the day this Act receives Royal Assent.

Short title

7 The short title of this Act is the *Respecting Workers in Health Care and in Related Fields Act, 2023*.