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# Ultimate HR Compliance Guide for Canada

# Discover what Canadian employers need to know about HR compliance, health and safety legislation, employment standards, and employee rights.

## HR compliance guide

With trusted insights and proven strategies from our HR experts, this guide will help you confidently navigate changes to legislation and the compliance assessment process.

### What this guide covers

- The differences between acts and regulations
- Health & safety and WHMIS compliance
- Human rights, workplace accommodations, and pay equity

## Canadian HR compliance checklist: Key areas to review

Use this checklist as a starting point. Your exact requirements depend on your jurisdiction, industry, and number of employees.

1. Identify all jurisdictions that apply to your workforce (where they work, not where your head office is located).
2. Meet employment standards for key areas, including hiring, hours of work, wages, vacation, leave, and terminations.
3. Understand your human rights obligations, including the duty to accommodate.
4. Complete and document health and safety and WHMIS training, and conduct regular hazard assessments and safety awareness training.
5. Implement compliant workplace violence, harassment, and health and safety policies and accessible reporting channels.
6. Review pay equity, equal pay, pay transparency, and accessibility obligations in your jurisdiction.
7. Maintain a central policy manual and keep a record that employees have received required policies and training.



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# HR compliance: The ultimate Canadian guide

## About the author and this guide

Compilation of this guide was led by Kim M., our Lead HR Consultant, with expert input from our HR compliance team, to provide Canadian business owners and leaders, as well as HR and health and safety practitioners, with a detailed overview of the latest changes in Canadian HR compliance and legislation across Canada.

Our team of compliance specialists and consultants are HR and OHS professionals with experience across all industries. Having partnered with small businesses and startups, and working alongside some of Canada's largest employers, they collectively support over 5,500 businesses with managing their HR and health and safety needs across every Canadian jurisdiction.

## What is HR compliance?

Once you refer to applicable legislation to understand your requirements and obligations, you must create poliIn human resources, compliance refers to your organization's policies and procedures aligning with applicable laws and regulations. However, employment legislation is dense and often hard to interpret without an extensive background in employment law or HR. As a result, well-intentioned decisions can lead to unexpected compliance challenges. Legislation is constantly evolving, so new requirements and updates to existing laws should be expected and planned for well before deadlines. Knowing what's changing and how those changes affect Canadian employers is key to maintaining compliance.

The following comprehensive overview offers valuable insights from our experts to help Canadian HR professionals and business owners maintain compliance and uninterrupted operations at their organizations.

## Maintaining compliance in HR

The first step to achieving compliance is knowing which laws and regulations govern your organization. It all depends on your jurisdiction. Federally regulated workplaces must abide by federal laws and regulations, such as the Canada Labour Code. While some federal legislation applies to all organizations, most of the time it's the laws of your province or territory that count. If you have employees working in multiple jurisdictions, you may need to consult more than one jurisdiction's laws. There are also municipal laws, industry-specific regulations, health and safety requirements, and common law considerations that may affect your workplace.

## Creating and implementing compliant HR policies

Once you refer to applicable legislation to understand your requirements and obligations, you must create policies, practices, and training so every employee in your organization knows and follows the legislative requirements. Certain legislation may also require specific types of HR policies, such as those addressing workplace violence and harassment, and training on specific topics, such as WHMIS. Understanding which policies and training workers require is especially important for Canadian small businesses with limited in-house HR representation or no dedicated HR staff. Business owners need to establish effective policies and enforce them consistently and fairly to support compliance, reduce risk, and set their organization up for success.



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# What's the difference between an act and a regulation?

As you review applicable legislation, you'll encounter both acts and regulations. Acts usually set out general requirements or rules, while regulations set out more specific requirements, such as what employers must do or have in place. For example, an act might require certain organizations to implement a policy on a particular topic, while a regulation might list the information the policy must include. Both acts and regulations are legally binding, so make sure you follow both to stay compliant.

## Acts and regulations change

Be aware of changing legislation in order to maintain compliance. New acts and amendments go through a legislative process and often take time to come into effect. Regulations, on the other hand, may change with little or no notice. Our Compliance Centre shares timely news and legislation updates, including important dates, suggested actions, and resources to help you make any required changes at your organization.

Below are a few legislated areas you should be aware of. This is not an exhaustive list but will help your understanding of HR's role in compliance.

## Employment standards

Employment standards legislation sets minimum requirements for hours of work, pay, time off, protected leaves, terminations, and more. It also describes the rights and responsibilities of both employees and employers in a particular jurisdiction.

## Employee terminations

Terminations are one of the most heavily legislated areas of employment, and not following employment standards, human rights legislation, the common law, or the employment contract when terminating can put your organization at risk of legal and financial consequences. Check out our blogpost, How to Write a Termination Letter (With Samples), for some key considerations when terminating an employee.

## Information employers must provide or post

Employment standards legislation may also require employers to post certain information in their workplaces or otherwise communicate that information to workers. For example, Ontario employers governed by the Employment Standards Act, 2000 (ESA) must provide each employee with a copy of the most recent employment standards poster within 30 days of their start date.

**Our HR advisors have helped over 5,500 Canadian organizations with:**

- Work hours, flexible work arrangements, and overtime pay calculations.
- Minimum wage standards, hourly rate, commissions, and salary guidelines.
- Leaves of absence, public or statutory holidays, vacation time, and time off rules.
- Termination and end of employment processes.
- Trusted advice on essential employment standards, and more.



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# Occupational health and safety awareness

At its core, occupational health and safety legislation mandates what employers need to do to provide employees with safe work environments. Each workplace has its own unique hazards, and employers must take the time to know what real and potential hazards exist in their workplace. Workplace hazard assessments should be completed and reviewed at least annually, when equipment, job tasks, or working conditions change, or as often as required by legislation, to assess how hazards in the workplace could lead to harm. Hazards may be physical, chemical, biological, ergonomic, safety, or psychosocial, such as violence or harassment.

As an employer, once hazards are identified and assessed, you must do everything reasonable, within your power, to control or eliminate those hazards. Communicate and train employees on the hazards they may face in the workplace and how the control measures, such as guards, working arrangements, or safe working procedures, eliminate or reduce the associated risks.

## Workplace Hazardous Materials Information System (WHMIS)

Many employees may work with substances that are considered hazardous materials. Employees must know how to handle, store, and dispose of these substances in compliance with WHMIS legislation. All employees who may be exposed to hazardous materials while at work must take WHMIS training to learn about the safe handling of hazardous materials, how to use safety data sheets, and the hazardous materials emergency procedures in their workplaces. Let us help you comply with WHMIS; our resources are designed to support your worker's safety.

Check out our free WHMIS Bulletin, which explains the amended hazard categories and label requirements.

## Employee rights

Employees have three primary rights regarding their safety in the workplace: the right to know about hazards they may encounter, the right to participate in health and safety activities, and the right to refuse unsafe work.

## Additional requirements

Occupational health and safety legislation may also require you to implement specific initiatives. For example, many workplaces throughout Canada must have a health and safety committee or a health and safety representative. These committees rely on employee participation to bring the internal responsibility system (IRS) into practice and deal with various health and safety issues. Legislation includes requirements for how to form the committee, how regularly it should meet, and the roles and responsibilities of each committee member.



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## Human rights

Human rights legislation protects everyone's right to equal opportunity, free from discrimination, so they can live the life they want and have their needs met. Unfortunately, unaddressed systemic issues in workplaces and elsewhere in society continue to keep people from achieving these goals.

Human rights are protected by legislation in each of Canada's jurisdictions. In general, provincial and territorial human rights legislation is similar to the federal Canadian Human Rights Act. The exact language may differ, but all human rights legislation across Canada prohibits discrimination based on protected characteristics, generally including:

- Race;
- National or ethnic origin;
- Colour;
- Religion;
- Age;
- Sex;
- Sexual orientation;
- Gender identity or expression;
- Marital status;
- Family status; and
- Disability.

Some jurisdictions also list additional grounds. For example, Ontario's Human Rights Code includes four additional expressly identified grounds: ancestry, place of origin, citizenship, and record of offences (employment only). All human rights legislation prohibits discrimination in employment, while most human rights legislation also prohibits discrimination in services, housing, contracts, and memberships. Employees across Canada have the right to work in an environment free from discrimination. Diversity, equity, inclusion, and belonging (DEIB) programs help instill these values at every level of an organization.

## Workplace accommodation

Equality and equity are two different things. Equality refers to everyone being treated in the exact same way and given the same resources. Equity doesn't necessarily result in everyone receiving equal treatment; instead, it considers each person's unique situation and gives people what they need to achieve an equal outcome.

Human rights legislation outlines an employer's obligation to accommodate employees in the workplace. In Ontario, for example, employers have a duty to accommodate to the point of undue hardship under Ontario's Human Rights Code. Accommodation means adjusting policies, rules, requirements or the built environment so people with needs related to a protected ground get equal opportunities, access and benefits. For example, an employee with a disability may require a modified work schedule in order to attend medical appointments. Employers may be able to request documentation to facilitate any accommodation requests, however, should check their jurisdiction's legislation before asking.



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## Pay equity

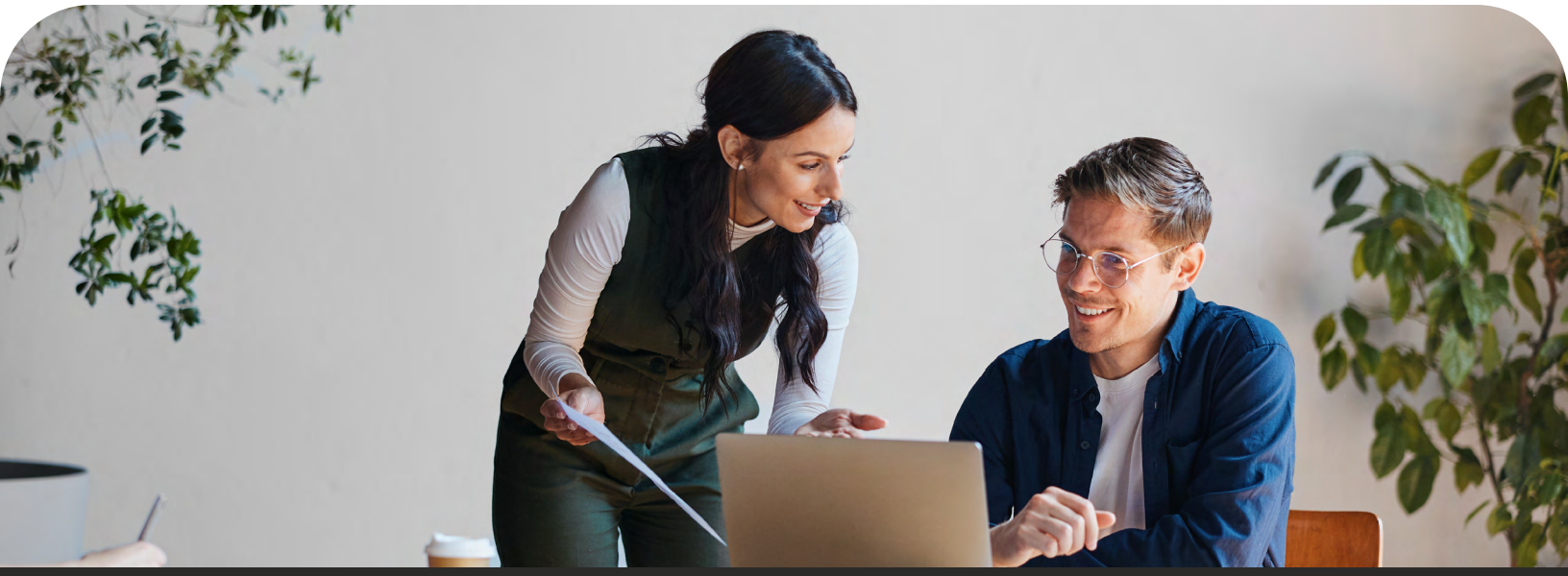
Pay equity means that work of equal value receives equal pay, regardless of whether it's mainly performed by women or men. Some jurisdictions have pay equity legislation that requires employer to address these gaps. For example, Canada's Pay Equity Act requires federally regulated employers with 10 or more employees to establish a pay equity plan so that work of equal value receives equal pay. Ontario and Quebec also have pay equity legislation that applies to most private-sector employers with 10 or more employees.

1. This responsibility can seem daunting, but there's a five-step process to evaluate and implement pay equity in your workplace:
2. Plan and form a pay equity committee voluntarily or when required by the federal Pay Equity Act (for example, for employers with 100 or more employees or with unionized employees).
3. Identify job classes in your workplace and determine existing gender predominance and job rates for each job class.
4. Determine the value of each job class. Consider factors like the required skills, effort (physical and mental), level of responsibility, and working conditions.
5. Compare job classes for discrepancies between the value of the work and job rates.
6. Take measures to achieve pay equity without lowering the job rate of a given class. This step is best done in consultation with HR experts.

## Equal pay for equal work

Ontario's pay equity legislation follows the same philosophy as the federal law, but the province's ESA imposes an additional standard. "Equal pay for equal work" complements but is separate from pay equity. Under the ESA, Ontario employers cannot pay employees differently on the basis of sex when they perform substantially the same work. Some exceptions apply, though, such as seniority, merit, or production-based systems.

Many other jurisdictions have implemented similar rules. Federally regulated employers also can't pay employees a lower rate based on their employment status, such as part-time, temporary, or casual, when they perform substantially the same work.





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## Accessibility rights

The Accessible Canada Act is legislation that applies to federally regulated employers. It builds on Canada's human rights framework and supports equality for people with disabilities. Some provinces have passed their own accessibility legislation, including standards for customer service and employment standards. Ontario was first with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). The AODA and its Integrated Accessibility Standards regulation (IASR) establish and enforce accessibility standards to identify, remove, and prevent barriers for people with disabilities in Ontario. Employers in Ontario need to be aware of these standards and how to meet them.

Other jurisdictions also have accessibility requirements for specific employers, such as developing accessibility plans. Speak to one of our HR experts for details

## Consequences for noncompliance in Canada

Employer violations and offences under any applicable legislation can lead to several penalties. Under Ontario's ESA, for example, violations may lead to:

- A compliance order, where the employer or someone else must take steps to comply with the provision;
- An order to reinstate or compensate an employee if the contravention affected an employee's rights; or
- A monetary penalty or notice of contravention.

The penalty given to the employer generally depends on the nature, circumstances, extent, and gravity of the violation in question. Whether the employer intentionally committed the violation and whether they have a history of previous violations may also affect their penalty. Repeated or continual violations are usually penalized more harshly. Other legislation often contains similar penalty provisions. In HR, performing regular compliance audits, and correcting any gaps you find, can help reduce the risk of these penalties.





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# How to achieve organizational compliance

Achieve compliance by being aware of your obligations, communicating with employees, creating and enforcing policies and procedures, delivering required training, and staying up to date on legislative changes.

## 1. Create a compliance culture

Compliance is everyone's responsibility, but you need to create an environment where everyone feels accountable for and empowered to make good decisions, like following company policies and reporting issues. This means that compliance values are inherited at every level of the organization and are written into mission statements and company goals. Employees often look to senior management to lead by example, so empower leaders to champion compliance and practice values (like DEIB) consistently.

## 2. Communicate with and educate employees

Employees can only follow the rules they know about. Communicate expectations through company policies and train employees on standard practices and how to respond to compliance issues (like workplace hazards). Leaders should also be fully trained on how to handle employee complaints and workplace investigations.

Document your policies in one location and make employees aware of how to find them. Provide policies in accessible formats so all employees can use them. From time to time, you may need to update policies, procedures, and training to reflect changes in legislation and your work environment. Communicate these changes to affected employees as soon as possible and share how their work may be altered because of these changes.

## 3. Create safe reporting procedures

Employees learn quickly that reporting issues leads to either positive organizational change or punitive measures. If management reacts harshly to complaints, employees are less likely to report issues in the future, which can worsen compliance issues. Ensure employees feel safe approaching leaders about their concerns and communicate that they will not suffer any form of reprisal for reporting a complaint in good faith.

Likewise, employees who violate company policies may not learn from progressive discipline alone. Encourage employees to learn from their mistakes whenever possible by focussing on how they can fix problems instead of assigning blame. This way, they feel empowered to become accountable for their actions, make better choices in the future, and become advocates for compliance in the workplace, instead of learning to hide their faults or neglecting to report errors.

## 4. Implement and enforce policies

As mentioned earlier, compliance doesn't end with you stating employee expectations and guidelines. Organizations must enforce policies and ensure they correct issues before they lead to systemic problems. Additionally, every level of the organization should be held accountable. This means that reporting and progressive discipline need to be fairly delivered to employees and leaders alike.



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# HR technology for every compliance need

You've got a lot on your plate. Between filing employee documents, recruiting top talent, overseeing the performance review process, planning employee engagement initiatives, and so much more, HR has become an exciting but often overwhelming role. The more that technology can handle the tedious work, the more that HR professionals can focus on strategic solutions and make more meaningful and sustainable changes.

Our human resources information system (HRIS), Atlas Canada, saves HR professionals time by allowing them to:

- Maintain a library of digital documents.
- Assign and manage tasks.
- Collect and securely store employee information.
- Centralize essential HR and safety documentation.
- Oversee what employee assignments are pending and overdue.

Through Atlas, Citation Canada members can also assign and manage online safety and HR training courses to help meet training requirements. Assigning courses and managing their completion is easy with our mobile-friendly digital training platform.

## HR compliance resources for Canadian small businesses

Canadian small businesses and startups have many of the same legal obligations as larger employers, though some requirements depend on the number of employees, and they usually have fewer internal resources. Focus on:

- **Simple, written policies** on key areas like hours of work, overtime approval, vacation, protected leaves, harassment and violence, health and safety, privacy, and use of company equipment.
- **On-demand training** for owners and supervisors so they understand their role in employment standards, health and safety, and employee rights.
- **Templates and checklists** that make hiring, onboarding, scheduling, and terminations consistent and documented.

Citation Canada's compliance resources are designed to help workplaces without a full-time HR department meet their obligations without getting lost in legal jargon. **Citation Canad**a HR experts monitor legal changes in all 14 Canadian jurisdictions and update our policy templates and training to reflect them, helping you stay on top of changes that affect your workplace.

**For a list of useful links to HR compliance legislation for Canadian employers by province, check out the full, comprehensive version of this blogpost in our Resource Centre for the latest information.**



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## Worried about noncompliance risks at your organization?

Our HR and health and safety experts have helped thousands of Canadian organizations manage compliance risks with easy-to-use software and trusted advice. Managing employees, business growth and shifting legislation can be overwhelming, especially when handling both HR and safety.

- **Centralized document and record management:** Manage employee data and automate tasks with Atlas, our Canadian-made HRIS, which centralizes and streamlines employee record management.
- **Manage attendance and track time off from anywhere in Canada:** Our Atlas scheduling platform helps you track hours worked and allows managers to set limits in support of compliance with applicable legislation.
- **Track and assign online training courses:** Our mobile-friendly training platform keeps your team engaged and informed. It provides the essential knowledge to build and maintain a thriving workplace culture in any business.
- **Trusted HR and health and safety advice, right when you need it:** Access expert advice that simplifies complex HR challenges and supports your compliance efforts. Whether you need live support or onsite help, our team of HR and OHS experts is here to help your workplace meet its obligations.

With our tools and resources, your HR team can spend less time on administrative tasks and more time building a people and culture strategy that drives business success.

Connect with one of our experts today for a live look at our OHS and HR software and support services in action.





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# HR and safety support Canadian businesses can count on

We hope this guide has helped. But no resource can cover every situation or change that might be coming. Citation Canada gives you the experts, software, and content to stay on top of HR and safety compliance, across every jurisdiction, every day.

- **Less risk. More confidence.** Our HR and OHS professionals bring 140+ years of combined experience. Unlimited, expert-backed advice — guaranteed with our Expert plans.
- **One system. Every HR task.** Atlas centralizes employee data, training, scheduling, and compliance. It's purpose-built for Canadian businesses and trusted by 500,000+ users.
- **Always current. Always compliant.** Compliance obligations don't stand still, and neither do we. Your membership keeps your policies, training, and documentation continuously updated across every jurisdiction, without the scramble.

**Ready to stop piecing it together?**
**Find out which plan is right for you.**

Request a demo

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