

# LEGISLATIVE BRIEFING

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## ONTARIO LEGISLATION PASSED ON THE RIGHT TO DISCONNECT

On November 30, 2021, the Government of Ontario passed [Bill 27, Working for Worker Act, 2021](#) (Bill 27) meant to ensure the Ontario labour laws keep pace with the acceleration of new technology, automation, and remote work as announced in this November 30<sup>th</sup> Government of Ontario [bulletin](#).

The Bill covers a number of different issues impacting multiple Acts, including a change to the Ontario *Employment Standards Act, 2000* (ESA) requiring most workplaces to have a right to disconnect policy.

### RIGHT TO DISCONNECT

Bill 27 amends the ESA by imposing a requirement on employers that employ 25 or more employees to have a written policy with respect to disconnecting from work.

The term “disconnecting from work” is defined in Bill 27 “to mean not engaging in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, so as to be free from the performance of work.”

The following are some of the relevant sections from Bill 27 as it relates to the right to disconnect.

#### **3 The Act is amended by adding the following Part:**

##### **PART VII.0.1**

##### **WRITTEN POLICY ON DISCONNECTING FROM WORK**

#### **Interpretation**

##### **21.1.1** In this Part,

“disconnecting from work” means not engaging in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, so as to be free from the performance of work.

#### **Written policy on disconnecting from work**

**21.1.2** (1) An employer that, on January 1 of any year, employs 25 or more employees shall, before March 1 of that year, ensure it has a written policy in place for all employees with respect to disconnecting from work that includes the date the policy was prepared and the date any changes were made to the policy.



### Copy of policy

(2) An employer shall provide a copy of the written policy with respect to disconnecting from work to each of the employer's employees within 30 days of preparing the policy or, if an existing written policy is changed, within 30 days of the changes being made.

### Same

(3) An employer shall provide a copy of the written policy with respect to disconnecting from work that applies to a new employee within 30 days of the day the employee becomes an employee of the employer.

### Prescribed information

(4) A written policy required under subsection (1) shall contain such information as may be prescribed.

### Transition

(5) Despite subsection (1), an employer shall,

(a) have until the date that is six months after the day the *Working for Workers Act, 2021* receives Royal Assent instead of March 1 to comply with the requirements of subsection (1); and

(b) determine whether it employs 25 employees or more as of the January 1 immediately preceding the date described in clause (a).

## GOVERNMENT OF CANADA

The Government of Canada issued a [news release](#) on March 18, 2021 regarding consultations it was conducting regarding potential policy solutions for federally regulated workers when it comes to (1) the right to disconnect, and (2) support for better work-life balance and well being.

The Government of Canada also issued a [news release](#) on June 28, 2021 regarding the Minister of Labour's virtual meeting with provincial and territorial labour ministers to discuss workplace issues related to the COVID-19 pandemic. Included in that summary was reference to a federal update on the right to disconnect; including that the Canadian Centre for Occupational Health and Safety would be developing material on the importance of disconnecting from work, with tips and best practices for employers and employees.

## QUESTIONS?

If you have any comments or questions about this update, please e-mail [RES360@metrovancover.org](mailto:RES360@metrovancover.org) or call 604-451-6558.

## SOURCES

"*Bill 27, Working for Worker Act, 2021* – Royal Assent" November 30, 2021.

<https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-27>

"Ontario Passes the Working for Workers Act" - November 30, 2021.

<https://news.ontario.ca/en/statement/1001242/ontario-passes-the-working-for-workers-act>

“Background: The Right to Disconnect” – March 18, 2021

<https://www.canada.ca/en/employment-social-development/corporate/portfolio/labour/programs/labour-standards/consultation-right-to-disconnect-and-gig-work/backgrounder-right-to-disconnect.html>

“Minister of Labour speaks with provincial and territorial counterparts regarding workplaces and COVID-19” – June 28, 2021

<https://www.canada.ca/en/employment-social-development/news/2021/06/minister-of-labour-speaks-with-provincial-and-territorial-counterparts-regarding-workplaces-and-covid-19.html>