

Compliance Alert: Ontario Gives Employees the 'Right to Disconnect'



DECEMBER 6, 2021

COMPLIANCE ALERT: ONTARIO GIVES EMPLOYEES THE 'RIGHT TO DISCONNECT'

This week, Ontario passed the Working for Workers Act, (Bill 27), giving employees the right to “disconnect,” that is, be free from receiving work emails, calls or other messages when they go on leave or vacation. Once the Ministry of Labour creates the regulations, Ontario employers will have to create written policies implementing the new “disconnect” rules. There are 3 other important pro-employee changes in Bill 27:

1. Ban on Contractual Non-Compete Clauses:

Ontario has become the first province to ban employers from including non-compete clauses in employment contracts, with certain exceptions for contracts connected to sales of the employer’s business.

2. New Restrictions on Temp Agencies:

Bill 27 imposes new licensing restrictions on temporary help agencies (THAs) and recruiters by:

Banning them from operating without a licence;

Banning employers from knowingly using a THA or recruiter that’s unlicensed;

Banning THAs and recruiters from taking reprisals against prospective employees

Authorizing the Director of Employment Standards to suspend and revoke the licence of a THA or recruiter.

3. Joint & Several Liability for Illegal Recruitment Fees

If the recruiter of a foreign national charges illegal fees, the recruiter, its directors and the client corporation will be “jointly and severally liable” to repay those fees. Translation: The government can collect the fees, in whole or in part, from any one or combination of those parties.