

Ontario proposes mass termination protections for remote workers and increased information requirements for new hires



The Ontario Government is proposing updates to employment standards laws to ensure that remote workers receive the same “mass termination” protections as in-office employees. It is also proposing changes that will enhance the amount of information that employers must give to new hires.

MASS TERMINATIONS

Pursuant to Ontario’s Employment Standards Act (the “ESA”), special mass termination provisions apply when 50 or more employees are terminated at the employer’s “establishment” within a four-week period.

The ESA currently defines an “establishment” as “a location at which the employer carries on business but, if the employer carries on business at more than one location, separate locations constitute one establishment if, (a) the separate locations are in the same municipality, or (b) one or more employees at a location have seniority rights that extend to the other location under a written employment contract whereby the employee or employees may displace another employee of the same employer.”

If the proposed legislation is passed, the ESA definition of “establishment” would be broadened to include employees’ remote home offices. Thus, employees who work remotely from home would be eligible to receive enhanced notice of termination or pay-in-lieu, if they are terminated alongside at least 50 other employees within a four-week period. These enhanced protections include at least 8 weeks’ notice when 50 to 199 employees are being terminated, 12 weeks’ notice when 200 to 499 employees are being terminated, and 16 weeks’ notice when 500 or more employees are being terminated.[1]

It should be noted that the ESA mass termination rules do not apply if, (a) the number of employees whose employment is being terminated at the establishment is not more than 10% of the number of employees who have been employed there for at least three months, and (b) the terminations are not caused by the permanent discontinuance of all or part of the employer’s business at the establishment.[2]

INFORMATION GIVEN TO NEW HIRES

Under the current ESA, employers are required to provide new employees with the latest version of the Ontario employment standards poster, which outlines ESA workplace rights and responsibilities. If the proposed legislation is passed, employers would also be required to provide new hires with specific written information about their job, including pay, work location and hours of work.

If you would like to discuss how these changes may affect your business, please contact one of the Labour & Employment lawyers at Miller Thomson LLP.

[1] Termination and Severance of Employment, O Reg 288/01, subsection 3(1)

[2] Termination and Severance of Employment, O Reg 288/01, subsection 3(4)

Source: [Miller Thomson](#)

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