

# Termination Protection For Remote Workers



**Proposed changes in Ontario would make remote workers eligible for the same 'enhanced' notice period as in-office employees, and it would also entitle new hires to certain written information about their jobs.**

The Ontario Government has announced that it is proposing changes to the mass termination provisions of the Employment Standards Act ('ESA'), concerning notice for workers whose employment is severed as part of a mass termination.

Currently, where an employer terminates 50 or more employees at their establishment over a four-week period, these employees are entitled to an enhanced notice period of eight, twelve, or sixteen weeks' notice, depending on the number of terminations effected. Remote workers do not currently qualify for these notice periods, even as part of a mass termination, as they work from home and not their employer's 'establishment'.

The 'ESA' definition of 'establishment' currently only includes the location (or multiple locations, under certain circumstances) at which an employer carries on business. This typically excludes home offices or other remote workspaces.

Although the Bill was not yet available at the time of drafting, the announced proposed amendment to the 'ESA' would seek to broaden the definition of 'establishment' and extend it to encompass employees' remote offices. This would entitle employees who work exclusively from home to the enhanced notice entitlements that their on-site counterparts receive following a mass termination. Depending how the change is implemented, it seems likely that this amendment would also impact the formula for determining whether a mass termination is triggered in the first place.

Other changes proposed by the Ontario government include updated requirements regarding information that employers must provide to new hires. As of now, the 'ESA' only requires employers to give new hires the latest version of the 'ESA' employment standards poster, outlining general information about the 'ESA' and its regulations.

Meanwhile, the proposed changes would require employers to provide new hires with specific information about their job in writing. Such requirements may include information on pay, work location and hours of work, as well as the date by which employers would need to furnish this information. ?

These changes are at the proposal stage and have not been passed, meaning they are

not yet law.

by [Ius Laboris](#)

Ius Laboris

WRITTEN BY

**Mathews Dinsdale,**  
Canada's only national  
labour and employment  
law firm.