The Right To Disconnect From Work In Alberta



A while ago, I was in Court, and I witnessed a fellow lawyer seeking an adjournment in a matter because they did not have time to review disclosure documents as they "do not work on weekends".

The young, new immigrant in me was slightly surprised at the unabashed statement.

Do not work on weekends? You literally had to review ONE piece of paper. I sat there in Court, eyebrows raised. I couldn't understand how and why this was a valid justification. I absolutely expected the judge to snort at that argument. But instead, the judge nodded thoughtfully and said, "Okay, fair enough".

Today's article is inspired by this little scenario.

Listen Shikha Shukla on Alberta at Noon with Judy Aldous CBC Radio Calgary – April 23, 2024: The right to disconnect

The right to disconnect refers to the concept that employees should have the right to disconnect from work-related communications outside of their regular working hours. It aims to promote a healthier work-life balance, protect employees' mental well-being and prevent burnout. Some jurisdictions and countries around the world have started recognizing this right and implementing regulations to address the potential negative impacts of constant connectivity on employees' well-being and work-life balance. France, for example, introduced a "right to disconnect" law in 2017, which requires companies with over 50 employees to establish guidelines to regulate the use of digital tools outside of working hours.

In Canada, Ontario passed *Bill 27: Working for Workers Act, 2021* (the "WFWA"), a "right to disconnect" law that is the first of its kind in any jurisdiction in Canada. Under the WFWA, which is now in effect in Ontario, employers with 25 or more employees must have a written policy in place for all employees giving them the right to disconnect at the end of their workday.

Another interesting outcome of the WFWA is that employers in Ontario cannot add or change fundamental terms to an employee's position without their consent which can lead to constructive dismissal.

While Alberta may not have specific legislation on the right to disconnect, there are other labour laws and regulations that provide protections to employees. For example,

the Alberta *Employment Standards Code* sets out rules regarding maximum working hours, overtime pay, and rest periods, which contribute to work-life balance.

Furthermore, employers in Alberta are generally required to provide a safe and healthy work environment for their employees, which includes addressing excessive workloads, implementing policies to manage work-related stressors, and promoting reasonable working hours. With the WFWA in place for employees in Ontario, it is important that Alberta employers be aware of these policy requirements and consider how to address these changes, should they be introduced to Alberta, or if the Alberta-based employer employs employees in Ontario.

It is also worth mentioning that some employers may have their own policies or collective agreements in place that address the issue of work-related communications outside of regular working hours. Regardless of what the Government of Alberta does through new employment laws, you may already have the right to disconnect through contract law!

Therefore, employees in Alberta should familiarize themselves with their company's policies or consult with their human resources department to understand their rights and expectations regarding work-related communications outside of their regular working hours. Do you find yourself overworked and undervalued in the workplace? You might just have valid grounds to challenge your employer.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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