



Fast Facts

BULLETIN 50 | TUESDAY, MARCH 8, 2022

Recent Updates

Employment Standards Act Guide Updated With Information for Employers About Bill 27

The Ontario Ministry of Labour, Training and Skills Development have updated the guide to the *Employment Standards Act* to provide more information for employers on the recent amendments to the *Employment Standards Act, 2000 (ESA)*. These amendments were made as a result of the passage of Bill 27, the *Working for Workers Act, 2021*.

As a reminder, Bill 27 amends several pieces of legislation, including the *ESA* and the *Occupational Health and Safety Act*. Here are some key changes:

- non-compete clauses in employment agreements will be prohibited, effective June 2, 2022, retroactive to October 25, 2021,
- businesses with 25 employees or more are required to develop Disconnecting from Work policies, and
- business owners will be required to allow delivery workers to use a company's washroom if they are delivering or picking up items.

Disconnecting from Work

In the *ESA*, "disconnecting from work" is defined as "not engaging in work-related communications, including emails, telephone calls, video calls or sending or reviewing other messages, to be free from the performance of work".

Employers in Ontario are required to develop a written policy by **June 2, 2022**. In the following years, all employers that employ 25 or more employees (including part-time and casual employees) as of **January 1 of any year** are required to have a written policy on disconnecting from work in place **prior to March 1 of that year**.

It is important to note that there are no new requirements as per the *ESA* for employers to free employees from the obligations to participate in work-related communications, or create a "right" for employees to disconnect from work. Any rights that employees have to not perform work fall under separate sections of the *ESA*.

[Click here](#) for the Disconnecting from Work section of the Guide.

Non-Compete Clauses

Effective June 2, 2022, non-compete agreements between employers and employees in employment contracts **are prohibited**, retroactive to October 25, 2021. Non-compete agreements are still permitted in employment contracts for executive positions, i.e. President, CEO, CFO, etc.

It is important to note that any non-compete agreements that were entered into prior to October 25, 2021 **are permitted**.

[Click here](#) for the Non-Compete Agreements section of the Guide.

COVID-19 Updates

Active Worker Screening No Longer Required

Effective March 1, 2022, **employers are no longer required to actively screen workers on a daily basis**. However, we recommend that all employers continue to follow their current COVID-19 protocols and policies, i.e. sanitizing, social distancing, and mask wearing, as well as recommending that employees continue to self-monitor for any COVID-19 symptoms and stay home if they are not feeling well.

Ontario Continues to Ease COVID-19 Restrictions

As public health and health system indicators have continued to improve, effective March 1, 2022, all remaining indoor capacity limits for public spaces have been lifted.

Proof of vaccination requirements have been lifted, with businesses permitted to implement proof of vaccination requirements voluntarily. Visitors at Ontario's long-term care facilities will continue to be required to provide proof of vaccination.

Protective measures for all businesses, such as mask/face covering requirements and a passive screening of patrons continue to be in place.

Ontario Introduces the *Working for Workers Act*, 2022

On February 28, 2022, the Ontario Government introduced the *Working for Workers Act, 2022* (*Working for Workers Act 2*). While this legislation has only just been introduced and passed first reading, should this legislation reach Royal Assent and come into effect, Ontario would become the first province in Canada to establish fundamental rights for digital platform workers, or gig workers, including their right to earn a minimum wage.

The proposed legislation establishes the following rights for digital platform workers:

- Earning at least the general minimum wage for time worked;
- The right to keep their tips along with regular pay periods;
- The right to information and clarity around algorithms including:
 - how pay is calculated; and
 - how and why a worker might be penalized in the allocation of work;
- Written notice if they are being removed from the platform and why;
- The right to resolve their work-related disputes in Ontario; and
- Protection from reprisal should they seek to assert their rights.

The *Working for Workers Act 2* also includes a proposal that would make Ontario the first province to require employers with 25 or more employees to have electronic monitoring policies in place. These policies would inform employees how they are being electronically monitored, i.e. through employer-provided computers, cell phones, GPS systems, and any other electronic devices.

For the full news release from the Government of Ontario, [click here](#).

Blog



FEBRUARY 23, 2022

EMPLOYEE ISSUES

How to Have the Difficult Conversation With Someone About Their Mental Health

Maybe it starts by you noticing something about one of your team members that is not quite right. Maybe you notice they are acting or speaking differently, or not speaking at all. Maybe you notice that they have lost their energy and focus and aren't as outgoing as they normally are. Or maybe you notice a significant decline in the work they are doing, or that they aren't even at work lately. Any of these could be one of many signs or symptoms that your colleague may be experiencing a mental health issue...

— [Read More](#)

Resources



[Sector-specific Health & Safety Guidelines, Posters and Tip Sheets](#)



[Canada Recovery Hiring Program \(CRHP\)](#)



[COVID-19 Screening Tool for Workplaces](#)



[Educating Employees on the COVID-19 Vaccine](#)



[COVID-19 Self-Assessment](#)



[When and How to Properly Wear a Mask](#)



[How to Properly Wash Your Hands](#)

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