

CHAPTER 35

An Act to amend various statutes with respect to employment and labour and other matters

Assented to December 2, 2021

CONTENTS

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Employment Protection for Foreign Nationals Act, 2009
Schedule 2	Employment Standards Act, 2000
Schedule 3	Fair Access to Regulated Professions and Compulsory Trades Act, 2006
Schedule 4	Ministry of Agriculture, Food and Rural Affairs Act
Schedule 5	Occupational Health and Safety Act
Schedule 6	Workplace Safety and Insurance Act, 1997

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Working for Workers Act, 2021*.

SCHEDULE 2 EMPLOYMENT STANDARDS ACT, 2000

1 Subsection 1 (1) of the *Employment Standards Act, 2000* is amended by adding the following definitions:

“foreign national” has the same meaning as in the *Employment Protection for Foreign Nationals Act, 2009*; (“étranger”)

“licence” means a licence issued under Part XVIII.1; (“permis”)

“recruiter” has the meaning set out in the regulations; (“recruteur”)

2 Section 15 of the Act is amended by adding the following subsection:

Retention of disconnecting from work policies

(8.1) An employer shall retain or arrange for some other person to retain copies of every written policy on disconnecting from work required under Part VII.0.1 for three years after the policy ceases to be in effect.

3 The Act is amended by adding the following Part:

PART VII.0.1
WRITTEN POLICY ON DISCONNECTING FROM WORK

Interpretation

21.1.1 In this Part,

“disconnecting from work” means not engaging in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, so as to be free from the performance of work.

Written policy on disconnecting from work

21.1.2 (1) An employer that, on January 1 of any year, employs 25 or more employees shall, before March 1 of that year, ensure it has a written policy in place for all employees with respect to disconnecting from work that includes the date the policy was prepared and the date any changes were made to the policy.

Copy of policy

(2) An employer shall provide a copy of the written policy with respect to disconnecting from work to each of the employer’s employees within 30 days of preparing the policy or, if an existing written policy is changed, within 30 days of the changes being made.

Same

(3) An employer shall provide a copy of the written policy with respect to disconnecting from work that applies to a new employee within 30 days of the day the employee becomes an employee of the employer.

Prescribed information

(4) A written policy required under subsection (1) shall contain such information as may be prescribed.

Transition

(5) Despite subsection (1), an employer shall,

- (a) have until the date that is six months after the day the *Working for Workers Act, 2021* receives Royal Assent instead of March 1 to comply with the requirements of subsection (1); and
- (b) determine whether it employs 25 employees or more as of the January 1 immediately preceding the date described in clause (a).