

Ontario's gig economy and disconnecting from work – Employment and Labour Law Insights March 2022 (webinar)

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Authors: [Steven Dickie](#), [Melanie Simon](#), [Kelly O'Ferrall](#), [Noemi Blasutta](#)

The nature of work has changed significantly in recent years, with the rise in remote working and the "gig economy" among other shifting trends. In the first session of their new webinar series, members of Osler's Employment and Labour team focused on recent major legislative developments in Ontario designed to address some of these factors.

As many employees continued working from home through much of 2021, Ontario amended its *Employment Standards Act, 2000* (the ESA) with Bill 27 to introduce new "disconnecting from work" requirements. By June 2 of this year, employers in Ontario with 25 or more employees must implement and distribute their written policy, whose contents are largely left open to the employers to determine. Notably, this does not establish a *new* right to disconnect or require employers to grant additional rights beyond those already in the ESA. Employers should therefore be careful when drafting their policies.

Bill 27 also establishes a statutory prohibition on post-employment non-compete agreements in most circumstances. Exceptions remain for executives and those involved in the sale of a business, but the government hopes this change will increase labour mobility and help some industries, like technology, compete better on the world stage.

In late February, the Ontario government introduced Bill 88, the *Working for Workers Act, 2022*, proposing several further amendments to the ESA, including requiring employers to have a written electronic monitoring policy. If passed, this would be the first legislation of its kind in Canada and reflects a larger shift in increasing privacy protections for employees. Questions remain, however, as the current version of the bill does not define "electronic monitoring." It will be interesting to see how this might interact with possible private sector privacy legislation, which the province has not yet implemented.

Another novel part of the same bill, the *Digital Platform Workers' Rights Act, 2022* would grant certain fundamental rights to workers providing ride-share, delivery or courier services. These include the right to a minimum wage, to tips and gratuities, to a recurring pay period and pay day, to resolve work-related disputes in Ontario and others.

[Watch the full webinar.](#)