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KEYSER | MASON | BALL LLP

Right to Disconnect

Presented by:

Jonathan N. Borrelli
905.276-0433
jborrelli@kmblaw.com

Ljubica Durlovska
905.766.5003
ldurlovska@kmblaw.com



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Newest Updates in Brief

- Working for Workers Act
 - Non-Compete
 - RTD
 - Washrooms
 - Licensing for recruiters & temporary help agencies
- COVID period ending July 31 – or is it?
- Jan 31: end of mandatory WFH

RTD: What is it?



“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.”

Legal Requirements



- 25+ employees as of Jan 1, 2022
 - policy must be “in place” by June 2, 2022
- 25+ employees by every Jan 1
 - have until March 1 of that year to put policy “in place”
- Contents of Policy
 - Definition
 - Date policy was prepared & updated
 - “such information as may be prescribed”
- Policy Retention: 3 years

Interaction with Other Laws



- 3 hour rule
- Limits on hours of work, hours free from work
- Overtime, averaging agreements
- Breaks
- Vacation
- Leaves of absence / accommodation
- Existing exemptions

Planning Your Policy



- Impact on Workplace
- Special Considerations
- Other considerations

Planning Your Policy



Impact on Workplace

- Reprisal & Harassment
- Breach of the Policy by employer or employee
- Managers & Supervisors

Planning Your Policy



Special Considerations

- # of employees – globally?
- Employee travel
- On-call workers
- Exceptions in policy

Planning Your Policy



Other Considerations

- Impact of time zones
- Waiting for work
- Social gatherings
- Team building
- Conferences
- Continuing ed.
- Waivers for agreeing to stay connected to work
- Employee opt-out?
- Does answering one email restart the rest period?
- When/how does “day” start?
- Systems to measure time
- Prevent employee from receiving emails, leave work phone at work
- Right to request remote?
- Consequences for breach

Drafting the Policy



A good starting place:

- Review workplace culture
- How you connect with workers
- Involve your workforce (H&S Reps?)
- Identify affected job categories

Implementing the Policy



- Consider training managers / supervisors
 - Signs of burnout
 - Constructive dismissal
 - Reprisal
- Timing to Receive Policy
 - Existing Employees: 30 days from rollout
 - New Employees: 30 days from start
- Updating Employment Agreements

Your Questions



- Please use the chat function to send questions.



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Get in touch with us

Labour / Employment Law

Jonathan N. Borrelli 905.276.0433 jborrelli@kmblaw.com	Ljubica Durlovska 905.766.5003 ldurlovska@kmblaw.com	Sarah Mills 905.276.0421 smills@kmblaw.com
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