

HR QUARTERLY BULLETIN

SPRING 2022

Driving change and shaping the future



WORKING FOR WORKERS ACT

On December 2, 2021, Bill 27, Working for Workers Act, received royal assent and officially became law in Ontario.

PANDEMIC UPDATES

The Employment Standards Act, 2000 (ESA) was amended in April 2021 to include the Infectious Disease Emergency Leave (IDEL) this is now extended to July 31, 2022.

HEALTHY WORKPLACE CONSIDERATIONS

Covid-19 has disrupted how the workplace functions and how our individual team members have adapted within the workplace. Employers were required to react quickly and realign how they do business.



During the pandemic, employers have needed to adjust to everchanging and shifting priorities. At S&G HR Consulting, we support local business in helping them adapt to these changes by providing consulting services, policy development, and training programs that fit their organization's unique, specific needs.



WORKING FOR WORKERS ACT

1) Mandatory Right to Disconnect Policies - Deadline June 2, 2022

Ontario is introducing legislation around the “right to disconnect” and work-life balance. Bill 27 of the Working for Workers Act, 2021 would require employers with 25 employees or more to develop “disconnecting from work” policies.

Employers have a grace period until June 2, 2022, to prepare and implement a written policy. The written policy must be presented to employees within 30 days of introduction.

2) Prohibition on Non-Competition Agreements

The Act includes a prohibition on non-competition clauses and precludes employers from having employees enter a contract that either includes a non-competition clause or a stand-alone non-competition agreement as any such clause is considered a restraint on employee trade and mobility.

There are two exceptions to this general prohibition:

1. **Sale of a Business:** In the event of a sale of a business where the purchaser and seller enter into an agreement that prohibits the seller from engaging in a business that is in competition with the purchaser’s sale and the seller becomes the employee of the purchaser immediately following the sale.
2. **Executive Employees:** Employees who are “any person who holds the office of chief executive officer, president, chief administrative officer, chief operating officer, chief financial officer, chief information officer, chief legal officer, chief human resources officer, or chief corporate development officer, or holds any other chief executive position” may be subject to non-competition clauses or agreements.

[Your guide to the Employment Standards Act: Written policy on disconnecting from work | Ontario.ca](#)

Amendment to Occupational Health and Safety Act: Washroom Access

There is an amendment to the Occupational Health and Safety Act by adding in the following section: - “the owner of a workplace shall ensure that access to a washroom is provided, on request, to a worker who is present at the workplace to deliver anything to the workplace, or to collect anything from the workplace or delivery elsewhere”

There are some exceptions stated in the Act, however, business owners are required to provide washroom access to those delivering or picking up items from a workplace. Consider how this will work for your organization, advise your employees, and have a designated washroom for this group of individuals.

[Bill 27, Working for Workers Act, 2021 - Legislative Assembly of Ontario \(ola.org\)](https://ola.org)

PANDEMIC UPDATES

The Employment Standards Act, 2000 (ESA) was amended in April 2021 to include the Infectious Disease Emergency Leave (IDEL) this is now extended to July 31, 2022.

- IDEL allows for non-unionized employees, whose wages or hours are reduced or eliminated due to COVID-19, be placed on a job-protected leave.
- If IDEL is not extended beyond July 31, 2022, the applicable rules of the ESA will resume and the “temporary layoff clock” will reset, and employers will have to be mindful not to exceed the ESA’s permitted timeframes for temporary layoffs.

[Your guide to the Employment Standards Act: Infectious disease emergency leave | Ontario.ca](https://ontario.ca)

How to deal with Refusals – Accommodations under the Human Rights Code

The Code has not been amended and accommodation is required to the point of undue hardship on protected grounds of:

- Disability/medical exceptions/exemptions
- Religious objections - Honestly held belief? - What if objection contradicts position of religion/church?

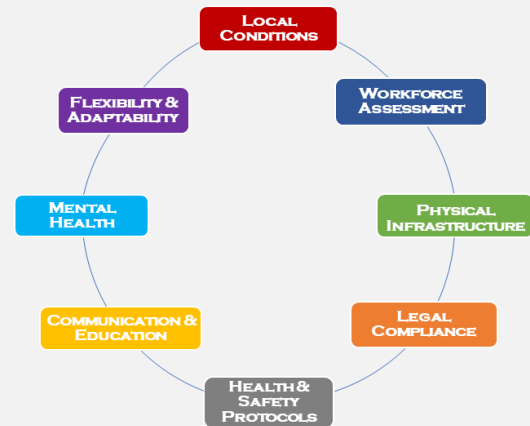
Employers ought to take all accommodation requests seriously and investigate alternative options. They should request evidence of both the need and attempts of self-accommodation, ensure that an employee who asserts their Code rights is not subject to unfair scrutiny or reprisal and ensure every step of the process is documented.

Some temporary accommodation options may include:

- Continued remote work
- Continued masking and enhanced social distancing
- Flexible and staggered shifts
- Additional restrictions

HEALTHY WORKPLACE CONSIDERATIONS

As businesses are navigating through the COVID-19 pandemic, employers will need to be flexible, resilient, and innovative to ensure a safe and healthy workplace. Every organization will have a unique set of circumstances to consider based on their organization's size, risk factors, policies, etc. as noted below:



For **Local Conditions**, check on frequent updates provided by [Niagara Region Public Health](#) and [Ontario Covid-19 Restrictions](#) regarding new cases, testing, vaccination rates, etc.

Assessing your **Workforce**; the demographics/age of your workforce, risk tolerance as an employer (front line/health care workers vs. remote work/hybrid/minimum contact workplace).

In reviewing **Engineering and Physical Infrastructure**, look at adding protective barriers and/or repositioning workstations to be further apart, revising conference room/break room use, reducing the number of people in an elevator at one time, and improving ventilation or air filtration.

Maintaining **Legal Standards and Compliance** by guaranteeing job-protected leaves under ESA or federal jurisdictions; ensuring that there is no discrimination based on protected grounds under the [human rights code](#), and that data privacy is intact relating to COVID testing and vaccination records.

Compliance with **Health & Safety Protocols** to ensure frequent cleaning, disinfecting, proper use of required PPE and masks. Developing protocols for employees based on exposure, infection, and clearance from medical professionals for self-quarantining, and for notifying company personnel and public health authorities.

Providing **Communication, Education, and Training** related to messaging on hygiene practices, a welcome back kit to include hand sanitizer, masks, office policies/printed instructions and ensuring understanding of protocols through acknowledgement forms.

Addressing workplace **Mental Health** concerns, developing practices to reduce the stigma, review of [mental health resources](#).

Be sensitive to workforce and customer needs/concerns. Be **flexible and adaptable** by adjusting shift schedules, accommodations, and rules. Have a plan, communicate frequently, and prioritize employee health.

Resources:

For your free Organizational Assessment, click [here](#)

For access to further resources and useful links relating to Covid-19, health and safety mandates, and public health updates, please visit: [S&G HR Consulting Resources](#).

For any additional questions, please contact us at: S&G HR Consulting [905-325-3396](tel:905-325-3396) or by email at marina.glencross@sghrconsultingsolutions.com.