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Update: Ontario Passes the *Working for Workers Act, 2021*

By Gillian Howe

The Ontario Government has passed the *Working for Workers Act, 2021*, which in addition to changes to other statutes, includes unique amendments to the *Employment Standards Act, 2000* (the “*ESA*”) addressing 1) non-competition agreements; 2) an employer’s obligation to prepare a written policy on disconnecting from work; and 3) licensing of agencies and recruiters.

We previously provided a summary of Bill 27 and the proposed amendments to the *ESA* in our October 26, 2021 publication “Ontario Government Seeks to Protect Workers by Proposing Unique Changes to Employment Standards Legislation”.

Amongst other amendments made at Committee prior to the legislation passing, the *Working for Workers Act, 2021*, was amended to provide an additional exception for employees who are executives, to the *ESA* prohibition against non-competition agreements and non-competition covenants.

The term “executive” has been defined in the legislation as “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”.

Employers should review their employment agreements and restrictive covenant agreements, begin preparation of a written workplace policy on disconnecting from work, and review their arrangements with temporary help agencies and recruiters.

If you have any questions about the *Working for Workers Act, 2021* and its application to your business, please contact any member of our Employment & Labour Law Group.

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