



“Disconnecting from work”: Ontario Bill 27 DAILY REST – 11 HOUR RULE RE-DEFINED

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“The Schedule amends the Employment Standards Act, 2000 [ESA]. New Part VII.0.1 of the Act imposes a requirement on employers that employ 25 or more employees to have a written policy with respect to disconnecting from work. The term “disconnecting from work” is defined to mean not engaging in work-related communications, including emails, phone calls, texts...”
<https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-27>

ABL Employment has always prided itself in performing root cause analysis and identifying the root cause of inception, otherwise known as “what created the need?”. As we delve into these amendments and figure out how to react without causing organizational stress, as the Occupational Wellness Manager, I ask, “What created the need for these new parameters?” COVID!!!! Across the world, companies, communities and employees have had to evolve to a different

Hot off the PRESS!

level and acclimatize to continue functioning. WE ADAPTED!!!! Remote working from home and hybrid work environments became the solution and norm for many. But as this continued the lines between work and home became blurred and blended. Mental health claims are on the rise, absenteeism is on the rise, burnout and fatigue creating productivity disruptions is on the rise. NOW we need BALANCE!

This is NOT NEW: 11 Hour Rule - Ontario has a long-standing provision that says employers must give their employees at least 11 consecutive hours off from performing work in each day [or otherwise defined by the collective agreement].

What is NEW: The RIGHT TO DISCONNECT – further defines ‘work’ by stating that an employee should not be online, communicating and being accessible to their employers 24/7 as this would infringe on an employee’s right to have an 11-hour break without reprisal.

Essentially, this ACT is **redefining** an employee’s right to not work during their 11 hour break, which now specifically includes responding to work communications such as emails — during their rest periods and during their leaves of absence. Depending on the nature of your business, when this 11-hour break occurs, can be varied and not the same for all.

HERE ARE SOME TIPS TO HELP PLAN, DEVELOP AND SUSTAIN A WELLNESS CULTURE with a BALANCED APPROACH

1. Pre-Policy Actions :

- Have conversations regarding schedules and built-in flexibility at all levels within your organization
- Establish your safety culture key messaging to reduce stress and emphasize the importance of wellbeing as over-all goals for the company
- Complete surveys regarding work schedules and perceived working hours and obligations to perform
- Communication Metrics – review and analyze the stats before and after the implementation of this policy to influence training, feedback, and solutions to management and employees

2. Develop the Policy based on the information gathered in the pre-planning stages:

- Plan to send non-urgent communications and updates during ‘general’ business hours or shift times
- Define general working hours for the business, handling work in different time zones, shifts and can be specific to positions within the company
- Specify exceptions as required for risk management mitigation
- How to allow flexibility for unplugging for those who work remotely or hybrid
- Reiterate the protected rights of workers to disconnect and are protected against reprisal

3. The key to success for any policy is **sustainability**:
 - Provide Time management training/workshops
 - Plan to have clear / flexible / strategic communications
 - Obtain feedback on the effects of “unplugging”
 - Manage the challenges and share the successes with the company as this is a collective effort
 - Sharing of ideas of activities that can be done when not working to inspire alternatives to work – mental and physical health – Link to OWM’s INTERACTIVE 14 DAY MENTAL HEALTH & WELLNESS Guide
 - Review and Share OWM blog: What Is: Work-Life Balance? Work-Life Blend? Work-Life Blur? And how can you make the most of these situations, for either yourself or your work-at-home staff? Link to: Create wellness with work life blending

HOW IS ABL GOING TO HELP OUR CLIENTS

- We understand that our clients operate 24/7/365 and ABL is committed to helping you and your staff “UN-PLUG” that will not compromise the exchange of information and Actioning of Essential Information
- We continue to support our clients with our After Hours Support Team from 5:30pm to 11pm EST

Please feel free to reach out to me to discuss this further – it’s my privilege to be of assistance to you.

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