

iGlobal Law : 2022 Annual Update : Canada

Legal Change	Effective Date	Action required
Ban on Non-Competition Clauses in Ontario Employers in Ontario are prohibited from entering into a non-competition agreement with a non-executive employee that restricts the employee from engaging in post-employment activity or work, subject to certain commercial exceptions.	25 October 2021	Ensure non-competition clauses do not contravene the new prohibition. Consider alternative options for achieving business objectives regarding employees engaging in competitive activities.
Disconnecting from Work Policy Employers in Ontario with 25 or more employees are required to develop a “disconnecting from work” policy.	2 June 2022	Remain apprised of soon-to-be-published regulations regarding policy requirements. Implement a “disconnecting from work” policy by 2 June 2022.
Temporary Help Agencies Must be Licensed Temporary help agencies and recruiters operating in Ontario are required to have a licence to operate. Businesses are prohibited from engaging the services of an unlicensed agency or recruiter.	Not yet stated.	Remain apprised of licensing regime developments. Consider implementing processes to ensure all temporary help agencies and recruiters in Ontario with which the employer engages are licensed, when the law is in force.
Extension of COVID-19 Leaves In Ontario, two temporary COVID-19-related infectious disease emergency leave (“IDEL”) programs have been implemented: <ul style="list-style-type: none"> • Paid IDEL: up to three days of paid time off for certain reasons related to COVID-19. This program was scheduled to end on 31 December 2021, but has been extended to 31 July 2022. • Unpaid IDEL: a job-protected leave that is deemed to occur where an employee ceases performing his or her duties for certain reasons related to COVID-19. This program was scheduled to end on 2 January 2022, but has been extended to 30 July 2022. 	N/A	Consider in advance of 30 July 2022 how to deal with employees who continue to be on unpaid IDEL Ontario. Their change in status as of that date should be approached carefully in light of potential legal risks and the desired business objectives.
Pay Equity Legislation (federal sector) A new <i>Pay Equity Act</i> (the “PEA”) came into force in August 2021. The PEA requires federally regulated employers with 10 or more employees to take steps to close the gender wage gap and ensure that workers receive equal pay for work of equal value. Employers must develop and post a pay equity plan by 31 August 2024.	31 August 2024.	Develop and post a pay equity plan in accordance with the PEA. Consider implementing processes to ensure all requirements are met.
Workplace Harassment (federal sector) New regulations require federally regulated employers to investigate workplace harassment and provide greater protection to employees.	1 January 2021	Ensure that complaint resolution processes for workplace harassment complaints are compliant with the requirements of the new regulations.

Bill 96, Charter of the French Language (Québec) Bill 96 was introduced in Québec which, if passed, will require employers in Québec to show compliance with language regulations addressing employee communications, employment offers, job postings, recruitment and hiring, or risk facing fines.	N/A	Remain apprised of the status of Bill 96 and prepare to comply with the new language requirements if the bill passes into law.
--	-----	--