

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: Right to Disconnect Policy / Written Policy on
Disconnecting from Work

DATE OF ISSUE:	April 27, 2022
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	22-0045
PRIORITY:	High

As you may be aware, on December 2, 2021, the *Employment Standards Act, 2000* (the *Act*), was amended to create a new requirement for a “right to disconnect” policy.

The *Act* was amended to create a new Part VII.0.1, which establishes a requirement for employers with 25 or more employees as of January 1 of the given year to have a written policy about employees disconnecting from work. “*Disconnecting from work*” is defined under [section 21.1.1](#) of the *Act* to mean 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.

This requirement applies to all employers covered by the *Act* in relation to their employees who are subject to the *Act*, except the Crown, a Crown agency or an authority, board, commission or corporation whose members are all appointed by the Crown and their employees. It should be noted that the *Act* does not apply to a police officer or a person for whom a police officer performs work, except as provided in Part XVI (Lie Detectors).

As a result, this requirement applies to all municipal police services boards with at least 25 employees who are not police officers (e.g., civilian members of the police service, special constables, board support staff). For First Nation police services, the application of this requirement (and the *Act* generally) depends on whether the employment relationship falls within provincial jurisdiction – the *Act* does not apply to employment

relationships that fall under federal jurisdiction. This requirement does not apply to the Ontario Provincial Police, as part of the Crown.

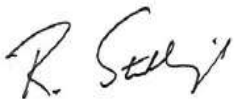
The written policy will need to be in place before March 1 of each year and must contain the date it was made, as well as the date any changes were made to it. However, employers have a grace period for 2022 and will not need to have a written policy in place until June 2, 2022.

Employers will be required to provide a copy of the written policy to each employee within 30 days of preparing the policy or, if an existing written policy is changed, within 30 days of the changes being made.

You may wish to refer to [Your guide to the *Employment Standards Act*](#) for further information regarding the written policy on disconnecting from work.

Further information on other recent amendments introduced by the *Working for Workers Act, 2021* can be found [here](#).

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety