

Catherine Morrison

May 4, 2024

Unpublished version, another version to be published in the Ottawa Citizen

Canada follows European countries in establishing a right for workers to disconnect. Expert says it's an 'empty policy'

The federal government has announced that it will soon be following in the steps of several European countries and will establish a “right to disconnect,” aimed at reducing employees’ work-related communications when they’re not on the clock. The policy, however, will not apply to public servants.

In Budget 2024, released in April, the government committed \$3.6 million over five years, beginning in 2024-25, and \$0.6 million ongoing to allow Employment and Social Development Canada (ESDC) to amend the Canada Labour Code.

The legislative changes will require employers in [federally regulated sectors](#) – like airports, banks and telecommunications – to establish a policy, which the government said should benefit “up to 500,000 employees.”

“As the nature of work in many industries has become increasingly digital, workers are finding it increasingly difficult to disconnect from their devices and inboxes after hours and on weekends,” the budget reads. “This has particularly impacted Millennial and Gen Z workers, many of whom have worked their whole careers without firm separation between work and personal time.”

Policy first established in France

The federal government studied a number of jurisdictions with right to disconnect legislation, including [member states of the European Union](#) and the province of Ontario, whose policy came into effect in 2022 and applies to employers with 25 or more employees.

The office of Canada’s minister of labour noted that “in a tight labour market, we can’t afford to not be getting the most out of people. But people aren’t at their best when they’re overworked and burnt out.”

France was the first country to introduce a right to disconnect [in 2017](#), as part of a [labor reform law](#) adopted a year earlier.

Since then, several other countries have implemented similar legislation, including Spain, Belgium and Portugal.

The policies, however, differ from country to country

In Belgium, it’s [required](#) that all employers with over 20 workers ensure the right to disconnect, including the federal government. In Slovakia, the policy applies to employees [working from home](#).

While there is currently no legislation that exists at the European Union-level, the European Parliament [approved a resolution](#) on the right to disconnect in January 2021, making recommendations to the European Commission.

Progress continues to be made on the issue, with the European Commission sharing in a [news release](#) last week that it had launched consultations with social partners “to gather their views on the possible direction of EU action on ensuring fair telework and the right to disconnect.”

Right to disconnect “hasn’t really worked,” says professor

Dr. Linda Duxbury, a professor at Carleton University’s Sprott School of Business, said the right to disconnect is “kind of an empty policy,” highlighting issues with enforcement.

“It’s a policy that has no clout behind it,” Duxbury said. “It hasn’t really worked in other countries because of this exact same reason.”

“They say you have the right to disconnect but where is their ability to measure that and recognize cases when it doesn’t happen?”

Duxbury said she was skeptical that the policy would be beneficial in Canada, due to the country’s working culture.

“If an organization recognizes and rewards people who are available outside of work, then a lot of people, especially younger, might want to (work) after hours,” Duxbury said, adding that many companies in Canada have failed to hire enough people to do the work that needs to be done, meaning that people are working more than they should. “They want extreme flexibility and they don’t define their work necessarily anymore as nine to five.”

“This isn’t really recognizing where the workforce is going. This is a one-size-fits-all solution for a workforce that’s incredibly diverse in terms of preferences and needs.”

Policy won’t apply to Canada’s public servants

Canada’s minister of labour’s office indicated that the proposed right to disconnect will only apply to federally regulated private sectors, meaning government workers are exempt.

It shared that a right to disconnect in the federal public service would require “a separate approach” under different legislation in order to meet “the unique needs of the public service.”

The Professional Institute of the Public Service of Canada (PIPSC), a union with over 70,000 members employed at various levels of government, has been pushing for the right to disconnect legislation to exist at the federal level.

In 2023, PIPSC, among other unions, signed a [letter of agreement](#) on the topic with the Treasury Board of Canada Secretariat (TBS), the employer of at least over [270,000 people](#) who make up the core public service. The letter promised that “if and when” amendments to the Canada Labour Code on the right to disconnect came into force, the government would meet with the union to “discuss their application to the core public administration and the possibility of the timely development of a new policy instrument.”

Martin Potvin, a spokesperson for TBS, said it has signed similar letters with “a number of bargaining agents.”

Stéphanie Montreuil, head of public affairs and corporate communications at PIPSC, said the changes to the labour code are “good for (the union’s) members and for other workers in the federal sector.”

Duxbury, on the other hand, is not convinced.

“We have to recognize what we are and build a solution for us, not steal a solution that hasn't really worked out that well in other places,” said Duxbury.