COUNCIL OF CANADIAN INNOVATORS \ CONSEIL CANADIEN DES INNOVATEURS

November 18, 2021

Ms. Tenzima Khan
Clerk, Standing Committee on Social Policy
Room 1405, Whitney Block
Queen's Park, Toronto, ON
M7A 1A2

**RE: Submission on Bill 27, *Working for Workers Act*, 2021**

Dear Ms. Khan,

Following the tabling of Bill 27, the Council of Canadian Innovators (CCI) took the time to understand its impact on our members – Canadian-headquartered, high-growth firms. CCI was created in 2015 by Canada's most successful technology CEOs to ensure their voice was heard in the public policy development process. Currently, the Council is composed of over 140 CEOs leading high-growth companies and our membership employs over 29,000 people in Ontario. The Council is chaired by Jim Balsillie, former Blackberry Co-CEO, John Ruffolo, Founder & Managing Partner of Maverix Private Equity, and Founder of OMERS Ventures.

Of interest to CCI's membership is Schedule 2 of Bill 27, amending the *Employment Standards Act*, 2000. Specifically, new Parts VII.0.1 and XV.1, imposing a 'right to disconnect' and prohibiting the use of non-compete agreements, respectively. You will find our comments below.

**'Right to disconnect'**

CCI appreciates that Bill 27 works to define 'disconnecting from work' as, "…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." CCI's member companies operate both within Canada and on a global scale, across several time zones and markets. As a result, many of CCI's members require 24/7 up-time. CCI asks the Standing Committee on Social Policy to take care in how the final form of the bill is worded to ensure 'business as usual' for domestic firms operating globally. Further, CCI encourages the Government of Ontario to develop a comprehensive communications plan to ensure businesses are aware of their obligations under this policy and are equipped with the tools they need to implement it.

**Prohibiting the use of non-compete agreements**

Our members have a fiduciary responsibility to protect their companies in all ways possible – this includes safeguarding its intellectual property. As such, CCI requests clarity on the certain exceptions to be provided for, as noted in the legislation. Specifically, CCI asks that carve-outs for non-solicitation clauses and non-disclosure clauses be made apparent, as the State of Massachusetts did in its own Non-Competition Agreement Act. CCI strongly supports the continued permittance of these components within employment agreements as they serve to protect an employer's trade secrets and any confidential information that would not otherwise qualify as a trade secret.

Thank you for this opportunity to provide comments on behalf our membership. CCI awaits clarification around the pieces outlined above and we look forward to your response. Should you have any questions, please do not hesitate to reach out directly.

Sincerely,

Alanna Sokic
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