



Remote Work – Liability, Home Office Compliance and Best Practices

EP 65



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Meet Your Presenters

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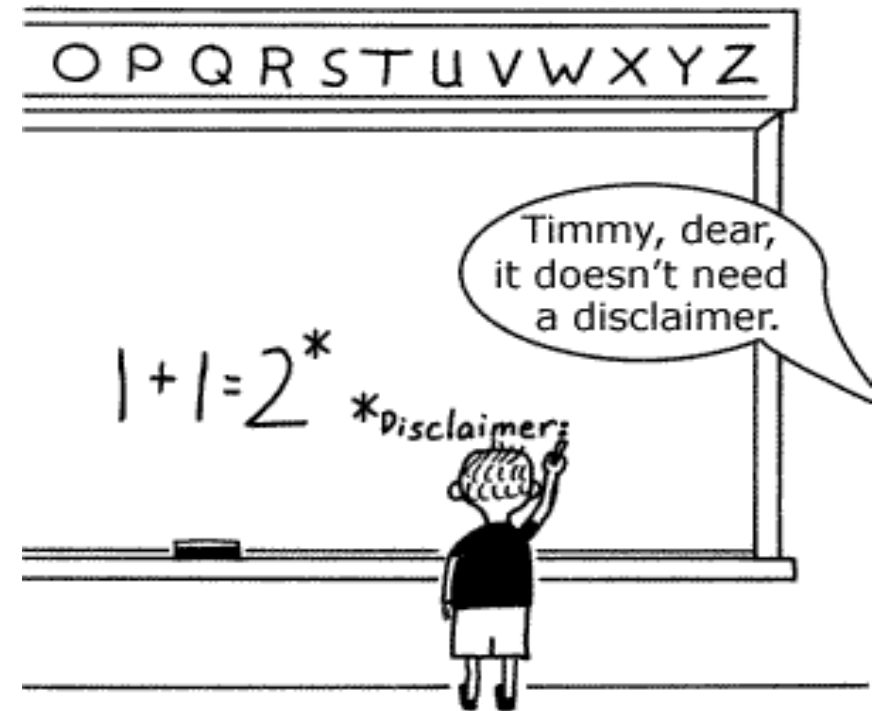
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Timmy doesn't
need a disclaimer
but we do...

Stu's Views

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INTRODUCTION



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Introduction

- Remote work isn't a COVID trend – it's a new normal
- Legal and operational risks are often overlooked
- We'll cover:
 - Liability & compliance
 - Contract terms & cross-border issues
 - Health, safety & performance
 - Best practices to support people and protect the business

The Remote Work Revolution



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The Remote Work Revolution

What's changed:

- Shift from office-centric to distributed teams
- Benefits: Flexibility, broader talent pool, cost savings
- Risks: Legal grey zones, culture drift, operational gaps

Legal Landscape for Remote Work



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Legal Landscape for Remote Work

What applies?

- What constitutes a “workplace” under law?
- ESA, OHSA, and Human Rights laws still apply
- Health and Safety? Yes, even at home.
- (Ontario) Disconnecting from Work Policy
- (Ontario) Electronic Monitoring Policy

Key Contract Terms for Remote Workers



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Key Contract Terms for Remote Workers

What to include in employment contracts:

- Defined work location (even for remote roles) and recall rights, if any
- Hours of work and overtime rules
- Confidentiality, tech use, and security clauses
- Reimbursement or equipment provisions
- Communications expectations

Cross-Border Remote Employees



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Cross-Border Remote Employees

What to watch for:

- Which jurisdiction's laws apply?
- Tax and payroll compliance
- Immigration/work permit issues
- IP and confidentiality protection

Case Study:

An [Ontario](#) firm hires a [local](#) remote developer [who moves to sunny](#) California.

They [may](#) unintentionally trigger U.S. tax obligations, complicating payroll and compliance.

Workplace Injury and Liability



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Workplace Injury and Liability

Yes, employers can be liable for home injuries:

- WSIB or workers' comp can still apply
- Needs to be work-related and during work hours
- Employers should:
 - Train staff
 - Provide safety checklists
 - Have a reporting process

Workplace Injury and Liability

Example:

An employee trips over a cable at home and gets hurt.

The employer's home office safety checklist helps show due diligence.

WSIB vs Disability, STD & Accommodation



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WSIB vs Disability, STD & Accommodation

WSIB coverage:

- If you're in a covered industry, work-related injuries at home may be covered
- Employers must be registered if employing Ontario-based remote workers
- No-fault insurance: medical, wage replacement, rehab
- Applies only if injury occurs in the course of employment

Disability, STD & Accommodation:

- Covers non-work-related injuries and illnesses
- Provided through private insurance or benefits plans
- Employers must accommodate under the Ontario *Human Rights Code*
- Applies even if the injury is not caused by work

Home Office Compliance



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Home Office Compliance

You still need to support a safe and functional workspace:

- Ergonomic setup matters
- Privacy and data security at home
- Clear expense policies (what's reimbursable)
- Regular check-ins

Technology and Data Security



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Technology and Data Security

Remote work = more risk exposure:

- Use secure systems: VPNs, MFA, encrypted tools
- Train employees on phishing and breaches
- Set boundaries on personal device use
- Have an incident response plan
- Consider providing company-owned laptop

Supporting Employee Wellbeing



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Building Culture in a Remote Team

Remote teams need intentional culture-building:

- set communication norms
- Schedule virtual team huddles, social time
- Regularly recognize wins
- Foster inclusion
- More deliberate mentoring and casual check-ins

Supporting Employee Wellbeing

Wellbeing is harder to spot remotely. Here's how to help (and what you're required to do):

- Promote EAPs and mental health benefits
- Be flexible with scheduling
- Encourage breaks and no-meeting blocks
- Watch for burnout signs. You may have a duty to inquire.

Performance Management in Remote Settings



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Performance Management in Remote Settings

Set expectations, but don't micromanage:

- Define goals and KPIs clearly
- Use task/project management tools
- Give consistent feedback
- Document performance issues

Remote Work Policy Essentials



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Remote Work Policy Essentials

Build (or refresh) your policy to cover:

- Who's eligible for remote work
- Work hours and availability
- Equipment, tools, expenses
- Confidentiality and IT security
- Changes or revocation of remote status

Practical Tips & Best Practices



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Practical Tips & Best Practices

- Pilot remote/hybrid programs with a small group
- Gather real feedback, then iterate
- Stay current on law and tech updates
- Lead with trust, not control
- Check in with people as people
- And, be ok with clearly laying out expectations (ie no laundry and babysitting during shifts, etc)

Questions



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Thank you!

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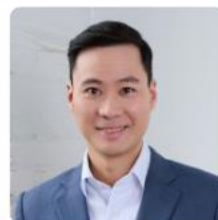
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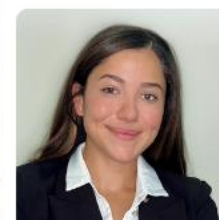
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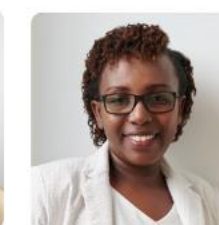
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