

Remote, Hybrid and Nomad Workforces



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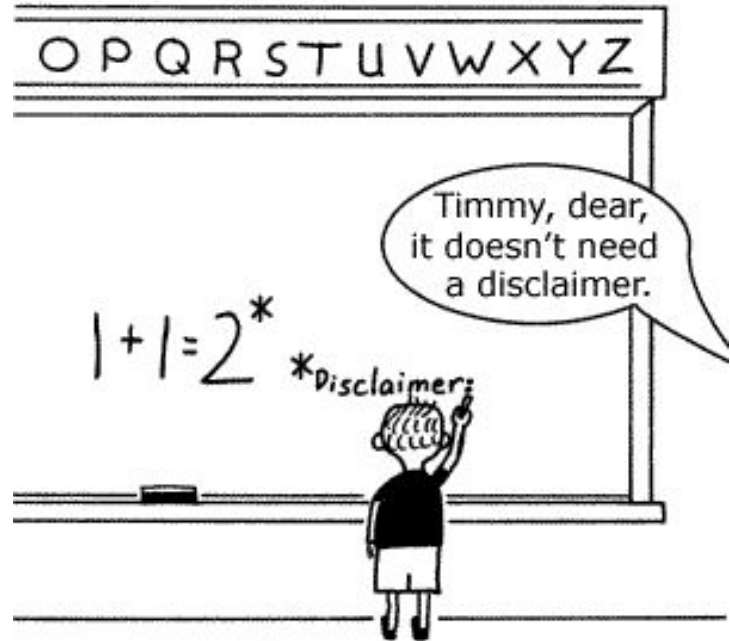
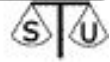


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Timmy
doesn't need
a disclaimer
but we do...



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Presentation Roadmap

- **The Working Nomad**
- **Best Practices: Remote & Hybrid Work**
- **Key Takeaways**

The Working Nomad



Working Nomads

- A worker who currently lives and works in the company's jurisdiction but who wants to live and work outside of this area
- A worker who doesn't currently live or work in the jurisdiction of the company but wants to work for the company

So Your Employee Wants To Move

- **Employees are increasingly seeking opportunities to work in locations away from their home base**
- **Increasing trend in companies allowing remote and nomadic working**

The Legal Risks: Jurisdiction

- **Jurisdiction: what law applies to your remote employees working outside Ontario?**
- **Choice of law in your contract isn't a guarantee**

The Legal Risks: Employment Standards

- The employment standards legislation that applies to your worker could define its application to nomads
- For example, in Ontario:

3 (1) Subject to subsections (2) to (5), the employment standards set out in this Act apply with respect to an employee and his or her employer if,
(a) the employee's work is to be performed in Ontario; or
(b) the employee's work is to be performed in Ontario and outside Ontario but the work performed outside Ontario is a continuation of work performed in Ontario. 2000, c. 41, s. 3 (1).

The Nomad Employment Contract or Policy

- Location of work subject to express approval
- Permanent vs temporary
- Limits on remote work location

Matters That Employment Lawyers Cannot Advise On

- Corporate & individual tax implications
- Immigration implications

Digital Nomad Visas

- **Costa Rica's Digital Nomad Visa is an example of one country making this easier and more attractive to employees**
- **More countries are likely to enter into similar arrangements**

Best Practices: Remote & Hybrid Work



Our Top 5 Best Practices

1. Implement a clear remote work policy
2. Make eligibility decisions fairly
3. Introduce workflows
4. Consider health and safety principles
5. Analyze the impact of other workplace policies on remote work



Key Takeaways

Key Takeaways

- Issue spot requests for nomadic working
- If in doubt, contact a lawyer

Questions?

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springlaw.ca/team/

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