

ONTARIO EMPLOYERS NOT LEGALLY REQUIRED TO PROVIDE LATE NIGHT TRANSPORTATION TO EMPLOYEES

The recent murder of a teenager, who disappeared as she walked home from a late shift at an Ottawa fast food restaurant, has caused some to question whether employers should be responsible for ensuring that employees arrive home safely.

Some have called for the provincial government to introduce legislation that would require employers to provide safe transportation to employees in the late evening and early-morning hours. Manitoba and Saskatchewan already have this type of legislation in place and it has been asserted that Ontario should follow suit. However, Premier Dalton McGuinty has stated that he has no plans to introduce similar legislation in the province of Ontario at this time. Instead, he will leave it to individual employers and families to decide what is appropriate under the circumstances.

Many Ontario employers have decided to implement "safe ride" policies even though there remains no legal obligation to do so. The benefits that can be derived from implementing these types of policies include having the ability to attract employees who would otherwise be unavailable for late night shifts and improving employee morale. Employers who would like to implement a voluntary policy should consider the following factors:

- It would be reasonable to stipulate that the policy only applies to employees who live in the same city or town in which the employer operates. This is to avoid having to incur the expense of providing transportation to employees who commute to work from great distances.
- To avoid accusations of discrimination, a voluntary policy should apply to all employees within the geographical scope regardless of gender.
- It would be reasonable to limit the policy to instances where the employee's work period begins or ends after midnight and prior to 6 a.m.
- While the typical method of providing transportation would be to pay for a taxi ride home, the cost of doing so may be prohibitive. Therefore, employers may wish to use other methods, such as arranging carpooling among co-workers or rescheduling shifts in order to ensure that employees have a ride home.