

WeirFoulds Employment Law Hot Takes: Return to Office, Return to Risk – Lessons from Global Affairs Canada

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By Daniel Wong and Imaan Hassanali, Student-at-law

Remote work was supposed to be the pandemic's one dependable souvenir. Instead, for Global Affairs Canada, it has turned into a live demonstration of how yesterday's flexibility can become today's operational migraine. Public servants who have been working fully remotely for years are now being told they must report to offices in the National Capital Region. For employees who believed remote work was permanent, the announcement has landed less like a gentle nudge and more like a cold splash of reality.

For employers, the situation highlights several predictable pressure points. Sudden shifts in work location can have a significant impact on employee morale and workplace relations, particularly where employees feel that longstanding arrangements are being walked back. From a legal perspective, return-to-work mandates can trigger allegations of constructive dismissal from employees who believe remote work had become an established term of employment. They may also result in requests for accommodation, as employees point to family status, disability or other human rights-related considerations. In short, a simple "return to office" announcement can quickly become anything but simple.

The practical lessons are clear. Employers should communicate early, clearly, and consistently about work location expectations. If remote work is intended to be temporary, discretionary, or subject to recall, that should be stated expressly and confirmed in writing. Before implementing a return-to-work mandate, employers should review employee terms and conditions to assess whether remote work may have crystallized into a contractual term, and whether a unilateral change could expose the organization to constructive dismissal risk. Employers should also be prepared to engage meaningfully with accommodation requests and ensure that both procedural and substantive human rights obligations are met.

Stepping back, Global Affairs Canada's experience is a reminder that remote work arrangements are not just operational choices – they are legal ones. Employers who treat work location as flexible without documenting the rules of the road may find themselves navigating more than office seating plans. A bit of upfront planning, careful documentation, and early involvement of employment counsel can go a long way toward ensuring that "return to office" doesn't quietly turn into "return to litigation."

The [Employment & Labour Group](#) at WeirFoulds LLP regularly advises on the risks associated with changing work location requirements, and we're always happy to help – because it's always better to call before the policy rollout than after the claim arrives.

The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, the reader should seek professional advice.

For more information or inquiries:



Daniel Wong

Toronto
416.947.5042

Email:
dwong@weirfoulds.com

Daniel Wong is Chair of the Firm's Employment & Labour Practice Group with a practice that is focused on employment and labour relations.

WeirFouldsLLP

www.weirfoulds.com

Toronto Office

4100 - 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Tel: 416.365.1110
Fax: 416.365.1876

Oakville Office

1320 Cornwall Rd., Suite 201
Oakville, ON L6J 7W5

Tel: 416.365.1110
Fax: 905.829.2035