



## Policy Manual

Section:	Human Resources
Subject:	<b>Disconnecting from Work Policy</b>
Policy Number:	HR-03-29
Policy Implementation Date:	June 2, 2022
Approved By:	Council (R22-05-248)
Prepared By:	Brandi Sieben, Manager, Human Resources

### 1.00 Overview

The health and wellbeing of our employees is of the utmost importance to us, and The Town of Essex encourages and supports our employees in prioritizing their own wellbeing. Disconnecting from work is important for an individual's wellbeing, and helps employees achieve a healthy and sustainable work-life balance.

### 2.00 Purpose

To encourage and support our employees in balancing their personal lives and working lives, whether working in the workplace, or remotely, the Town has implemented this Disconnecting from Work Policy (the "Policy") to encourage employees to disconnect from work where possible.

This Policy may be read alongside the Town's associated policies including Vacation Carry Forward, Banking & Payout Policy, Hybrid Work Policy (1 Year Trial), any relevant and applicable legislation, and any other policy that may become applicable and/or relevant.

### 3.00 Scope

This policy applies to all employees, as defined by the Ontario Employment Standards Act, 2000 ("ESA").

## 4.00 Definitions

For the purpose of this policy,

**"Break"** means a short period of time during the work period when an employee is released from their obligations to the employer (or is not under the control of the employer).

**"Disconnecting from Work"** means to not engage 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.

**"Employee"** means any employee working for the Town of Essex which is considered employees under the Employment Standards Act, 2000 (ESA).

**"Employment Standards Act, 2000 (ESA)"** is an Act that regulates employment in the province of Ontario, including wages, maximum work hours, overtime, vacation, and leaves of absence.

## 5.00 Responsibilities

### Employer Responsibilities

5.1 The Town will make efforts to ensure that all employees, regardless of their place of work, are:

- a) informed of what their normal working hours are reasonably expected to be and are informed of the circumstances in which they will be expected to engage in work-related communications outside their normal working hours;
- b) able to take applicable meal, rest periods and hours free from work as required by law, contract and/or applicable collective agreement language; and
- c) able to take vacation or other leave entitlements as required by law, contract and/or applicable collective agreement language.

### Employee Responsibilities

5.2 The Town expects all employees to comply with the following in the course of their work. Employees must:

- a) ensure that they manage their own working time and consider their obligation as an employee, while working, to take reasonable care to protect their health and safety and that of their colleagues;

- b) cooperate fully with any applicable mechanism utilised by the Town to record working time or update their working status (e.g. out-of-office messages), including when working remotely;
- c) be mindful of colleagues' working hours (e.g. by not routinely emailing or calling outside of normal working hours or expecting answers or responses outside of normal working hours)
- d) ensure that they take ownership of their work and meet the Town's operational needs;
- e) notify their supervisor or manager in writing of any meal, rest, break or hours-free-from-work period which they are entitled to but were unable to use due to performing work for the Town on a particular occasion, and why this occurred; and
- f) Speak with their supervisor or manager if they feel their workload is preventing them from being able to take meal, rest, break or hours-free-from-work periods that they are entitled to.

## 6.00 Guidelines

### Operational Requirements

6.1 In the ordinary course of business there will be situations when it is necessary to contact staff or colleagues outside of an employee's normal working hours, including but not limited to:

- a) checking availability or schedules;
- b) to fill in on short notice for a colleague who has called in sick or is unavailable for work;
- c) where unforeseeable circumstances may arise;
- d) Where an emergency may arise;
- e) where employees voluntarily wish to communicate with one another for work-related purposes outside of their normal working hours; or
- f) other business or operational reasons that require contact outside of an employee's normal working hours.

6.2 Nothing in this Policy precludes the Town or other employees of the Town from contacting employees or colleagues outside their normal working hours for circumstances as outlined above, or as otherwise required to meet operational needs, subject to any rights or other

entitlements the receiving colleague or employee may have under the Ontario Employment Standards Act, 2000 (the “ESA”).

### **Working Hours**

- 6.1 An employee’s normal working hours are as set out in their employment contract and/or collective agreement.
- 6.2 Normal working hours for employees may vary. It is important to remember that all employees’ ability to disconnect from work is within the context of their own individual work schedules.
- 6.3 Despite the establishment of normal working hours, all employees recognize that there may be busier periods or other circumstances where work must be completed outside of normal working hours.

### **Communications**

- 6.4 If a manager/supervisor sends communications outside applicable normal working hours and it requires an immediate or prompt response, the response expectation should be set out in the communication.
- 6.5 If an employee has a planned absence and will not be available during their normal working hours, it is expected that they will update all Town Communications including but not limited to their calendars, automatic email replies and voicemail greetings.

### **Meetings**

- 6.6 Where possible, non-Council or Committee meetings should be scheduled during the Town’s standard hours of operation of 8:30 a.m. to 4:30 p.m., Monday to Friday.
- 6.7 Those organizing meetings should be mindful of the time and where possible, not be schedule meetings from 12:00 p.m. to 1:30 p.m., Monday through Friday.

### **Vacation**

- 6.8 Employees are expected to take their allotted vacation entitlements as set out in their applicable collective agreement/employment contract.
- 6.9 Employees taking vacation or lieu time are expected to update their calendar, automatic email replies and voicemail greetings ,, providing alternative contact information during the anticipated absence.

## **Ability to Disconnect from Work**

- 6.10 An employee's ability to disconnect from work depends on the Town's operational needs and the duties and obligations of the employee's position, subject to an employee's employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA.
- 6.11 This Policy does not afford employees a "right to disconnect" beyond what is within their individual employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA, which may include rights or entitlements speaking to: normal hours of work and hours free from work, overtime pay, meal and/or rest periods, public holidays and public holiday pay, and vacation.
- 6.12 Nothing in this Policy is intended to amend or supersede any grievance procedure or other aspect of any applicable collective agreement.

## **Reporting Concerns**

- 6.13 All employees are expected and required to report any concerns or issues they may have which they feel is impacting their ability to disconnect-from-work.
- 6.14 As the right to disconnect is not covered under the collective agreement, both non-union and unionized employees are encouraged to report such concerns or issues to their immediate supervisor. If that is not appropriate or the matter cannot be resolved by doing so, employees should direct their concerns or issues to their Director or the Manager, Human Resources.
- 6.15 Employees will not be subject to reprisal for reporting such concerns as outlined above.

## **Posting, Notice and Retention**

- 6.16 The Town shall provide a copy of this Policy to each employee of the Town within 30 calendar days of implementation. Should any changes be made to the Policy after its implementation, the Town shall inform and within 30 day of changes being made will ensure copies of the revised polices is made available to all Town employees.
- 6.17 The Town shall provide a copy of this Policy to all new employees upon onboarding and within 30 calendar days of the employee commencing employment with the Town.
- 6.18 The Town shall retain a copy of this and any revised version of this Policy for three years after it ceases to be in effect.

## 7.00 References and Related Documents

- Vacation Carry Forward, Banking and Payout Policy
- Hybrid Work Policy (1 Year Trial)

## 8.00 Acknowledgement

I, \_\_\_\_\_, acknowledge that I have read and understand the “Disconnecting from Work Policy”

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### CHANGE RECORD LOG

<b>Revision Level</b>	<b>Revision Date</b>	<b>Prepared By:</b> (Position Title)	<b>Approved By:</b> (Position Title)	<b>Description of Change</b>
A		B. Sieben Manager, HR	D. Sweet CAO	<ul style="list-style-type: none"><li>• Creation of new policy</li></ul>