



To: Council
From: Debi LucasSwitzer
Date of Meeting: May 11, 2022
Subject: Right to Disconnect Policy

Recommendation:

That Council receive and adopt the Right to Disconnect Policy, dated May 11, 2022.

Executive Summary:

In response to legislated a requirement, the Township of South Stormont is seeking to adopt a Right to Disconnect Policy to encourage employees to enjoy their lives outside of work. The Township supports the wellbeing of our employees and recognizes the benefit that comes from disconnecting from work. This policy applies to all Township employees of all work locations unless a separate policy relating to the employee's position is put into place and is provided to the employee.

The Right to Disconnect is defined as not engaging 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.

The Township recognizes the value of disconnecting from work. However, there are legitimate situations when it is necessary to contact employees, and for employees to work outside of normal working hours, including but not limited to:

- contacting employees to check availability for work/shifts, or to inquire about availability to fill in on short notice (e.g. due to unexpected absenteeism);
- contacting employees or requiring employees to work in the event of unanticipated circumstances;
- if business and operational reasons require work or contact outside of normal working hours.

The Policy encourages staff to monitor and send work-related communication which includes emails, phone calls, etc. during regular working hours whenever possible. The Policy also provides time-management tactics to encourage employees to maximize their productivity during their workday.

Background:

On December 2, 2021 the requirements for a Right to Disconnect Policy were added to the *Employment Standards Act, 2000* (ESA). Bill 27, *Working for Workers Act, 2021* is an act to amend various statutes with respect to employment and labour, and other matters. Schedule 2 Part VII.0.1 of the Act outlines the requirements that “An employer that, on January 1 of any year, employs 25 or more employees shall, before March 1 of that year, ensure it has a written policy in place for all employees with respect to disconnecting from work that includes the date the policy was prepared and the date any changes were made to the policy.” There is a special rule that applies in the first year of the requirements which allows employers that employ 25 or more employees on January 1, 2022 have until June 2, 2022 to have a written policy on disconnecting from work in place.

The term “disconnecting from work” is defined in the ESA to mean not engaging in work-related communications, including emails, telephone calls, video calls or sending or reviewing other messages, to be free from the performance of work. However, the ESA does not require an employer to create a new right for employees to disconnect from work and be free from the obligation to engage in work-related communications in its policies. Employee rights under the ESA to not perform work are established through other ESA rules.

The requirement relating to written policies on disconnecting from work applies to all employees and employers covered by the ESA.

Alignment with Community Strategic Plan:

Goal 1: Corporate Capacity

Objective 1.3: Human Resources

Risk and Asset Management Considerations:

The Township is required under the ESA to adopt a Right to Disconnect Policy before June 2, 2022, applicable to all employees.

Options:

1. That Council receive and adopt the Right to Disconnect Policy. This is the recommended option.
2. That Council not receive and adopt the Right to Disconnect Policy.
3. Other.

Others Consulted:

Township Solicitors, Directors

Submitted By:

Shelby Martel, Human Resources Coordinator/Executive Assistant