



RIGHT TO DISCONNECT POLICY

[Organization Name] is committed to taking every precaution reasonable in the circumstances for the protection of the health and safety of workers, as required by the *Occupational Health and Safety Act*.

[Organization Name] is also committed to providing a supportive workplace that promotes and supports stress-reduction and mental health. Additionally, [Organization Name] is committed to ensuring that its employees are able to maintain an appropriate work/life balance and fulfill their family responsibilities.

As an organization of more than 25 employees as of January 1 (note: part time and casual employees, as well as employees at different company locations are counted in this total), [Organization Name] has the following policy in place regarding an employee's right to disconnect from work.

SCOPE

This policy applies to all employees of [Organization Name] who are covered by the *Employment Standards Act*, whether their primary location of work is in the workplace, at home, on the road, or a combination of any or all of the above.

Note to Employers: As per the [ESA](#), "the written policy on disconnecting from work must apply to all of the employer's employees in Ontario. This doesn't mean that the employer is required to have the same policy for all its employees. The employer can have a single policy that applies to all employees, or its policy can contain different policies (either in a single document or in multiple documents) for different groups of employees."

This policy, as written, is geared toward non-exempt employees. Please contact your HR Covered Consultant in the event that multiple customized policies are needed for different classes of employees, based on the exemptions in the ESA.

EFFECTIVE DATE AND CHANGES

This policy is effective as of **[Insert Date]**; *must be by June 2, 2022, and following the first year, it must be in place by March 1 of any year when an organization employs 25 or more employees as of January 1*].

In the event of any future changes to this policy, the date of the changes made will be included in this section.

EMPLOYEE COUNT

Employees to be counted include "anyone who meets the definition of "employee" is counted, including: homeworkers, probationary employees, some trainees, officers of a corporation who perform work or supply services for wages, employees on definite term or specific task contracts of any length, employees who are on lay-off, so long as the employment relationship has not been terminated and/or



severed, employees who are on a leave of absence, employees who are on strike or who are locked-out, and employees who are exempt from the application of part(s) of the ESA.”

Note: in the event that [Organization Name] does not have 25 employees as of January 1, but grows to 25 employees during the year, the organization will put this policy in place by the following March 1.

Should [Organization Name]’s total employee decrease to fewer than 25 employees, the policy will remain in place until the following January 1, at which point if the employee is still below 25, a written policy is not required.

DEFINITIONS

As defined in the *Working for Workers Act*, “Disconnecting from Work” means 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.

POLICY

Providing Copies of this Policy to Employees

[Organization Name] will provide this written policy to all employees within 30 days of its effective date.

If any changes are made to this policy, employees will be provided with the updated policy within 30 days of any amendments.

In the case of newly hired employees, [Organization Name] will provide a copy of this policy to them within 30 days of their date of hire.

The policy may be provided either:

- As a printed copy, or
- An attachment to an email, or
- A link to a document online

If an employee is not able to access the document online or cannot print the document, they may request a printed copy from [Organization Name].

Employment Standards Time Away from Work

The Employment Standards Act, 2000, (ESA) specifies that employees are not to perform work during the following times:

- Outside of their hours of work and eating periods
- During vacation with pay
- During public holidays (unless the employee has agreed to work on the day of a public holiday in accordance with the ESA)



- The rules in Ontario Regulation 285/01 that establish when work is “deemed” to be performed

Mental Health in the Workplace

[Organization Name] is vitally concerned with the health and wellbeing of our employees’ health, both physical and mental. The organization strongly encourages our employees, especially those who are participating in remote work arrangements to adapt and maintain a good work/life balance.

[Organization Name] wishes to encourage employees to come forward if they are experiencing any health issues, especially issues related to mental well-being. If an employee feels comfortable doing so, they should talk to their manager/management team and/or take steps to seek professional help.

Connection and Disconnection Expectations

Email

Employees are expected to follow the below guidelines regarding the use of [Organization Name]’s email systems. These guidelines also apply if an employee needs to use their personal email in the event of an emergency or an unforeseen circumstance.

Employees are expected to respond to emails during their designated working hours only. [Organization Name] does not have an expectation that employees will respond to emails during their off-work time and employees will not be penalized in any way for responding to emails only during their working time.

To ensure that these guidelines are not compromised, [Organization Name] needs to be aware of when employees are on work time and when they are not. This means that employees need to (Insert method, e.g., update Google calendar, email their supervisor, put on an out-office on their email) when they will not be working during [Organization Name]’s core hours of (Insert core hours).

Response Time for Emails (these are suggested guidelines and may be amended for your organization)

- E.g., Employees are expected to respond to emails received during the workday, up to 30 minutes prior to the end of the workday, on the same day whenever possible.
- E.g., Emails received during after-hours Monday through Thursday are expected to be replied to within 24 hours of their receipt.
- E.g., Emails received after-hours on Friday, Saturday, or Sunday are expected to be replied to on the Monday following, unless the employee is not working, in which case they may be replied to on the next working day.

In the event that an employee is unable to reply within these guidelines, they are expected to speak with their supervisor to discuss their workload and set updated expectations.

Out of Office



Employees are expected to regularly update their out-of-office automatic emails so that the most up-to-date information will be communicated to those who are emailing them outside of their work hours.

Phone (Personal and Business)

Employees are expected to follow the below guidelines regarding the use of phones for the completion of their job duties.

Employees are expected to respond to phone calls or text messages during their designated working hours only. [Organization Name] does not have an expectation that employees will respond to phone calls or text messages during their off-work time and employees will not be penalized in any way for responding to phone calls and text messages during their working time only.

Response Time for Phone Calls, Voicemails, and Text Messages (these are suggested guidelines and may be amended for your organization)

- **E.g.,** Employees are expected to respond to phone calls, voicemails, and text messages received during the workday, up to 30 minutes prior to the end of the workday, on the same day whenever possible.
- **E.g.,** Phone calls, voicemails, and text messages received Monday through Thursday after-hours are expected to be replied to within 24 hours of their receipt.
- **E.g.,** Phone calls, voicemails, and text messages received after-hours on Friday, Saturday, or Sunday are expected to be replied to on the Monday following, unless the employee is not working, in which case they may be replied to on the next working day.

In the event that an employee is unable to reply within these guidelines, they are expected to speak with their supervisor to discuss their workload and set updated expectations.

Out of Office

Employees are expected to regularly update their voicemail with their expected schedule so that the most up-to-date information will be communicated to those who are calling outside of their work hours.

Personal Cell Phones

[Organization Name] recognizes that personal cell phones can be valuable tools for our employees. If a client or colleague communicates with an employee on their personal cellular phone during their off-work hours, employees do not need to answer or reply until they are within their working hours the following business day.

Employees are encouraged to turn off cell phone notifications when they're away from the office.

Other Communication Channels



Employees may use various other means of communication for work such as Slack, GoogleChat, Social Media platforms, Zoom etc. Employees are only expected to respond to work related messages on these platforms during their designated working hours. [Organization Name] does not have an expectation that employees will respond to messages, comments, meeting invitations etc. during their off-work time and employees will not be penalized in any way for only replying to them during their working time.

Responsibilities

Employees are expected to:

- Follow the guidelines outlined within this policy, such as notifying management and using applicable technologies to notify internal and external parties when they are off duty
 - Otherwise be working during the times set out in their employment contract, taking breaks as outlined in their employment contract and/or their core policies
- Not pressure fellow employees for taking the down time afforded to them by law
- Speak to their leader/manager if they have any concerns about their mental health and their right to disconnect from work

Supervisors/managers are expected to:

- Respect an employee's off-duty time and not expect that an employee will respond to a request on their off-duty hours
- Compensate employees for any work completed outside of their on-duty hours, as outlined by the hours of work legislation in Ontario's *Employment Standards Act*
- Provide support as needed to employees who come forward with concerns regarding their mental health and right to disconnect

Complaints

Employees who have concerns about disconnecting during their time away from work should first speak with their supervisor/manager to resolve the issue. In the event the issue is not able to be resolved at this level, employees are directed to bring the issue forward to (**Insert Position/Person**).

Updates to this Policy

This policy may be updated or amended based on direction from the Government of Ontario.

Retention

[Organization Name] will ensure that copies of this policy, including any subsequent revisions, are retained for a period of three years after the policy ceases to be in effect.