

DATE: May 16, 2022

REPORT NO: CAO-02-2022

SUBJECT: **Disconnecting from Work Policy**

CONTACT: Joanne Scime, Director of Legislative Services/Clerk
Bev Hendry, CAO

OVERVIEW:

- The Province recently introduced amendments to the Employment Standards Act (ESA) applicable to employers with 25 or more employees regarding an employee's right to disconnect from work.
- Employers that employ 25 or more employees as of January 1, 2022, have until June 2, 2022 to have a written policy in place on disconnecting from work.
- Written policy must be on "disconnecting from work," which is defined 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.
- Disconnecting from Work Policy must apply to all employees (full time, part time, casual, non-union, union etc.)

RECOMMENDATION:

That, Recommendation Report CAO-02-2022 regarding "Disconnecting from Work Policy" dated May 16, 2022, be received for information.

ALIGNMENT TO STRATEGIC PLAN:

Theme #6

- Efficient, Fiscally Responsible Operations – Maintaining a lean organization with innovative approaches and strong asset management.

BACKGROUND:

The Ontario government passed Bill 27, Working for Workers Act, 2021 in December 2021. The Bill, among other things, amends the Employment Standards Act, 2000 (ESA) to require employers with 25 or more employees to have a written policy with respect to disconnecting from work, as defined. Employers with 25 or more employees as of January 1, 2022 have until June 2, 2022 to have a written policy with respect to 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. Bill 27 does not create a new right for employees to disconnect from work and be free from the obligation to engage in work-related communications; employee rights under the ESA to not perform work are established through other ESA rules including hours of work and eating periods, vacation with pay, public holidays, and when work is “deemed” to be performed (Ontario Regulation 285/01).

CURRENT SITUATION:

It is important for the Township to be in compliance with “new” obligations under the ESA regarding the “right to disconnect” from work. To comply with the new legislation, the written policy must apply to all employees of the municipality who are covered by the ESA, be “with respect to” disconnecting from work (as defined); and include the date the policy was prepared and the dates that any changes were made to the policy. While the policy content must be “with respect to” disconnecting from work, the organization determines the policy content.

The policy that is being presented is one overarching policy for all employees of the municipality; however, if deemed more appropriate then separate policies could be established for different parts of the workforce. This policy is meant to encourage and support employees in balancing their working and personal lives and prioritizing their own wellbeing by making them conscious of their ability to disconnect from work where possible.

The main obligation of the employer is to ensure that all employees are informed of what their normal working hours are reasonably expected to be and are informed of the circumstances, if any, in which they will be expected to engage in work-related communications outside their normal working hours. Other obligations to be mindful of that may be set out in other legislation, HR policies or collective agreements include limitations on weekly hours of work, the ability to take meal and rest breaks, and the ability to take vacation or other leave entitlements.

Employees are obligated to cooperate with mechanisms utilized by the organization to record working time or update status, be mindful of others’ working hours, take ownership of their work and meet the organization’s operational needs, and notify their supervisor if they were unable to exercise any entitlements that they may have.

Employees are expected and required to report any concerns or issues they may have with respect to their ability to disconnect from work and will not be subject to reprisal for reporting such concerns.

The ability to disconnect from work depends on the organization’s operational needs and the duties and obligations of the employee’s position (subject to the ESA, HR policies, or applicable collective agreement) and nothing precludes the organization from contacting employees (or employees contacting each other), subject to the receiving employees’ rights or entitlements. This Policy should be read alongside the

Township's associated policies including, but not limited to, the Council-Staff Relations Policy, policies regarding vacation, hours of work, and paid holidays for non-union staff, and applicable collective agreements for unionized staff. An accompanying procedure has been prepared to assist management and staff with the implementation and maintenance of this policy.

The policy be circulated to existing employees and any new employees. Circulation of the policy will be delivered to employees by either hardcopy or by electronic copy with proof of receipt to be provided by the employee.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with the implementation of this policy.

INTER-DEPARTMENTAL COMMENTS:


This report was reviewed by the CAO. The policy was shared with members of the Senior Management Team and the Township's HR Lawyer and any comments received were reviewed and incorporated as appropriate.

CONCLUSION:

Employee health and well-being are priorities while working and away from work. The Township of West Lincoln is committed to increasing overall employee health and wellness and providing employees with a better work-life balance.

This policy is meant to encourage and support employees in balancing their working and personal lives and prioritizing their own wellbeing by making them conscious of their ability to disconnect from work where possible.

Prepared & Submitted by:



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Approved by:



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