

Disconnecting from Work

Policy Number: HR.2-08

Sub-Topic: Hours of Work & Overtime

Topic: Employee Attraction and Retention

Applies to: All Employees

Policy Statement and Strategic Plan Linkages

The Town of Newmarket, the Employer, prioritizes employee overall well-being, recognizing that it is a shared responsibility. The Employer supports employee wellness and each employee's ability to disconnect from work outside of scheduled hours of work to support work-life balance, whether working in their workplace or remotely.

Disconnecting from work provides employees with the opportunity to recharge their overall wellness by fulfilling their employment duties during normal hours of operation, subject to and in accordance with the terms of this Disconnecting from Work Policy (the "Policy"). This forms part of the Town's vision of a community Well Beyond the Ordinary, the employee mission of Making Newmarket Even Better, and employee core values.

Purpose

This Policy sets out parameters for employees to disconnect from work-related communications outside of scheduled hours of work, breaks and leave entitlements, in accordance with Ontario's [Working for Workers Act, 2021 \(Bill 27\)](#) and [Employment Standards Act, 2000 \(ESA\)](#).

Definitions

Disconnecting from Work: 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 outside of scheduled hours of work.

Emergency: a situation or emerging/impending situation that requires timely or immediate attention and/or action, failing which the situation may reasonably result in an adverse impact on human health, animal health, property, or the environment.

Unforeseen Circumstance(s): an unforeseeable incident or occurrence that unless addressed can reasonably lead to an adverse impact on: the delivery (including, for greater certainty, the failure to deliver) of municipal services and/or programs, and/or the corporation's reputation, and/or impacts the health and safety of employees or the community.

Work-related: work on behalf of the Corporation of the Town of Newmarket.

Provisions

Ability to Disconnect from Work

The Employer endeavors to balance its employees' ability to disconnect from work, while ensuring services to residents and key stakeholders are effectively provided.

Employees are encouraged to disconnect from work-related communications, including email, voice mail, text messages, or messaging through any communication platform before or after scheduled hours of work under normal operating circumstances, subject to the corporation's business and/or operational needs, and the duties and obligations of each employee's position.

Employees are encouraged to turn on out-of-office notifications on their computers and telephone voicemail recordings to notify their contacts of an absence from scheduled work.

The Employer recognizes that not all employees have the same scheduled hours of work / work schedule and may receive communications before or after their scheduled hours of work. If time sensitive, employees may respond outside of their scheduled hours of work.

This Policy does not afford employees a "right to disconnect" beyond what is in their individual employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA.

Nothing in this Policy intends to amend or supersede any grievance procedure or other aspect of any applicable collective agreement.

Reporting Concerns

All employees are expected and required to report any concerns or issues they may have which they feel impacts their ability to disconnect from work by contacting their immediate supervisor/manager or Human Resources.

Posting, Notice and Retention

The Employer will provide a copy of this Policy to all employees within 30 days following the effective date. Changes be made to this Policy by the Employer will require the Employer to provide all employees with a copy of the revised Policy within 30 days following the revised effective date.

The Employer will provide a copy of this Policy to each new employee within 30 days of the employee commencing employment.

A copy of this Policy, and any revised version, will be retained by the Employer for three years after it is no longer in effect.

Exceptions

While the Employer recognizes that an employee may endeavor to disconnect from work, there will be circumstances where work will need to be performed or the Employee will need to be available outside of their scheduled hours of work. The circumstances that an employee may need to be available includes, but are not limited to, the following examples

- **Standby and Call-Out Duty:** If an employee is scheduled to be on standby and call-out duties outside of their scheduled hours of work, they are expected to be available and to respond if contacted by phone, email or text. For unionized employees, the on-call provisions within their Collective Agreement may apply.
- **Emerging, Emergency or Urgent Circumstances:** An employee may be required to attend work, either in person, through virtual meetings or telephone calls outside of their scheduled hours of work for emerging, urgent circumstances, critical municipal business or an emergency, and must be available via phone, email or text if needed or called in.
- **Where Advised by Management:** In other circumstances where business, operational or service delivery needs dictate, an employee may be contacted or advised by their immediate supervisor/manager of the need to be available outside of scheduled hours of work. This may also include checking an employee's availability for scheduling purposes.
- **Overtime:** At times, overtime may be required for operational, business or service delivery needs as approved or requested by the immediate supervisor/manager.
- **Voluntary Communication:** Voluntary communications between employees outside of scheduled hours of work are permitted as long as the employee respects others who may wish to disconnect from work outside of their scheduled hours of work.

For clarity, the Employer notes that nothing in this Policy precludes the Employer or employees from contacting colleagues, vendors or third parties outside of the recipient's scheduled hours of work, taking into consideration the recipient's employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA.

Cross-References

Corporate Policy

[Alternative Work Arrangements Policy #HR.2-06](#)

[Employee Complaint Policy #HR.04-2](#)

[Harassment & Discrimination Free Workplace Policy #HR.13-04](#)

[Overtime Policy #HR.2-02](#)

[Standby & Call-Out Duty Policy #HR.2-03](#)

[Wellness Policy #HR.8-07](#)

Other Government Legislation

[Employment Standards Act \(Ontario Regulation 285/01: When Work Deemed to be Performed\)](#)

[Working for Workers Act, 2021-Bill 27](#)

Contact

Human Resources Department or at hr@newmarket.ca .

Details

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