

Complete Policy Title

Disconnecting From Work Policy

Policy Number (if applicable):

Approved by

Presidents and Vice Presidents

Date of Most Recent Approval

May 31, 2022

Date of Original Approval(s)

Supersedes/Amends Policy dated

Responsible Executive

**Vice-President (Operations and Finance)
and Vice-President (Academic) and Provost**

Policy Specific Enquiries

[Human Resources Services](#)

General Policy Enquiries

[Policy \(University Secretariat\)](#)

DISCLAIMER:

If there is a discrepancy between this electronic policy and the written copy held by the policy owner, the written copy prevails.

DEFINITIONS

Administrative Leaders, as used in this Policy, refers to individuals responsible for the University's operational planning. They include: Department Chairs, Directors of Schools and Programs, Associate and Assistant Deans, Deans, Associate and Assistant Vice-Presidents, the Vice-President (Operations and Finance), and the Provost and Vice-President (Academic). Administrators are responsible for developing and updating policies and procedures related to maintaining operational effectiveness and setting the culture of the McMaster University (the "University") community.

Disconnect from Work means not engaging in work-related communications, including but not limited to emails, telephone calls, video calls or the sending or reviewing of other messages, so as to be free from the performance of work.

Employee includes only those individuals who are considered employees of the University under *Employment Standards Act, 2000* (the "Employment Standards Act"). This includes faculty, staff, members of the Management Group (TMG), postdoctoral fellows, sessional faculty, teaching and research assistants, clinical faculty, librarians, employees who are members of a bargaining unit, and interim employees. It also includes employees in supervisor roles (e.g., directors, chairs, deans).

Overtime means hours in excess of statutory or contractually set standards that are worked at the request and approval of the Supervisor, and which generate payment for Work Hours. Certain professions and positions do not qualify for statutory or contractual entitlement to overtime.

Supervisor is the person who directs the Employee's work or to whom an Employee normally reports. This person may be referred to as "Manager" or "Dean" or "Department Chair."

Urgent Matter or **Workplace Emergency** is an unforeseen situation that threatens the safety of Employees, students, patients, or the public; threatens to disrupt or shuts down operations; could cause physical, environmental damage or a significant risk to the University if it does not receive urgent attention.

Workplace Consequences means any form of reprisal or imposition of sanction or disciplinary action.

Work Hours means hours when an Employee is expected to perform work as set out by their employment agreement or as stipulated by their Supervisor. Non-work hours are all hours that are not part of an Employee's Work Hours.

PREAMBLE

This Policy is developed in compliance with the *Working For Workers Act, 2021* which introduced a requirement for employers in the province of Ontario to have a Disconnecting from Work policy.

The University is committed to advancing human and societal well-being and strives to nurture and support a healthy work environment for our employees.

In light of the evolution of the work environment, including the advancement of digital workplace solutions (e.g., collaboration tools and document management tools), the University recognizes that providing mechanisms to disconnect outside of work hours supports our commitment and encourages a culture focused on enabling

harmony of work and personal pursuits. Under normal circumstances, work-related communications should take place during Work Hours.

The University acknowledges that the effective implementation of this Policy requires commitment and support from senior leadership, faculty, and staff.

SCOPE

1. This Policy applies only to Employees of the University as defined by the *Employment Standards Act*, whether they are working remotely, hybrid or onsite.

APPLICATION

2. Supervisors will make efforts to develop a working environment where Employees:
 - a) understand their Work Hours and are informed of the circumstances, if any, in which they will be expected to engage in work-related communications outside of their Work Hours.
 - b) are encouraged to take applicable meal and rest periods and take hours free from work as required by law, contract, or applicable collective agreement language; and
 - c) are encouraged to take vacation or other leave entitlements as required by law, contract, or applicable collective agreement language.
3. Employees should be aware of their Work Hours and the terms and conditions of their respective employment agreements govern when they are to be free from work.
 - a) Employees who are members of a bargaining unit will have a collective agreement that establishes Work Hours and provisions (e.g., eating periods, vacation with pay, overtime, on-call, public holidays).
 - b) Employees who are not members of a bargaining unit have an employment agreement, and/or the *Employment Standards Act* that establish Work Hours and provisions (e.g., eating periods, vacation with pay, overtime, public holidays).
 - c) Members of the McMaster University Faculty Association, whose Work Hours are not specifically defined, determine their hours of work subject to their duties and responsibilities.
4. Nothing in this Policy precludes Employees from being contacted outside Work Hours. When contacted outside of Work Hours, with the exception of an Urgent Matter or Workplace Emergency, an Employee's response is not required and will not be subject to Workplace Consequences for not responding.
5. When an Employee is contacted outside Work Hours relating to an Urgent Matter or Workplace Emergency, their response may be required. In such circumstances, the respective employment contract or collective agreement and/or the *Employment Standards Act* will apply as it relates to hours of work and compensation.

ACCOUNTABILITY

6. Supervisors are responsible for:
 - a) being aware of the terms and conditions of employment governing the Work Hours for their Employees, and where operationally feasible consider Employee preferences in setting Work Hours,
 - b) taking operational requirements into account during staff planning while considering the need to provide time free from work,
 - c) informing Employees of what their Work Hours are reasonably expected to be and being transparent of the circumstances, if any, in which they will be expected to engage in work-related communications during non-work hours,
 - d) Responding to questions or concerns from those they supervise regarding this Policy.
7. Employees are responsible for:
 - a) understanding the terms and conditions of employment governing their Work Hours, and
 - b) co-operating fully with any applicable mechanism utilised by the University to record Work Hours as applicable and which may vary by Employee type, or update their working status (e.g. request for leave, etc.).
8. Administrative Leaders are responsible for ensuring that this Policy is consistently applied and communicated within the scope of their authority.
9. The Assistant Vice-President & Chief Human Resources Officer is responsible for the implementation, review, and communication of this Policy.

POSTING, NOTICE, AND RETENTION

10. The University shall provide access to a copy of this Policy to each Employee, within 30 calendar days of implementation.
11. The University shall provide access to this Policy to all new Employees upon onboarding within 30 calendar days of the Employee commencing employment with the University.

SUPPORTS

12. Any concern or question about the interpretation or application of this Policy can be directed to Human Resources Services.

13. Employees reporting an alleged violation of rights related to this Policy as protected by the *Employment Standards Act* are encouraged to bring their concerns to their Supervisor. If the matter cannot be resolved by doing so, Employees should address their concerns through processes or avenues as outlined by their relevant collective agreement (e.g., grievance procedure) or employment contract, or in accordance with University policy or procedures (e.g., Complaint Resolution Process for TMG).
14. The University prohibits reprisal or threats of reprisal against any person who, sincerely and in good faith, makes use of this Policy. Employees will not be subject to reprisal for reporting such concerns as outlined above or for inquiring about, exercising or attempting to exercise any rights as provided under the *Employment Standards Act*.

RELATED POLICIES AND LEGISLATION

15. Nothing in this Policy is intended to amend or supersede any grievance procedure or other aspect of any applicable collective agreement.
16. This Policy is to be read in conjunction with relevant legislation, University policies and practices, and collective agreement provisions. This Policy shall not limit or amend the provisions of other policies or the provisions of collective agreements, or employment agreements (as applicable), entered into between the University and its employee groups and where such policies and agreements have application, those provisions shall prevail.
17. Any question of the application of this Policy or related policies shall be determined by the Provost and Vice-President (Academic) and/or the Vice-President (Operations & Finance), and in conjunction with the administrator of the other policy or policies. The University reserves the right to amend or add to the University's policies and statements from time to time. The following is not a comprehensive list of related procedures and documents:
 - Employment agreements
 - Collective Agreements
 - Faculty Grievance Policy
 - Discrimination & Harassment Policy
 - Complaint Resolution Procedure for TMG
 - Working For Workers Act, 2021
 - Employment Standards Act, 2000
 - Occupational Health & Safety Act, 1990