

FAQs –Disconnecting from Work

1. **What is the Disconnecting from Work?**

The COVID-19 pandemic changed the way employers and employees think about and understand the workplace – with the workplace and home being far more interconnected than ever before.

On November 30, 2021, the Ontario government passed Bill 27, Working for Workers Act, 2021. It received Royal Assent on December 2, 2021. Bill 27 incorporates recommendations made by the Ontario Workforce Recovery Advisory Committee (OWRAC). The amendments include the requirement for certain employers to establish a disconnecting from work policy.

Employers that employ 25 or more employees are required to have a written policy on disconnecting from work in place for all employees. They are also required to provide a copy of the written policy to all employees, which the University is providing through [this link](#). These requirements were added to the *Employment Standards Act, 2000* (ESA) on December 2, 2021.

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.

2. **Why is this policy being implemented?**

The provincial government passed legislation that requires employers to put a policy into place that sets out workplace expectations for disconnecting from work. These requirements were added to the *Employment Standards Act, 2000* (ESA) on December 2, 2021.

This policy has been created in response to the changing expectations of the ways in which work is performed, where it is performed and how work requirements are managed in hybrid or remote work models – specifically to highlight and respect employee personal time and work/life balance.

3. **Who does this policy apply to?**

This policy applies to anyone who has an employment relationship with the university. Employees include faculty, clinical faculty, staff, supervisors (directors, chairs, deans), individuals in the management group, postdoctoral fellows, sessional faculty, teaching assistants, librarians, employees who are members of a bargaining unit, and interim employees.

4. **Does Bill 27 create a new right to Disconnect from Work?**

No. The Ministry of Labour, Training and Skills Development confirmed the new amendments do not create a new right to disconnect from work, and that an employee’s rights to not perform work already exist under other parts of the *Employment Standards Act (ESA)*, e.g., hours of work and eating periods, vacation with pay, public holidays, etc. Additionally, the university has key

provisions as part of collective agreements and employment contracts that address hours of work for employees.

Overall, the university strives to continue to nurture healthy work environments and encourages a culture focused on enabling harmony of work and personal pursuits.

5. *How do supervisors communicate expectations with employees?*

Supervisors should communicate and bring awareness to their employees about the importance for health and well-being by ensuring there is a clear understanding regarding hours of work, and in which circumstances employees could be contacted to perform work outside of normal work hours. Supervisors should engage in a process to discuss and clearly outline parameters of work requirements and hours so that employees feel free and supported to disconnect from work and enjoy their personal time. Some considerations to help with this discussion:

- Consider the potential senders of communication and who may ask the employee to perform work outside work hours (e.g., student, client, colleague, supervisor). For example, supervisors may be able to contact employees outside work hours to respond to urgent or workplace emergency situations as set out in the policy
- Consider normal hours of operation for the work unit and hours of operation which may be exceptional in nature due to planned or unplanned event or occurrence
- The time of day the communication is issued by a supervisor to employees may influence an employee's ability to respond
- The nature or subject matter of inquiry/ work activity – if there is any concern it could be received as an urgent situation, but there are more extended timelines to support review and response, specifically note this as such in the communication when sent. Establishing protocols for urgent situations can also support clarity
- If employees are expected to turn on their out of office messages during non-work hours
- Clear and consistent messaging about which circumstances employees may be contacted during non-work hours

6. *Does this policy prohibit employees from working at their own discretion outside work hours?*

Employees may choose to work during their non-work hours and while the policy does not prohibit employees from doing so, the university encourages employees to seek harmony between their professional and personal lives.

7. *If an employee performs work during non-work hours, are they entitled to compensation for such work activity?*

An employee is only entitled to compensation if they are directed by their supervisor (or delegate) to perform work, and if separate or specific compensation is required by their collective agreement

or employment contract, or the Employment Standards Act. Without advance approval, authorization or direction by their supervisor (or delegate) employees are not entitled to compensation or time away in lieu.

8. *If a unionized employee is asked by their supervisor to work during non-work hours is this permitted?*

Yes, employees may be contacted by their supervisor to perform work during non-work hours provided the employee is compensated (inclusive of paid time off) accordingly, as per the terms of their collective agreement.

9. *For certain types of employees or in certain professions (e.g., knowledge workers) how is this applied? Work activities may not be linear to enable a clear disconnection from work.*

The policy applies to all employees regardless of position with the university or type of work performed. Employees with their supervisor may need to consider the nuanced approaches to enable balance between professional and personal activities.

10. *Does this Policy include “after hours” meetings, training and development?*

Time spent by an employee in training that is required by the University or by law is counted as compensable work time. Training that is taken at the option of the employee, i.e., training that is not required by the employer as a condition of employment or continued employment or that is not otherwise necessary for the performance of the employee’s job would not be considered working time. Employee entitlements to not perform work are established through other ESA rules, by contract of employment, or collective agreement (as applicable) and supervisors should, consider hours of work provisions (e.g. overtime etc.) when having after hours meetings.

11. *As a leader how should I implement the university’s Disconnecting from Work policy?*

Supervisors should communicate and bring awareness to their employees about the importance for health and well-being by ensuring there is a clear understanding regarding hours of work, and in which circumstances employees could be contacted to perform work outside of normal work hours.

Leaders should consider mechanisms that enable work to be performed during an employee’s work hours. Examples of such mechanisms may include:

- Including the employee’s work hours within the body of their email signature
- Use of automated email responses which outline work hours, e.g., 8:30a.m. – 4:30p.m. outlining those items received after 4:30p.m. will be addressed during work hours
- Out of office notifications which include work hours, service standards or expected response times, etc.
- Using a time-delay feature for sending of emails to ensure they are delivered within normal business hours

- If sending work communications outside of normal business hours, then indicate that a response is not required outside of work hours and/or the preferred timeframe for response by sender

12. In which circumstances can a supervisor contact an employee outside of their work hours?

Supervisors may contact employees outside of work hours. Such communication should indicate if the employee is required to perform work, for example in the case of an urgent or workplace emergency and if so, then compensation for work performed may be owing, subject to the terms of an individual employee's collective agreement, employment contract or the Employment Standards Act. Unless work is required to be performed as directed by the supervisor, the employee is not required to respond or perform work during non-work hours.

13. How do I determine if a circumstance would be an urgent or workplace emergency?

The Policy defines an urgent or workplace emergency as 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. These may include matters which are time-sensitive. Examples of an urgent situation could be an announcement of a Nobel Prize, or operational planning in respect of inclement weather like a snowstorm.

If you are still unsure if a circumstance meets this definition you may consult with your supervisor to discuss how this would be defined within your work unit.

14. How is this policy to be applied for roles in which long hours during peak periods of work are expected?

The Disconnecting from Work Policy does not address operational demands or deadlines. However, supervisors should consider and plan whether more staff are required if there is very little ability to disconnect at any time. For assistance in your staff / resource planning please consult with Human Resources Services.

15. How does this Policy interact with flexible work arrangements?

The Policy does not eliminate the ability for supervisors to maintain flexible work arrangements. There are multiple ways to be legally compliant with the requirement for a disconnecting from work policy while maintaining remote work, flexible work arrangements and with work being done across multiple time zones. For example, supervisors can create tiers for the types of communications that require a response, those that do not based on a particular job's requirements. Communications dealing with certain subject matters may not need to be addressed by an employee during non-work hours.