



Hamilton

INFORMATION REPORT

TO:	Chair & Members Audit, Finance and Administration Committee
COMMITTEE DATE:	June 2, 2022
SUBJECT/REPORT NO:	Disconnecting from Work Policy (HUR22005) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	David Lindeman 905-545-2424 Ext 5657
SUBMITTED BY:	Lora Fontana Executive Director Human Resources
SIGNATURE:	

Council Direction:

Not Applicable

Information:

Earlier this year, the Ontario Government made changes to the *Employment Standards Act (ESA)* requiring employers to have a written policy on disconnecting from work and to provide copies to all employees. 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*”.

The policy must be in place by June 2, 2022. The legislation does not set out what needs to be included in the policy

The *ESA* changes do 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 already established through rules that cover:

- hours of work and eating periods
- vacation with pay
- public holidays
- what is “deemed” to be work performed

City of Hamilton employees may also have similar existing rights under a collective agreement or policy.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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Technology available to staff has allowed for flexibility in when and where employees can access information or be available for work communications. For many employees, technology provides an opportunity to create better work-life balance when combined with other arrangements like working from home, telecommuting or flexible work schedules. Some employees may find it easier to manage work or deal with urgent matters and emergencies if they check messages after hours as long as they set boundaries.

But the technology also has the potential to blur the lines between work and non-work time and create expectations or perceptions that employees need to stay on top of work-related messages outside of work hours. Others may worry they are missing out on important communications. The ease at which we can connect to work may make it tempting to stay, “always on”. Rather than flexing time, some employees may be expanding their work day. In some cases, a workplace culture may have emerged that encourages and rewards those employees who monitor their electronic messages and respond after hours.

Disconnecting from work is important for an individual’s wellbeing, and helps employees achieve a healthy and sustainable work-life balance. It’s important that all employees have control over responding to after-hours communications that are not part of their regular work and avoid unnecessary conflict with non-work activities and obligations.

The policy attached (Appendix “A” to Report HUR22005) reflects best practices and our commitment to the protection and promotion of the mental health and wellbeing of all employees.

Principles behind development of the policy include:

- applies to all employees
- complies with the requirements of the *Employment Standards Act*
- promotes disconnecting from work communications as a strategy to support employee wellbeing
- does not conflict with any employee obligations to respond to communications after-hours as identified in work schedules, collective agreements or other established work arrangements
- discourages after-hours communications except in emergencies, urgent situations or where agreed to by all parties beforehand.
- does not create any new right or obligation for compensation for hours worked, on-call/stand-by pay, call-in pay, overtime
- is flexible to meet the needs of employees and management

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- places responsibility for the ability to disconnect from work on both the employee and their people leader
- recognizes employees should not be penalized for disconnecting during non-work hours where it is not a job requirement
- acknowledges employee willingness/unwillingness to check and respond to communications outside of normal work hours should not be used to evaluate employee performance

There are circumstances where employees have an obligation to monitor work communications after regular hours and there will be situations when it is necessary to contact employees outside of an employee's normal working hours. The policy ensures that, outside of these circumstances and situations, employees can feel empowered to disconnect from work when needed.

The policy will be provided to all employees along with communications that will include Frequently Asked Questions (FAQs) to assist staff with complying with the new policy. The FAQs will highlight roles and responsibilities along with steps and tips people leaders and employees can take to ensure expectations for after-hours communications are clear and employees are able to disconnect from work when needed.

Appendices and Schedules Attached

Appendix "A" to Report HUR22005 - Disconnecting from Work Policy