



Town of Newmarket
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Disconnecting From Work Policy & Procedure Information Report to Council

Report Number: INFO-2022-15

Department(s): Office of the CAO - Human Resources/Innovation & Strategic Initiatives

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In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Purpose

This report is to provide Members of Council with information regarding the CAO's adoption of a new policy as per the Corporate Policy Approval Authority Framework Policy (CAO.1-06). The new policy, Disconnecting from Work # [HR.2-08](#), sets out parameters for employees to disconnect from work-related communications outside of normal hours of work, breaks and leave entitlements in accordance with Ontario's Working for Workers Act, 2021 (Bill 27 - the "Act") and Employment Standards Act, 2000. The policy effective date is June 2, 2022 as per Act requirements.

Background

Bill 27 - Ontario's Working for Workers Act, 2021 received royal assent December 2, 2021 and takes effect on June 2, 2022. Bill 27 is an Act that amends various statutes with respect to employment and labour, and other matters. In particular, it amends the Employment Standards Act, 2000 by adding Part VII.0.1 regarding "Written Policy on Disconnecting from Work". The intent of this legislation is to recognize the impact technology is having on workers availability before and after their scheduled hours of work and their ability to "disconnect" from the technology, infringing upon their personal time and work-life balance.

Discussion

The Act defines disconnecting from work as meaning "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 regularly scheduled hours of work. This is, unless the work is related to scheduled

overtime, standby call-out requirements, or in the event of an unforeseen circumstance or emergency situation. In keeping with the intent of the legislation, Members of Council, management and employees should be respectful of each other's personal time in supporting employee wellness. Current corporate policies in place provide clear direction to employees regarding normal hours of work, standby and call-out, overtime and compensation. While these policies may require updating given the future workplace continues to evolve, we are still required to put a policy in place on disconnecting from work by June 2, 2022.

The Province published guidelines in February 2022, providing examples of what a "disconnecting from work" policy may address, such as, the employer's expectations, if any, of employees to read or reply to work-related emails or answer work-related phone calls after their work day was over. The policy may also set out employer expectations for different situations. For example, the policy may contain different expectations depending on:

- the time of day of the communication;
- the subject matter of the communication;
- who is contacting the employee (for example customers, supervisor, colleague);
- the employer's requirements for employees turning on out-of-office notifications and/or changing their voicemail messages, when they are not scheduled to work, to communicate that they will not be responding until the next scheduled workday.

Complimenting existing corporate policies and procedures, the Town's policy has been developed to address the above to:

- Prioritize the health and wellbeing of employees by recognizing the importance of disconnecting from work;
- Provide examples of common work-related communications such as email, telephone calls, texts, video calls, and/or sending or reviewing other messages;
- Support efforts to promote employee wellness, to minimize avoidable sources of work related stress; and

Ensure employees and leaders have a clear understanding of the roles and responsibilities regarding disconnecting from work outside of scheduled/regular working hours.

Conclusion

This policy is required by provincial legislation. It sets out the Employer's support for all employees to disconnect from work. The accompanying procedure explains the role of management and employees in the fulfillment of this policy. Revisions or amendments to this Policy will be communicated to Council as appropriate. This Policy will be communicated to all employees as required by the Act, and will be posted on the Town's website and employee intranet. Information sessions are planned for both front line employees and leaders within the organization to support a clear understanding of the intent of the policy.

Business Plan and Strategic Plan Linkages

This Policy supports the Strategic Plan's vision of a "Well Beyond the Ordinary" community through the realization of the employee mission of "Making Newmarket Even Better" and other corporate policies, including the Wellness Policy in serving to support employee work-life balance.

Consultation

The Disconnecting from Work Policy and Procedure have been prepared in accordance with the Act's requirements in consultation with the Strategic and Operational Leadership Teams, and reviewed by Human Resources as well as external legal counsel.

Subsequent to CAO approval, this information report is being circulated to Members of Council as per the Corporate Policy Approval Process.

Any Member of Council who requests to have the Disconnecting from Work Policy considered at an upcoming Committee of the Whole meeting or wishes to seek further information may contact the policy owner – Human Resources Director, Lynn Georgeff.

As per Act requirements, the Policy will be circulated to all employees within 30 days of its effective date and to any new employee within 30 days from the date they become an employee of the Town of Newmarket.

Human Resource Considerations

This report has no immediate impact on staffing levels.

Budget Impact

This report has no direct impact on municipal operating or capital budgets.

Attachments

A copy of the CAO approved Disconnecting from Work Policy and Procedure are included as attachments.

Contact

For more information: Lynn Georgeff, Director, Human Resources
lgeorgeff@newmarket.ca or Ext. 2051.

Approval

Lynn Georgeff, Director, Human Resources
Ian McDougall, CAO

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

Approved by: Ian McDougall, Chief Administrative Officer

Approval Date: June 1, 2022

Policy Effective Date: June 2, 2022

Last Revision Date:

Revision No: 000

Disconnecting from Work

Procedure #: HR.2-08-001

Policy Number: HR.2-08

Sub-Topic: Hours of Work & Overtime

Topic: Employee Attraction and Retention

Applies to: All Employees

Purpose

This procedure supports Disconnecting from Work Policy # HR.2-08 (the “Policy”). It outlines the steps for the Employee and the Employer to take for ensuring employees maintain a healthy work-life balance.

Procedure

To build a culture where employees feel supported to disconnect from work-related communication, it is important to recognize that everyone has obligations, and a joint approach is required.

Employee Responsibilities

- 1) Adhere to the scheduled hours of work related to their position.
- 2) Act in accordance with Telephone and Email Service Standards as available on the employee intranet (Town Central).
- 3) Update their working status through Microsoft Outlook, including out-of-office notifications and being “online” during scheduled hours of work.
- 4) Update telephone voicemail recordings for contacts to leave a message that includes hours of availability.
- 5) Respect other employees’ ability to disconnect by not routinely expecting work-related contact outside of their scheduled hours of work, subject to corporate business and/or operational needs, and the duties and obligations of the sender and recipient’s positions. Consider delaying the delivering of emails until the regular work day commences, when possible. Email messages can be programmed to be time delayed and delivered on the next business day.
- 6) Keep informed of emerging situations that may require attention after scheduled hours of work.
- 7) Be mindful of co-workers’, customers/clients’, vendors’ and other third parties’ working hours.
- 8) Obtain prior approval from their immediate supervisor/manager for unscheduled overtime work.
- 9) Comply with all other corporate policies impacting performance, hours of work and remuneration in meeting municipal operational, business and/or service delivery needs.
- 10) Discuss situations with their immediate supervisor/manager or Human Resources where the application or compliance with this Policy may be in question.

- 11) Take applicable meal, rest periods and hours free from work as required by law, contract and/or applicable collective agreement.
- 12) Take vacation or other leave entitlements as required by law, contract and/or applicable collective agreement.

Employer Responsibilities

Commissioners/Directors/Managers/Supervisors

- 1) Lead by example. Respect and support employees with their ability to disconnect outside of scheduled hours of work and discuss best practices to support this ability.
- 2) Ensure employees are aware of Department or Business Unit specific expectations for communicating with each other.
- 3) Communicate and discuss the expectations of this Policy with employees during team meetings.
- 4) Encourage employees to discuss situations where compliance with this Policy may be impacting their work life balance.
- 5) Use communication channels appropriately during scheduled hours of work to disseminate information and communicate with employees.
- 6) If preparing emails or scheduling meetings outside of scheduled hours or work, consider using the "Delay Delivery" option as a technique provided through Microsoft Outlook to send a prepared email during scheduled hours of work.
- 7) Ensure employees take meal breaks and rest periods from work required by law, contract and/or applicable collective agreement.
- 8) Encourage and support employees to take vacation or other leave entitlements as required by law, contract and/or applicable collective agreement.

Human Resources Department

- 1) Provide interpretation and guidance in relation to the Policy and this Procedure and applicable legislation.
- 2) Provide support and problem solving to employees experiencing challenges disconnecting from work.
- 3) Provide a copy of the Policy and Procedure to all employees no later than 30 days following its effective date.
- 4) Provide a copy of the revised Policy to all employees if changes have been made no later than 30 days following its revised effective date.
- 5) Provide a copy of the Policy and Procedure to a new employee no later than 30 days from the day the employee commencing employment.
- 6) Retain copies of every written policy on disconnecting from work required by the [Working for Workers Act, 2021](#) under Part VII.0.1 for three years after the policy is no longer in effect.

Cross-References

Corporate Policy

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

Disconnecting from Work Policy #HR.2-08

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

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

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

Contact

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Last Revision Date:

Revision No: 000