

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Disconnecting from Work Policy
DATE: 2022-06-20
REPORT #: CAO-22-012
PREPARED BY: Sarah Stevens
DEPARTMENT: Administration - CAO

BACKGROUND INFORMATION

Context

The Ontario government passed Bill 27, *Working for Workers Act, 2021*, in December 2021. Bill 27, among other things, amends the *Employment Standards Act, 2000* (ESA) to require provincially regulated employers with twenty-five (25) or more employees to develop a written policy with respect to disconnecting from work by June 2, 2022.

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.

Bill 27 does 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 established through other ESA rules, including hours of work and eating periods, vacation with pay, public holidays, and when work is "deemed" to be performed (*Ontario Regulation 285/01*).

The written Policy applies to all employees of the municipality covered by the ESA and must include the date the Policy was prepared and the dates any changes were made to the Policy.

Ontario's legislation is brand new to the province and is a Canadian first. This new law helps accelerate a cultural shift toward reinstating a healthy working culture where health matters and family comes first.

Town of Niagara-on-the-Lake Disconnecting from Work Policy

In compliance with the new legislation, the Town has developed a Disconnecting from Work Policy (attached as Appendix I). In early June 2022, the Policy was circulated to all Town employees. The Disconnecting from Work Policy outlines the Town's obligations to support employees in balancing their work and personal lives, whether working traditional hours in the

workplace, a flexible work arrangement or under a hybrid remote work agreement.

The Town understands that employees may sometimes feel compelled to perform their job duties outside their regular working hours because of work-related pressures, the current landscape of work, or the working environment. Work-related pressure and feeling unable to disconnect from the job can lead to stress and deterioration of mental and physical health. The Disconnecting from Work Policy has been established to support employee wellness, minimize excessive sources of stress, and ensure that employees feel they can disconnect from work outside their regular working hours.

As the policy details, the ability to disconnect means that employees are not typically expected or obligated to engage in work-related communication outside their regular work hours, such as replying to emails or calls or sending or reviewing other messages.

In general, the 'right to disconnect' typically consists of three key principles, which the Town's Disconnecting from Work Policy seeks to address these principles:

1. The right to not regularly work outside normal working hours.
2. The right to not be penalized for not checking and replying to work-related communications outside normal working hours.
3. Respecting others' right to disconnect.

It is also important to note that the ability to disconnect from work depends on the organization's operational needs and the duties and obligations of the employee's position (subject to the ESA, HR policies, or Employee Bargaining Group Agreement). Therefore, the Town's Disconnecting from Work Policy is intended to be read alongside the Town's associated policies, including, but not limited to, the Council-Staff Relations Policy, policies regarding vacation, hours of work, flex time, and the Employee Bargaining Group agreement.

Objectives of and Approach to the Disconnecting from Work Policy and Associated Documents

The Town of Niagara-on-the-Lake's Disconnecting from Work Policy is intended to encourage and support employees in balancing their working and personal lives and prioritizing their well-being. The Town wants to support employees with this while continuing to offer a flexible workplace. When developing the Disconnecting from Work Policy and associated materials, the Town sought to look after its people and support their mental and physical health. Given this, the Policy and associated documents and tips were written with the following principles in mind:

- Support employees and their mental and physical well-being by promoting work-life balance.
- Avoid overly prescriptive policies. These may do more harm than good for workers who appreciate flexibility.
- Introduce flexible solutions that balance the need to disconnect with the individual needs of employees.
- Pinpoint where people struggle to disconnect and develop person-centric strategies to combat barriers.
- Implement common-sense well-being measures, like encouraging employees to use all available vacation time and leave entitlement.

- Leverage technology to help disconnect (for example, silencing Teams and text messages, the delayed delivery function for emails, and using email signatures stating that messages do not require an answer outside working hours).

NEXT STEP / CONCLUSION

In early June 2022, the Town's Disconnecting from Work Policy was created and circulated to all Town employees. Like any change, this cultural shift will require an adjustment for people. The Town has developed a strategy including change management and continuous improvement efforts. In addition to the new Policy, the Town is providing weekly tips to Staff on how to stick to their working hours, digitally disconnect, and set appropriate boundaries, among other tips. There is also a Frequently Asked Questions (FAQ) document to address Staff questions surrounding the Policy and how to change behaviours. Additionally, practical 'how-to' instructions will be provided on an ongoing basis. All Staff is encouraged to model and promote behaviours that support the right to disconnect.

Lasting change requires more than legislation. Real progress requires everyone to work together to build a healthier working environment. That means learning to prioritize health and well-being, respecting each other's boundaries and switching off at the end of the work day.

The Town of Niagara-on-the-Lake is committed to creating a healthy workplace and supporting Staff's work-life balance. This policy and associated materials will assist in this objective.

ATTACHMENTS

- **Appendix I** – Disconnecting from Work Policy