



Organizational Policy

Human Resources Department

Right to Disconnect

Approved by Executive Director of Human Resources	on select date.
Report No.: HR-05-22	Effective: June 1, 2022
Reviewed: April 11, 2022	Amended: Click to enter a date.
Next Review: April 11, 2023	Note:

Policy Statement

The City of Burlington prioritizes the health and wellbeing of our employees and recognizes that regularly disconnecting from work outside of hours of work is vital for wellbeing, and helps employees achieve healthy and sustainable work-life integration. This policy outlines hours of work and the responsibilities of people leaders and employees to respect employees’ right to disconnect from work outside of work hours.

This policy upholds the City’s values and complies with all legislative and regulatory requirements and is provided in accordance with policies:

- 2-160 Scheduling of Work – Flexible Hours,
- HR07-11 Overtime and Time-in-Lieu - Non-Management Staff;
- HR07-12 Overtime and Time-in-Lieu - Management Staff.
- 6-30 Overtime Standby callback.
- Collective Agreements

Scope:

This policy applies to all employees (both union and non-union) and volunteers of the City of Burlington. Where there is a conflict between collective agreements and this policy, the collective agreement shall prevail. Arrangements are subject to review and may be ceased and/or altered, with prior notice at any time, at the discretion of the City of Burlington.

Definitions:

For the purpose of this policy, unless otherwise stated, the following definitions shall apply:

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Term	Definition
Disconnecting from work	Not engaging in work-related communications, including emails, telephone calls, video calls or sending or reviewing other messages, as to be free from the performance of work. As the list of work-related communications is inclusive, and not exhaustive, other types of work-related communications could also fall under this definition.
Standard Hours	The hours of work as set by the department based on operational requirements as per your employment agreement and collective agreement.
Flexible Working Hours	The hours of work agreed to by an employee and their people leader as per policy HR2-160 Flexible working hours.
Hours of work	An employee's standard hours of work as set by City of Burlington, established by the Department Executive Director/Director based on operational requirements specific to the job, including any adjusted hours of work agreed to by an employee and their people leader.

Principles:

1. Standard Hours

Standard hours may vary by Department, and/or Sections based on the unique services provided to the community and clients. For example, some services operate 24 hours a day seven days a week while others operate from 8:30 a.m. to 4:30 p.m. Monday to Friday.

- (a) Standard hours are set by the departments based on operational requirements and customer service needs.
- (b) Work is performed during standard hours of work.

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- (c) Employees must not work for more than five consecutive hours without taking a 30-minute eating period (meal break) free from work, in accordance with the Employment Standards Act, 2000.

2. On-Call/Standby Hours

Some employees may have as part of their employment expectations On-Call or Standby Hours. Employees will be notified if on-call hours apply to their role.

3. Exemptions

Employees may need to be contacted outside of their hours of work if **unforeseeable circumstances or an emergency arises**.

Responsibilities

1. **All Employees (regardless of status i.e. people leaders, union/non-union, full-time, part-time, contract)** are responsible for:

- (a) Respecting other employees' right to disconnect by not routinely expecting work-related contact outside of hours of work.
- (b) Performing the required daily and/or weekly hours of work as specified for their job.
- (c) Taking breaks in accordance with Employment Standards Act, 2000
- (d) Turning on notifications and/or change voicemail message when you are away for more than one full business day to let others know that you will not be responding to emails or messages as per the guidelines for Customer Service Standards. ([Link](#))
- (e) Including the Right to Disconnect signature statement provided in the guidelines for Customer Service Standards ([Link](#))

2. **People Leaders** are responsible for:

- (a) Respecting team members' right to disconnect from work outside of hours of work except in the event of an emergency and/or when operational requirements require contact.
- (b) Reminding team members of their right to disconnect outside of hours of work and discuss with the team members best ways of working to uphold this right.

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(c) Ensuring team members take breaks in accordance with Employment Standards Act, 2000.

3. Executive Directors/Directors are responsible for:

- a) Having oversight on the standard hours set within their Departments.
- b) Encouraging the employees right to disconnect from work.
- c) Approving exemptions for unforeseen circumstances or emergencies.
- d) Their specific department cultures and staff work experience, which includes regular disconnection from work.

Policy Non-Compliance

There are three ways an employee may choose to deal internally with a complaint or concern under this Policy:

- Option A:** Dealing directly with the employee not complying with the policy
- Option B:** Requesting informal action and resolution
- Option C:** Filing a formal complaint

The pursuit of a complaint under the internal complaint mechanism does not preclude you from filing a complaint with the Ministry of Labour if you believe the Employment Standards Act is being violated or any other available avenues.

OPTION A: DEALING DIRECTLY WITH THE EMPLOYEE

If you have a concern that someone is not complying with this policy, you should first attempt to make it known that you believe the individuals actions are contrary to the Corporation's policy and request that it stop.

The person who is not complying with the policy may not realize that their behaviour is violating this policy. In many instances this will stop their actions.

It also helps to keep a record of any incident(s) that you experience. This includes a record of when and what are the instances of non-compliance, and if others were involved and what was your response.

The Corporation recognizes that in some situations this may be difficult or inappropriate, or you may have told the person not complying with the policy to stop but the behaviour continues, in this case, you should take immediate action as outlined below.

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OPTION B: REQUESTING INFORMAL ACTION AND RESOLUTION

If you experience non compliance of the policy and have unsuccessfully tried to deal directly with it or feel that a direct approach is inappropriate you may choose to have the matter dealt with on an informal basis with the assistance of others, prior to proceeding with a formal complaint.

The purpose of this step is to provide a means of obtaining information, voicing your concern and developing a way of dealing with the concern with the assistance of others in the Corporation. If you are unsure whether you have experienced a violation of the policy or you would like to proceed with the matter on an informal basis in the interest of seeking an informal resolution, you should report the incident immediately, or within a reasonable time, to:

- **Immediate supervisor**
- **Any other member of your department management**
- **Another member of the Corporation's management**
- **Union representative, if appropriate**
- **Human Resources Representative**

Often a violation may be the result of a simple communication problem and proceeding informally may identify this problem readily and produce a quick and simple solution without having to engage in a full investigation.

OPTION C: FILING A FORMAL COMPLAINT

Where necessary, the Human Resources Representative will conduct a formal investigation.

Where the complaint is initially received by a manager/supervisor or other person, it is their responsibility to ensure that the Human Resources Representative is notified about the complaint. The Human Resources Department is then responsible for assessing and initiating an investigation, if necessary.

Alternatively, you may file a formal complaint directly with your Human Resources Representative.

Our goal is to complete any investigation and communicate the results to the complainant and respondent as quickly as possible.

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References:

- Bill 27 – Working for Workers Act, 2021
- HR2-160 Scheduling of Work – Flexible Hours
- HR07-11 Overtime and Time-in-Lieu - Non-Management Staff;
- HR07-12 Overtime and Time-in-Lieu - Management Staff.,
- 6-30 Overtime Standby callback,
- Collective agreements
- Employment Standards Act

Roles:

Accountable:

Executive Director of Human Resources, or designate, is answerable for the timely review, updating and dissemination of this policy.

Responsible:

All people leaders in the organization may work with their Directors to achieve the task.