

Disconnecting From Work: Non-Managerial Employees

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Introduction

While the Employment Standards Act, 2000 (ESA) requires the Simcoe Muskoka District Health Unit (SMDHU) to have a Disconnecting From Work Policy, the Act does not specify the information the employer must include in its policy. As such the ESA allows the employer to determine the content of the policy itself. The ESA also does not specify SMDHU establish a policy that provides a right for employees to disconnect from work and be free from the obligation to engage in work-related communications. Accordingly, the SMDHU Disconnecting From Work policy for non-managerial employees has been developed in accordance with the above.

Purpose

To inform all health unit non-managerial employees of the parameters around disconnecting from work in accordance with the requirements of the ESA, 2000, in order to assist employees in better achieving Work Life Balance.

Legislative Authority

Employment Standards Act, 2000 (ESA)

Policy Definitions and Interpretation

Disconnecting from work: 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. Text messages are included in this definition.

On Call: Under the ESA on call employees are not considered to be working if they are not at their place of employment while waiting to be called in to work. Therefore, the Disconnecting From Work policy does not apply to employees on call/stand by.

Exceptional Circumstances: Notwithstanding this policy, in accordance with the ESA, an employer may require non-managerial employees to work more than the maximum number of hours or to work during a period that is required to be free from performing work only as follows, but only so far as is necessary to avoid serious interference with the ordinary working of the employer’s establishment or operations:

- To deal with an emergency.
- If something unforeseen occurs, to ensure the continued delivery of essential public services, regardless of who delivers those services.
- If something unforeseen occurs, to ensure that continuous processes or seasonal operations are not interrupted.

- To carry out urgent repair work to the employer’s plant or equipment which includes SMDHU offices.

Scheduled Workday: In accordance with SMDHU Flexible Work Hours, a scheduled workday occurs between the hours of 8 a.m. and 6 p.m., except those working approved overtime or an evening or alternative shift extending past 6 p.m., in which case upon conclusion of that shift.

Work Time: In accordance with the ESA, if a non-managerial employee performs work — such as reviewing or drafting emails — the time the employee spends doing those activities is generally considered to be working time. This may be the case even if the employee does so from home after the employee’s scheduled shift is over, however in order to be paid the employee must have the direct supervisor’s preauthorized written approval in advance to perform such work.

Policy

In accordance with the ESA, 2000, Disconnecting from Work requirements, non-managerial employees not assigned to:

- work overtime
- on call/ standby,
- work evenings,
- an alternate shift,
- weekends,
- public holidays/ days in lieu,

may be able to disconnect from work in non-Exceptional Circumstances, non-emergency, or non-urgent situations after completion of their “scheduled workday” by: not being required to engage in work-related communications, including emails, texts, telephone calls, video calls or sending or reviewing other messages.

This may allow SMDHU employees to be free from the performance of work after having completed the requirements of their “scheduled workday”, and/or on non-scheduled weekends, comp/flex time, public holidays/days in lieu, paid leaves, and vacation.

Notwithstanding, as an employee of a Public Health Unit, whose role is to respond to community emergencies, all employees who are contacted to assist in the response are expected to be available when an Exceptional Circumstance, as defined in the ESA, an Incident Management System (IMS)/Emergency Management System (EMS), an urgent situation occurs or when a public health emergency exists or is declared by the Government or the Health Unit. Accordingly, all employees contacted to assist in an emergency or urgent response will be required to respond in such situations and to read or reply to all work-related communications including but not limited to emails, work-related phone calls, text’s etc., during and after their scheduled workday is over, the duration of which will be as requested by their direct supervisor

Procedures

1. Except employees assigned to:
 - work overtime
 - on call/ standby,
 - work evenings,

- an alternate shift,
- weekends,
- public holidays/ days in lieu,

employees are not required to leave their work phones or computers on after their scheduled shift or on their scheduled days off. In emergency or urgent situations SMDHU has an established “fan out” call system which will be utilized to contact those employees required to assist in the response. Accordingly, non-managerial employees are not required to respond to normal communications until the commencement of their next scheduled workday.

2. Notwithstanding, in Exceptional Circumstances, an Incident Management System(IMS)/Emergency Management System(EMS), an urgent situation occurs or when a public health emergency exists or is declared by the Government or the Health Unit, all contacted employees will be required to assist in the response, are to be available and have their phones and computers turned on during and after their scheduled work day is over, the duration of which will be as required by their direct supervisor.
3. In non-emergency, non-urgent situations, communication options available to employees that support disconnecting from work outside of a scheduled workday:
 - Voicemail –although not required, you have the option to indicate your scheduled workday if deemed necessary and when your voice mail will be responded to; when out of office and to indicate a return date; when a message will be responded to; and who can be contacted if an earlier response is required.
 - Email notification – although not required, you have the option to turn on out-of-office at the end of each scheduled workday indicating when email will be responded to.
 - Meetings – except in emergency or urgent situations, meetings should normally only be booked during normal business hours which are between 8:30 a.m. and 4:30 p.m.

Related Policies

HR0606: Disconnecting From Work: Managerial Employees

Related Forms

N/A

Final Approval Signature: _____