



Report to: Stratford Public Library Board
Meeting Date: April 5, 2022
From: Julia Merritt, CEO
Subject: Right to Disconnect

Background

Under the new legislation, *Working for Workers Act*, employers will now have to think carefully before reaching out to employees outside of work hours, and employees will have the legal right to disconnect from work outside of their usual working hours. The term “disconnecting from work” is defined to mean not engaging in work-related communications, like emails or calls, and not sending or reviewing any messages, which means employees can ultimately be free from work outside of regular working hours. These changes are now included in the Ontario Employment Standards Act – Part VII.01 at Sections 21.1.1 and 21.1.2.

There are three (3) important points about this policy:

1. Under Bill 27, only those organizations with 25 or more employees are required to have a written policy related to disconnecting from work. The Bill does not specify full-time or part-time, and so it refers to 25 people employed at the library. The SPL qualifies in this regard.
2. As Bill 27 received Royal Assent on December 2, 2021, employers have six months (until June 2, 2022) to create and approve this required policy. A copy of the written policy must be given to each employee within 30 days of preparing the policy or, if an existing written policy is changed, within 30 days of the changes being made. Similarly, every new employee must be provided with a copy of the written policy within 30 days of being hired.
3. Under Bill 27, copies of every policy must be retained for three years after it is replaced.

Staff Recommendation

Staff recommend that the Board approve the Right to Disconnect policy.



Right to Disconnect

Legal References: The Ontario *Working for Workers Act, 2021*, S.O. 2021, c35 – Bill 27
Employment Standards Act, 2000 (Schedule 2)
Occupational Health and Safety Act (Schedule 5)
Workplace Safety and Insurance Act, 1997 (Schedule 6)

Policy References: HR 01 Human Resources Policy
Stratford Public Library Staff Manual

The Stratford Public Library Board recognizes that changes in technology have allowed employees to be constantly connected, however the Board recognizes the right of an employee to disconnect from work outside of scheduled work hours. This policy supports our commitment to support the work-life balance of our employees.

As an employer with more than 25 employees, this policy is also written to comply with the *Ontario Employment Standards Act 2000, Part VII.0.1*.

1.0 Definitions

- 1.1 “Disconnecting from work” means not engaging in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, including text messages, so as to be free from the performance of work.
- 1.2 “Employee” means a person who works at the Stratford Public Library, either part-time or full-time.

2.0 The Right to Disconnect

The right to disconnect means that employees:

- a) Can and should stop performing their job duties and work-related tasks when they are not scheduled to work.
- b) Are not required to take work home with them to complete outside of regularly scheduled hours of work.
- c) Are not expected or required to respond to work-related communications outside their regular working hours, while on break, or during any paid or unpaid time off.
- d) Should take and use all their scheduled breaks (including meal breaks) and time-off entitlements (including vacation time) for non-work-related activities.
- e) Will not face repercussions or be penalized for not communicating outside of their regularly scheduled hours of work.

3.0 Needs of the Library

From time to time, there may be legitimate situations when it is necessary to contact employees outside of normally scheduled working hours, including but not limited to:

- a) Checking availability for additional shifts such as to fill in at short notice for a sick employee.
- b) Where unforeseeable circumstances require contact out of normally scheduled working hours such as inclement weather.
- c) Where an emergency may arise.
- d) For any reason as described in the employee's job description or employment contract which requires them to be contacted outside of regular work hours, for example, for on-call operational responsibilities.

4.0 Communication

- 4.1 The Library may on occasion send general communications to all employees including those who are not presently at work. Employees should not feel obligated to respond, nor are they expected to respond, to any communication when not at work, apart from unforeseen circumstances, such as an emergency situation. Employees on vacation or sick leave will only be expected to respond upon their return to work.
- 4.2 Employees must also respect others and avoid direct work-related communication including sending e-mails, messages or calling other employees outside their regularly scheduled working hours, during breaks, or during an employee's time off, such as their regular day off or vacation time.
- 4.3 Those employees on sick leave may be contacted for limited information related to their return to work.

- 4.4 Employees who do not reply to work-related communications outside of normal scheduled working hours will not face repercussions or be penalized.

5.0 Responsibility

- 5.1 The Library CEO is responsible for implementing the appropriate procedures in accordance with this policy.
- 5.2 Employees are responsible for ensuring that they have read and understand this policy as it relates to their own work and that of other employees.