



## Policy Number HR011

# THE RIGHT TO DISCONNECT POLICY

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Ormond College is committed to fostering a culture where all employees can exercise their Right to Disconnect outside of their Ordinary Working Hours to promote employee well-being.

## 1. Policy Introduction

This policy supports employees exercising their Right to Disconnect at the end of their Ordinary Working Hours in accordance with s 333M of the Fair Work Act 2009 (Cth). It also forms part of the organisation's approach to attracting and retaining employees by offering suitable working arrangements to help employees balance work and life commitments.

This policy is about empowering our managers and employees to exercise their Right to Disconnect and to generate realistic and practical expectations of how that right can be exercised in a flexible working environment.

This policy is not contractual or intended to override any employment conditions or other workplace laws (as amended or replaced). In the event of any inconsistency between this policy and a condition of employment or workplace law (as amended or replaced), the latter will prevail.

## 2. Scope

This policy applies to all Ormond College employees, whether they work full-time, part-time, or on a casual basis.

## 3. Definitions

Term	Definition
<b>Right to Disconnect</b>	An employee may refuse to monitor, read or respond to contact, or attempted contact, from an employer (or from a third party where the contact or attempted contact relates to their work) outside of the employee's ordinary working hours unless the refusal of contact is unreasonable.
<b>Refusal of Contact is Unreasonable</b>	Without limiting the matters that may be taken into account in determining whether an employee's refusal of contact is unreasonable, the following must be taken into account: (a) the reason for the contact or attempted contact; (b) how the contact or attempted contact is made, and the level of disruption the contact or attempted contact causes the employee;



	<p>(c) the extent to which the employee is compensated, including non-monetary compensation:</p> <ul style="list-style-type: none"> <li>(i) to remain available to perform work during the period in which the contact or attempted contact is made; or</li> <li>(ii) for working additional hours outside of the employee’s ordinary hours of work;</li> </ul> <p>(d) the nature of the employee’s role and the employee’s level of responsibility;</p> <p>(e) the employee’s personal circumstances (including family or caring responsibilities).</p> <p>For the avoidance of doubt, an employee’s refusal to monitor, read or respond to contact, or attempted contact, from their employer, or from a third party if the contact or attempted contact relates to their work, will be unreasonable if the contact or attempted contact is required under a law of the Commonwealth, a State or a Territory.</p>
<b>Emergency</b>	A serious, unexpected situation that requires urgent attention.
<b>Genuine Welfare Matter</b>	Contacting an employee as a safety and/or well-being check-in, for example, following an incident or if they are on extended sick leave.
<b>Ordinary Working Hours</b>	The standard working hours of an employee as defined in their employment contract.
<b>Normal Business Hours</b>	As a residential college, Ormond College operates 24 hours per day, seven days per week. Ormond College's normal business hours are from 9:00 am to 5:00 pm on weekdays (excluding public holidays).
<b>On-call</b>	A mutual agreement is made in advance for employees to make themselves available during hours they would not be otherwise working. On-call entitlements and provisions would be outlined in an employment contract or applicable Modern Award.
<b>Overtime</b>	Payment for time worked in addition to an employee’s Ordinary Working Hours, with prior approval from Ormond College. Overtime entitlements would be outlined in an employment contract or applicable Modern Award.
<b>Reasonable Additional Hours</b>	Employees who are required to work reasonable additional hours will have this provision outlined in their employment contract. Section 62(3) of the <i>Fair Work Act 2009</i> (Cth) outlines factors to be considered in determining whether additional hours are reasonable. Examples include considering employee health and safety, the needs of the workplace, the employee’s personal circumstances, and the notice provided.
<b>Time Off in Lieu (TOIL)</b>	Allows an employee to work overtime and receive paid time off in lieu of receiving an overtime payment, with prior approval from Ormond College. This entitlement would be outlined in an employment contract or applicable Modern Award.



## 4. Policy

Ormond College believes that employees should be able to have dedicated time to focus on their personal life and wellbeing. It is committed to enabling its employees to exercise their Right to Disconnect, unless their Refusal of Contact is Unreasonable.

For example, employees may need to be contacted in the event of an Emergency or Genuine Welfare Matter. In these cases, as a courtesy and in accordance with Ormond College's duty of care owed to its employees, employees are asked to respond when practicable, even if via email or text, to confirm receipt of the message so the organisation knows an employee is safe and well.

## 5. Requirements for Exercising the Right to Disconnect

Employees are expected to work their Ordinary Working Hours (including Reasonable Additional Hours where applicable) as detailed in their respective employment contract. Outside of these hours, employees have the Right to Disconnect (e.g. from work-related emails, calls, texts, and meetings).

There may be times where, by mutual agreement, employees need to be available outside of their Ordinary Working Hours. This could include providing coverage during peak periods or being on-call to meet business requirements. In these cases, Time Off in Lieu (TOIL), Overtime or an applicable On-call allowance may be applied, depending on the circumstances. These arrangements may be in writing and subject to organisational approval in advance.

### 5.1 Accessibility:

- Employees must be contactable and available to communicate with their manager, other relevant team members, or clients during their Ordinary Working Hours.
- Outside of Ordinary Working Hours, employees are not expected to be accessible via work or personal devices (e.g., laptops, mobile phones or notifications can be switched off, and work-related contact can be ignored without reprisal).
- As Ormond College supports employees in balancing their work and private life commitments, employees can exercise their Right to Disconnect without impacting their performance reviews or career progression.
- Managers and employees need to have self-awareness about how responding outside of their Ordinary Working Hours and Normal Business Hours, especially in the evenings, weekends, public holidays, or non-workdays, may be perceived, the potential expectations this may raise about their availability, as well as the risk it may create in allowing others to exercise their Right to Disconnect.

### 5.2 Communication:

- Where possible, emails should be checked or sent only during an employee's Ordinary Working Hours. As our organisation supports part-time and flexible working arrangements, there is no expectation for employees to respond to emails outside their Ordinary Working Hours.
- Managers and employees are encouraged to note their Ordinary Working Hours on their email



signature and out-of-office replies. They ought to endeavour to time emails and other messages to be sent during Normal Business Hours to avoid potential disturbance. To delay the sending of an email in Outlook, employees are encouraged to follow these instructions:

1. [Outlook on Microsoft 365](#);
  2. [Outlook on Mac](#); and
  3. [Outlook on the web](#).
- Unless business and operational needs dictate that an urgent response is required, a statement should be attached to out-of-hours emails, removing the expectation of an urgent response. For example:
    - *“My work hours are Monday – Thursday, 9:00 am – 5:00 pm. I appreciate you may work different hours. There is no expectation that you respond to this email outside your ordinary working hours.”*

## 6. Manager’s Responsibilities

Managers are responsible for managing their team while working on-site or remotely, maintaining regular contact with each team member within their Ordinary Working Hours and setting and documenting performance expectations.

To support employees to exercise their Right to Disconnect, Managers may consider the following:

- Leading by example and exercising their own Right to Disconnect.
- Setting reasonable work priorities and achievable targets within an employee’s Ordinary Working Hours.
- Respecting employees’ time by scheduling team meetings when all team members are available to work, and only inviting them to meetings where it is necessary for them to be involved.
- Only contacting employees during their Ordinary Working Hours, unless for Emergencies or Genuine Welfare Matters.
- Adequately supporting leave arrangements (e.g. arranging reasonable time for a handover and a point of contact when an employee is planning to take leave, so the employee can exercise their Right to Disconnect during their approved leave).
- Encouraging out-of-office messages when employees are not at work, and email signatures clarifying that a response is not required outside of an individual’s Ordinary Working Hours.
- Encouraging and reminding their employees that they have the Right to Disconnect, reminding them of the existence of this policy.
- Offering support and wellbeing check-ins to employees who may find it challenging to exercise their Right to Disconnect.

## 7. Employee’s Responsibilities

Employees can also assist in supporting their own Right to Disconnect along with supporting their colleagues. Employees may consider the following:



- Performing work to the best of their ability during their Ordinary Working Hours and giving themselves permission to exercise their Right to Disconnect, knowing that the organisation supports them in doing so.
- Protecting personal time by including their Ordinary Working Hours in their email signature.
- Only contacting colleagues during their Ordinary Working Hours, unless for Emergencies or Genuine Welfare Matters.
- Where work-related emails or documents are drafted outside of Normal Business Hours, arranging to send them within Normal Business Hours.
- Applying an out-of-office message, including an alternative point of contact, when they are on leave or on a non-workday.
- Scheduling post-work leisure activities to create some separation from the end of their workday and the beginning of their private time.
- Raising concerns with their manager in the first instance if they are unable to exercise their Right to Disconnect. (See further, the dispute resolution procedure set out below).

## 8. Employee Wellbeing

This policy aims to promote well-being by allowing employees to feel more refreshed and productive at work and maintain a work/life balance.

The Employee Assistance Program (EAP) is a free professional confidential counselling service available to all employees and their immediate family members should they need support for work-related or personal reasons. The EAP can assist employees with their Right to Disconnect and maintain a work/life balance.

## 9. Dispute Resolution

In the event of a dispute relating to an employee's exercise of their Right to Disconnect, both the employee and Ormond College must attempt to resolve the dispute at the workplace level through discussions. Either party may raise a grievance in accordance with the Ormond College Employee Grievance and Complaints Handling Policy.

Should the dispute remain unresolved, either party may escalate the matter to the Fair Work Commission, making an application for the Fair Work Commission to do either or both of the following:

- (a) make an order under section 333P of the *Fair Work Act 2009* (Cth) (orders to stop refusing contact or to stop taking certain actions);
- (b) otherwise deal with the dispute.

## Legislative Context

- The Fair Work Act 2009
- Relevant Industrial Instrument or applicable Modern Award