[template policy – PLACE ON COMPANY LETTERHEAD]

|  |
| --- |
| **Disclaimer**  This sample legal document has been made available by MaRS Discovery District and Norton Rose Fulbright for informational purposes only and does not constitute advertising, a solicitation, or legal advice. Neither the transmission of this sample legal document nor the transmission of any information contained in this website is intended to create, and receipt hereof or thereof does not constitute formation of, a lawyer-client relationship. Internet subscribers and online readers should not rely upon this sample legal document or the information contained in this website for any purpose without seeking legal advice from a qualified lawyer practicing in the reader’s province.  The information contained in this website is provided only as general information and may or may not reflect the most current legal developments; accordingly, information on this website is not promised or guaranteed to be correct or complete. MaRS Discovery District expressly disclaims all liability in respect to actions taken or not taken based on any or all the contents of this website. |

disconnecting from work

**[Note: Employers with 25+ employees in Ontario as of January 1, 2022 are required to have a “disconnecting from work” policy in place by June 2, 2022. Beginning in 2023, employers that employ 25 or more employees on January 1st of any year must have a written policy on disconnecting from work in place before March 1 of that year. The only statutory requirements for the content of a disconnecting from work policy are: (a) the policy must be in writing; (b) the policy must address “disconnecting from work”; and (c) the policy must include the date the policy was prepared and the date of any changes made to the policy. Otherwise, the content of the policy is up to the employer to decide, and it can be as detailed or as simple as the employer prefers. This template represents a “middle-of-the-road” policy, which provides some direction to employees while maintaining the employer’s discretion to manage its workforce. Except where specifically noted, employers are free to delete or modify the provisions of the template policy to suit their workplace needs.]**

1. **PURPOSE**

**[Note: Employers can tailor the purpose below to suit their business needs. The only statutory requirement is that the policy “address disconnecting from work”.]**

**[Name of Employer]** (the **Company**) is committed to fostering a safe and healthy work environment for all employees. Recent technological advancements along with an increase in remote work arrangements have led to the risk of “hyper-connectivity”. Accordingly, this Policy sets out the Company’s expectations around work-related communications in an effort to assist employees in disconnecting from work during appropriate times.

1. **APPLICATION**

This Policy applies to all employees of the Company.

**[Note: The statutory requirement to have a disconnecting from work policy applies to all employees, including managers and supervisors. However, the employer may choose to establish different parameters for different categories of employees within the same policy, or have different policies for different categories of employees. For example, an employer may have one policy for managers and supervisors, one for sales staff, and one for general office staff.]**

1. **DISCONNECTING FROM WORK**

**[Note: This is the required statutory definition of “disconnecting from work”]**

“Disconnecting from work” means not engaging in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, so as to be free from the performance of work.

1. **WORKING HOURS**

**[Note: Part 4.0 is not statutorily required]**

This Policy does not amend an employee’s hours of work or rest periods. Employees’ hours of work and rest periods are defined pursuant to their **[employment contracts and/or applicable collective agreement(s)]**, and/or by agreement with the employees’ managers in accordance with applicable employment standards legislation.

1. **EXPECTATIONS REGARDING WORK-RELATED COMMUNICATIONS**

**[Note: Part 5.0 is not statutorily required. Employers may choose to delete this entire section, or modify the points below to suit their particular workplaces.]**

In general, the Company does not expect employees to read or respond to work-related communications outside of their normal working hours, subject to the following exceptions:

1. where operational or business needs require such communications and the employee has been given notice in advance;
2. where such communications are required due to the nature of the employee’s duties;
3. where the employee’s role is managerial or supervisory in nature, in which case operational or business needs may require communications outside of normal working hours; **[Note: Employers may consider whether to have a separate policy applicable to managers and/or executive level employees]**
4. where the employee has been authorized to work flexible hours;
5. in instances involving unforeseen operational or business needs;
6. in cases of emergency;
7. where such communication is required pursuant to another Company policy; or **[Note: This may include on-call or shift coverage policies that require employees to answer or respond to work-related communications]**
8. in other situations that may arise, at the discretion of the Company.
9. **TOOLS TO ENABLE DISCONNECTING FROM WORK**

**[Note: Part 6.0 is not statutorily required. The tools below are examples only. An employer may choose to delete this entire section, or modify the tools below to suit the particular workplaces.]**

Practices and customs for disconnecting from work may differ across the Company depending upon the nature of the work and the circumstances of the employees on a particular team. Employees should address ideas or concerns relating to disconnecting from work with their managers.

The following tools may assist employees in disconnecting from work, where appropriate:

1. **Automatic Replies** – employees may consider enabling automatic replies indicating the dates that they are out of the office, the date they will return to the office, and an alternate point of contact during the employee’s absence.
2. **E-mail Signatures** – employees may consider including reference to the timing of their e-mail communications in their signature block, such as “*My working hours may not be your working hours. Please do not feel obligated to respond to this e-mail outside of your normal working hours.*”
3. **Delay Delivery** – employees may consider using the “delay delivery” function when sending e-mails if the timing of their communication may not align with that of the recipient (e.g. where the sender and recipient are in different time zones, or have different work schedules).
4. **Vacation Alerts** – employees may consider including a vacation alert in their signature block indicating the dates of an upcoming vacation.
5. **QUESTIONS OR CONCERNS**

Employees with questions or concerns about this policy should contact their manager or Human Resources.

This policy is subject to change at the sole discretion of the Company. Employees will be notified of any such changes in accordance with applicable employment standards legislation. **[Note: If the policy changes, the revised version must be made available to employees within 30 days of the change(s).]**

**[NOTE: The policy must be in place by June 2, 2022. In future years, employers with 25+ employees as of January 1 are required to have a policy in place by March 1 of that year. The policy must be provided to employees within 30 calendar days of preparing the policy, and new employees must receive a copy of the Policy within 30 calendar days of their date of hire.]**

**Date of Policy:** [\_\_\_\_\_, 2022] **[The Policy must include the date it was prepared]**

**Date Last Revised:** [Date] **[The Policy must include the date of any change]**