

NIPISSING UNIVERSITY -- DISCONNECTING FROM WORK POLICY

The health and wellbeing of all Nipissing University employees is of the utmost importance to us and we, as a University, encourage and support all our employees in prioritizing their own wellbeing.

Disconnecting from work is important for an individual's wellbeing, and helps employees achieve a healthy and sustainable work-life balance. Disconnecting from work *means to not engage 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* outside of working hours.

To support our employees in balancing their working and personal lives, whether working traditional hours on campus or remotely, we have implemented this Disconnecting from Work Policy (the "Policy") to encourage employees to disconnect from work outside of their working hours in accordance with and subject to this Policy.

This Policy should be read alongside the University's associated policies and collective agreements on any relevant and applicable legislation, and any other policy that may become applicable and/or relevant.

Application

- 1.1 This Policy applies to all employees, as defined by the Ontario *Employment Standards Act, 2000* (the "ESA"), whether they are working remotely or on campus. For clarity, "employee" under this Policy means faculty members, support staff, administrative employees and student employees, who are all considered employees under the ESA.

University Obligations

- 1.2 Nipissing University supports and aims to foster a workplace culture that promotes and values disconnecting from work and so will take steps to ensure that all employees, regardless of their place of work, are:
- (a) informed of what their working hours are reasonably expected to be and are informed of the circumstances, if any, in which they will be expected to engage in work-related communications outside their working hours;
 - (b) not asked to exceed a 48-hour work week unless there is a written consent between the employer and the employee. And if agreed upon meets the ESA requirements and applicable collective agreements language;
 - (c) able to take applicable meal, rest periods and hours free from work as required by law, contract or applicable collective agreement language; and

- (d) able to take vacation or other leave entitlements as required by law, contract or applicable collective agreement language.

Supervisor Obligations

1.3 Supervisors will:

- (a) facilitate implementation of Nipissing University's obligations under this Policy for those employees they supervise, including efforts to inform employees of what their working hours are reasonably expected to be and of the circumstances, if any, in which they will be expected to engage in work-related communications outside their working hours;
- (b) implement procedures and/or practices developed by Nipissing University with respect to disconnecting from work for employees they supervise;
- (c) be respectful of employees' working hours; and
- (d) respond to questions or concerns regarding disconnecting from work from those employees they supervise.

Employee Obligations

1.4 Nipissing University expects all employees to comply with the following in the course of their work. Employees will:

- (a) co-operate fully with any applicable mechanism utilised by the University to record working time or update their working status (e.g. out-of-office messages) as applicable, including when working remotely;
- (b) be mindful of colleagues', vendors' and other third parties' working hours (e.g. by not routinely emailing or calling outside of working hours or expecting answers or responses outside of working hours);
- (c) notify their supervisor, in writing, of any meal, rest, break or hours-free-from-work period (or other right or entitlement) which they feel they were entitled to but were unable to use due to performing work for the University on a particular occasion and why this occurred;
- (d) speak with their supervisor if they feel their workload is preventing them from being able to take meal, rest, break, or periods free from work that they are entitled to, or otherwise disconnect from work.
- (e) Recognize that they are not required to respond or act on communications sent outside of their regular working hours. With the exception of emergency situations.

Ability to Disconnect from Work

- 1.5 An employee's ability to disconnect from work depends on Nipissing University's business and/or operational needs and the duties and obligations of the employee's position, subject to an employee's employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA.
- 1.6 Nothing in the Policy precludes Nipissing University or other employees of Nipissing University from contacting colleagues, vendors/suppliers, or other employees outside of what may be considered working hours or standard business hours. This may be as a result of an emergency, difference in time zones etc. This is subject to any rights or entitlements the receiving colleague or employee may have under their employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA.
- 1.7 This Policy does not afford employees a "right to disconnect" beyond what is within their individual employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA, which may include rights or entitlements speaking to: hours of work and hours free from work, overtime pay, meal and/or rest periods, public holidays and public holiday pay, and vacation.
- 1.8 Nothing in this Policy is intended to amend or supersede any grievance procedure or other aspect of any applicable collective agreement.

Reporting Concerns

- 1.9 Employees are encouraged to report such concerns or issues, in writing, to their immediate supervisor/deans. If the matter cannot be resolved by doing so, employees should direct their concerns or issues to the Manager, Health and Wellness.
- 1.10 Employees will not be subject to reprisal for reporting such concerns as outlined above or for inquiring about, exercising or attempting to exercise any rights as provided under the ESA requirements, collective agreements and/or other applicable policies

Disconnecting from Work – Supports and Resources

- 1.11 All employees are strongly encouraged to seek professional and/or medical assistance if such concerns relate to their health and wellbeing, and Nipissing University has resources and supports available to employees which can be found here: <https://www.nipissingu.ca/departments/human-resources/compensation-pension-and-benefits/humanacare>

- 1.12 All employees are required to report any concerns or issues they may have which they feel are impacting their ability to disconnect from work and/or impacting their health and wellbeing

Posting, Notice and Retention

- 1.13 Nipissing University shall provide a copy of this Policy to each employee, regardless of their position within 30 calendar days of implementation. Should any changes be made to the Policy after its implementation, the University shall communicate that such revisions have occurred and a copy of the revised Policy within 30 days of the changes being made will be available on the Human Resources website.
- 1.14 Nipissing University shall provide a copy of this Policy to all new employees upon onboarding and within 30 calendar days of the employee commencing employment with the University.
- 1.15 Nipissing University shall retain a copy of this Policy and any revised version of this Policy for a period of three years after it ceases to be in effect.
- 1.16 This policy will be reviewed annually or as required to meet ESA standard

FREQUENTLY ASKED QUESTIONS

Why is this policy being implemented?

The Ontario government passed Bill 27 in December 2021, which amended the Employment Standards Act, 2000 (ESA) to create a new obligation for employers with 25 or more employees to prepare and implement a written policy by June 2, 2022, with respect to disconnecting from work.

What does “Disconnecting from work” mean?

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

What content is required in the policy?

To comply, the employer must ensure the written policy:

- is applicable to all employees of the employer that are covered by the ESA;
- is “with respect to” disconnecting from work (as defined); and

- includes the date the policy was prepared and the dates that any changes were made to the policy.

Does Bill 27 create a new right to disconnect from work?

No. The Ministry of Labour and Employment Standards has interpreted the new amendments to mean that there is no new right to disconnect from work, and that an employee's rights to not perform work already exist under other parts of the ESA (e.g. hours of work, eating periods, paid vacation, public holidays, etc.). The provisions under the ESA or other terms and conditions of employment (e.g. employment contract, collective agreement) remain in place.

Does the policy need to be communicated to employees?

Yes, after implementing the written policy, the employer must provide a copy of the written policy to:

- all employees within 30 calendar days of the policy being prepared, or within 30 days of any changes or amendments to the policy; and
- all new employees within 30 calendar days of their start date

Note: Employees may be provided copies of the policy via email, as a printed copy or via web link accessible to employees.

Can employees add email footers to inform recipients of their working hours?

Yes, the following options are examples of email footers that employees can utilize. Using some of this language might help individuals disconnect from work.

- "My working hours may not be your working hours. Please do not feel obligated to reply outside of your regular work hours"
- "Nipissing University supports employee wellness by encouraging all employees to disconnect from work outside normal working hours. I am most responsive to emails during my working hours, which are _____ (insert hours here)"
- "Please note that I do not expect you to respond to my email outside of your working hours."
- "I'm sending this message at a time that suits me. Please note that I do not expect you to read, reply or take action on this outside of your regular working hours"