The Corporation of The Municipality of Hastings Highlands

Bylaw 2022-045

A Bylaw to Establish a Disconnect From Work Policy

Whereas the *Municipal Act 2001*, c. 25 S.O. 2001, as amended allows a Municipality to pass Bylaws respecting matters in its jurisdiction;

And Whereas the Council of the Municipality of Hastings Highlands deems it desirable to adopt certain policy statements with respect to Disconnecting From Work;

And Whereas under the *Employment Standards Act,* 2000, an employer with twenty-five (25) or more employees must prepare and have a written "Disconnecting from Work" policy; section 21.1.2.

Now Therefore Be It Resolved That the Council of the Corporation of the Municipality of Hastings Highlands Hereby Enacts as Follows:

1. That Schedule 'A' attached hereto shall form part of this Bylaw;

2. That the Mayor and Municipal Clerk are hereby authorized to sign this bylaw and affix the corporate seal thereto;

3. That this bylaw shall come into force and take effect upon the final passing on the day it is passed.

Read a first time in Council on the 18th day of May 2022.
Read a second time, **Enacted** and **Passed** in Council on this 1st day of June 2022.

Tracy Hagar, Mayor

Suzanne Huschilt, Municipal Clerk

Hastings Highlands
Beautiful By Nature

Schedule 'A' to Bylaw 2022-045

Municipality of Hastings Highlands - Corporate Policies and Procedures			
DEPARTMENT: Administration			**POLICY #:**
POLICY: Disconnecting From Work			
DATE: June 1, 2022	**REV. DATE:**	**COVERAGE:** Employees	**PAGE #:** 1-4

1. POLICY STATEMENT

1.1 The Municipality of Hastings Highlands (the "**Municipality**") supports the wellbeing of its employees and recognizes the benefits that come from disconnecting from work. Accordingly, the Municipality is adopting this policy regarding disconnecting from work and to encourage employees to enjoy their lives outside of work.

1.2 This policy will comply with all applicable laws and is based on the requirements of the *Employment Standards Act,* 2000 (the "ESA") and its regulations, and guidance from the Ontario Ministry of Labour.

2. DEFINITIONS

2.1 In this policy, the term "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.

3. SCOPE

3.1 This policy applies to all employees of the Municipality.

4. POLICY

4.1 The Municipality recognizes the value of disconnecting from work. However, there are legitimate situations when it is necessary to contact employees, and for employees to work outside of normal working hours, including but not limited to:

(a) contacting employees to check availability for work/shifts, or to inquire about availability to fill in on short notice (e.g. due to unexpected absenteeism);

(b) contacting employees or requiring employees to work in the event of a large workload or unanticipated circumstances;

(c) contacting employees in relation to situations involving health and safety matters; and/or

(d) if business and/or operational reasons require work or contact outside of normal working hours (including overtime work or being "on-call").

4.2 Schedules and working hours vary within the Municipality, and different employees have different working hours. The degree to which disconnecting from work is possible will vary based on each employee's own normal working schedule, overtime requirements, their position in the Municipality, and the duties and responsibilities of their job.

4.3 Where possible, work-related communications (e.g. email, telephone, video calls, texts, or the sending or reviewing of messages from other sources) should be checked and/or sent during normal working hours.

4.4 Due to different work schedules/hours, some employees may send communications at a time which is not during the working hours of the recipient. Before sending a communication, the sender should give consideration to the content and timing of their communication and understand that the recipient may not respond until their working hours. Consideration should be given to using a "do not deliver before" or "delay send" feature on emails so that they are delivered during the recipient's working hours. Similarly, reasonable efforts should be made to schedule meetings during working hours of all employees expected to attend.

4.5 Some employees may be provided with devices, such as a mobile phone, pager, laptop, or tablet. In some cases, these are provided to ensure that the employee can be reached for work (e.g. being provided with a pager while "on-call"). In other cases, these are provided to employees to allow flexibility in how such employees complete their work. Employees provided with these devices are expected to be

reasonably reachable in the event of a work requirement and to work if the circumstances warrant (e.g. to respond to an "on-call" requirement, or to respond to urgent work communications).

4.6 Any communications requiring attention outside of the recipient's regular working hours should be identified by the sender as such.

4.7 To assist in creating a healthy work/life balance, employees are encouraged to be proactive and take steps such as the following:

(a) making any particular scheduling restrictions known to their manager/supervisor;

(b) making others aware of approved time off well in advance;

(c) during absences, using automated email responses to make others aware of their unavailability and providing contact information for an alternative person who may be able to assist, aligned with corporate customer service standards;

(d) not feeling compelled to respond until their working hours if they receive a work-related communication outside of regular working hours that is identified as requiring urgent attention; and

(e) being mindful of their co-workers' working hours so as to afford them an opportunity for disconnecting from work.

5. Responsibilities

5.1 Employees are responsible to:

(a) ensure that they do not work outside of their working hours other than as requested or required by Municipality;

(b) ensure that they do not exceed any applicable maximum permitted working hours or work during a time that they are required to be free from work;

(c) track and report work performed outside of their scheduled working hours, and follow any time tracking methods or requirements that the Municipality may use or establish in order to record working time, including when working remotely;

(d) be mindful of times that others (such as other employees and contractors) may be disconnecting from work (e.g. by generally avoiding emailing or calling outside normal working hours); and

(e) following any directions established by the Municipality relating to notifying others of times that the employee is disconnecting from work (e.g. 'out of office' voicemails, automatic email replies, etc.).

5.2 The Municipality will:

(a) establish and maintain a written policy on disconnecting from work;

(b) review the policy with respect to disconnecting from work as often as is necessary; and

(c) provide a copy of the written policy on disconnecting from work to all employees within 30 days of the policy being prepared or changed, and to new employees within 30 days of being hired.

6. Employment Standards

6.1 This policy does not eliminate or limit any applicable rights that an employee has under the ESA or an agreement governing their employment with the Municipality, nor does it confer any additional rights. Each employee retains their applicable rights, including those regarding the performance (and non-performance) of work, and those regarding when work is deemed to have been performed.

7. Changes to Policy

7.1 The Municipality will review this policy from time to time and may make changes at any time. Any changes will be communicated to employees.

8. Questions Relating to Policy

8.1 Any questions regarding this policy may be directed to the Chief Administrative Officer.