

Staff Report



Corporate Services Department

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REPORT TO: Committee of the Whole

DATE OF MEETING: June 20, 2022

SUBMITTED BY: Victoria Raab, General Manager, Corporate Services
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PREPARED BY: 519-741-2200 ext. 7935

WARD(S) INVOLVED: n/a

DATE OF REPORT: June 1, 2022

REPORT NO.: COR-2022-319

SUBJECT: Disconnecting From Work Policy

RECOMMENDATION:

That Council Receive the following report for information.

REPORT HIGHLIGHTS:

- The purpose of this report is to provide Kitchener City Council with an update on the implementation of the organization's Disconnecting From Work Policy.
- The key finding of this report is that, compliant with Bill 27, the City of Kitchener established a Disconnecting From Work policy by June 2, 2022.
- There are no financial implications to this report.
- Community engagement was not required for this report.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Through Bill 27, the Province of Ontario amended the *Employment Standards Act, 2000, (ESA)* to require employers with 25 or more employees to establish a "disconnecting from work" policy by June 2, 2022. Per the provincial legislation, the new policy must apply to all employees, but it does not require that the same policy terms are uniformly applied to all employee groups.

The term "disconnecting from work" means not engaging in work-related communications, including emails, telephone calls, video calls or sending or reviewing other messages so as to be free from the performance of work during non-work hours.

Some exceptions to engaging in work-related communications outside on non-work hours exist in the policy, including (but not limited to):

- During unforeseeable circumstances and/or emergency situations
- Notifying employees about their shift/scheduling of work
- Employees that are on call
- Other existing ESA rights where not applicable to certain classes of employees

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

BACKGROUND:

In the midst of the global COVID-19 pandemic and the essential shift to working from home, many workers and workplaces saw a dramatic increase in connectivity and extended workdays. As the pandemic waned on, numerous articles, research studies and reports on the impacts of the social, behavioural and physical well-being of this constant connectivity were published, many finding that employees were seeking better protection of work-life balance.

In response, on October 25, 2021, the Ontario government passed Bill 27, the *Working for Workers Act, 2021*. The Bill contains an amendment to the *Employment Standards Act, 2000*, requiring Ontario employers to implement a policy with respect to “disconnecting from work” by June 2, 2022.

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

REPORT:

During the COVID-19 Pandemic, the City of Kitchener conducted two employee ‘pulse surveys’. These surveys provided staff the opportunity to share anonymously how they were feeling during the pandemic. The results of the surveys demonstrated a need to focus on organizational connections and culture, employee well-being, and resilience.

As a result, the organization developed an action plan to address these themes, including the development of resources and programs to build resilience, support psychological safety, and manage work-life balance. This work helped to lay the foundation for the development of a *Disconnecting From Work Policy* that meets the needs of the City’s diverse business units and workforce, while also meeting the requirements of the amendments to the *Employment Standards Act, 2000*.

Disconnecting from work is important for an individual’s well-being and helps employees achieve a healthy and sustainable work-life balance. The City of Kitchener supports employee well-being through a number of internal programs; the implementation of the *Disconnecting From Work Policy* furthers these efforts while also meeting the requirements set out by the Province.

As a municipality that provides services 24/7, “normal” hours of work vary by work area and role, so the City’s policy has been developed in consideration of these business requirements. That said, universally, regardless of job function, team, division or department, employees receiving non-urgent communications outside of their own regular working hours are not expected to respond until their next working day. This term of the policy affirms existing rights of employees to disconnect under the ESA and their employment contract/collective agreement, which stipulate hours of work, eating periods and vacation.

The Policy also recognizes that some employees will still need to communicate outside of their work hours for administrative, emergency or business/operational purposes. This includes staff who are on-call or are required to attend meetings outside of the normal workday. This also applies when an employee may be called upon to respond to an unforeseen event or emergency.

Leadership at all levels with the City of Kitchener will play a key role in the implementation and normalization of this policy. Tools and resources will be provided to support management and staff with implementing effective personal and productivity changes to support their well-being. Leading by example to follow the guidelines within the policy (such as sending and checking work-related communications only during normal working hours) will be crucial in demonstrating organizational commitment to the policy. It is recognized that some management and other leaders may choose to work additional hours outside a standard workday on occasion to advance the business of the organization, and that this may include communication to employees and/or peers or others. While employees would not be required to respond to communication that occurs outside of their own normal working hours, organizational hierarchy can lead to an unintended but perceived expectation that staff respond to emails/phone calls after hours from management staff. For this reason, leaders at all levels are encouraged to exercise restraint in issuing communication on non-urgent matters outside of the recipient employee's normal hours of work.

A communication and implementation plan has been developed to inform all employees about the Policy and will be rolled out in compliance with the ESA.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

PREVIOUS REPORTS/AUTHORITIES

- *Employment Standards Act, 2000*

APPROVED BY: Dan Chapman, Chief Administrative Officer

ATTACHMENTS:

Attachment A – HUM-WOR-2032 Disconnecting From Work Policy