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|  | <h2>POLICY</h2> | Policy No: HUM-WOR-2032 |
| <p><u>Policy Title:</u> Disconnecting From Work</p> <p><u>Policy Type:</u> ADMINISTRATIVE</p> <p><u>Category:</u> Human Resources</p> <p><u>Sub-Category:</u> Workplace Practices</p> <p><u>Author:</u> Human Resources</p> <p><u>Dept/Div:</u> Corporate Services</p> | | <p><u>Approval Date:</u> June 2, 2022</p> <hr/> <p><u>Reviewed Date:</u> Click here to enter text.</p> <p><u>Next Review Date:</u> March 2023</p> <p><u>Reviewed Date:</u> Click here to enter text.</p> <hr/> <p><u>Amended:</u> Click here to enter a date.</p> <hr/> <p><u>Replaces:</u> Click here to enter text.</p> <p><u>Repealed:</u> Click here to enter a date.</p> <p><u>Replaced by:</u> Click here to enter text.</p> |
| <p><u>Related Policies, Procedures and/or Guidelines:</u></p> <p>HUM-VAC-135 Hours of Work and Rest Periods</p> <p>HUM-VAC-225 Specified Holidays</p> <p>HUM-VAC-165 Leaves of Absence</p> <p>HUM-VAC-245 Vacation</p> <p>HUM-BEN-185 Overtime and Premium Payments</p> <p>HUM-WOR-085 Employee Complaint Resolution</p> <p>HUM-WOR-010 Alternative Working Arrangements</p> <p>HUM-WOR-2009 Modified Hours Program</p> <p>Work From Home Administrative Procedure</p> <p><i>Employment Standards Act, 2000</i></p> <p><i>Occupational Health and Safety Act, 1990</i></p> <p>All collective agreements between the City of Kitchener and bargaining units representing City of Kitchener employees</p> <p>City of Kitchener Smartphone Guidelines</p> <p>City of Kitchener Customer Service Standards</p> | | |

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Policy Title: Disconnecting From Work

1. **POLICY PURPOSE:**

Disconnecting from work is important for an individual's wellbeing, and helps employees achieve a healthy and sustainable work-life balance. The health and wellness of our employees is of the utmost importance, and we, the Corporation of the City of Kitchener (the "City"), encourage and support our employees in prioritizing their own wellbeing.

This Disconnecting-from-Work Policy (the "Policy") provides guidance to assist employees in disconnecting from work outside of their normal working hours in accordance with and subject to this Policy. 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.

City of Kitchener employees serve Kitchener residents around-the-clock to fulfill the City's operational requirements, which means that there are some circumstances where employees will need to communicate regarding work-related matters outside their normal working hours. The intent of this policy is to ensure that employees are aware of circumstances and expectations for essential after-hours communication and to otherwise establish supportive practices to encourage employees to disconnect from work.

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

2. **DEFINITIONS:**

The City: refers to Corporation of The City of Kitchener

Co-workers: employees who are not involved in a supervisor-subordinate relationship.

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. This is considered to be an inclusive, but not exhaustive list.

Employee: refers to any employee of the City considered an employee under the *Employment Standards Act, 2000*.

ESA: The *Ontario Employment Standards Act, 2000*

Normal workday/hours: the employee's typical hours of work based on their employment contract or the terms of their collective agreement, if applicable, and reflecting modified hours should the employee be approved to participate in any applicable modified hours or alternative working arrangements program.

Senior leaders/leadership: supervisors employed as directors, department heads, deputy fire chiefs, fire chief, CAO, and other equivalents.

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Supervisor: an employee who has charge of a workplace or authority over a worker. Supervisors may have job titles including but not limited to supervisor, manager, director, department head, CAO, Fire Chief, Deputy Fire Chiefs, or other equivalents.

3. **SCOPE:**

| POLICY APPLIES TO THE FOLLOWING: | |
|---|---|
| <input checked="" type="checkbox"/> All Employees | |
| <input type="checkbox"/> Management | <input type="checkbox"/> Permanent Full-Time Employees |
| <input type="checkbox"/> Permanent Full-Time Non Union | <input type="checkbox"/> Permanent Full-Time C.U.P.E. 791 |
| <input type="checkbox"/> Temporary | <input type="checkbox"/> Part-Time Non-Union |
| <input type="checkbox"/> Student | <input type="checkbox"/> Permanent Full-Time Union |
| <input type="checkbox"/> Continuous Part-Time Employees | <input type="checkbox"/> Part-Time Employees |
| <input type="checkbox"/> Continuous Part-Time Non-Union | <input type="checkbox"/> Continuous Part-Time Union |
| <input type="checkbox"/> Specified Positions only: | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Council | <input type="checkbox"/> Local Boards & Advisory Committees |

Application

- a. This Policy applies to all employees, as defined by the *Ontario Employment Standards Act, 2000* ("ESA"), whether they are working remotely, in the workplace, or are mobile. For clarity, "employee" under this Policy means only those employees of the City which are considered employees under the ESA.
- b. Some employees may be eligible to receive overtime pay, lieu time or participate in on-call or standby programs. During periods for which employees are compensated under an applicable collective agreement or policy, the terms of this Policy does not apply.
- c. The Policy does not apply to parties outside the employment of the City of Kitchener and therefore, outside parties may communicate with employees outside of employees' hours of work. Employees are not obligated to respond outside of their normal hours of work except as specified in this Policy, the City's Smartphone Guidelines if applicable, and the City's Customer Service Standards.

4. **POLICY CONTENT:**

4.1 Disconnecting from work

- a. An employee's ability to disconnect from work depends on the City's operational needs and the duties and obligations of the employee's position, subject to an

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employee's employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA.

- b. Nothing in this Policy precludes the City or other employees of the City from contacting colleagues outside of what may be considered normal working hours or standard business hours, 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.
- c. 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: normal hours of work and hours free from work, overtime pay, meal and/or rest periods, public holidays and public holiday pay, and vacation.
- d. Nothing in this Policy is intended to amend or supersede any grievance procedure or other aspect of any applicable collective agreement.

4.2 Exceptions

- a. In the ordinary course of business there will be situations when it is necessary to contact colleagues outside of an employee's normal working hours, including but not limited to:
 - i. checking availability for scheduling;
 - ii. to call in sick or arrange for another form of leave;
 - iii. to arrange for an employee to fill in on short notice for a colleague who has called in sick or is unavailable for work;
 - iv. where an employee is on call or stand-by;
 - v. for legitimate employment-related reasons where Human Resources or management may need to contact an employee who is not actively at work;
 - vi. where unforeseeable circumstances may arise (e.g., a facility closure);
 - vii. where an emergency may arise (e.g., a fire emergency, infrastructure failure, workplace injury, weather event, or where there is a risk to public safety);
 - viii. other business or operational reasons that require contact outside of an employee's normal working hours including but not limited to: attending advisory, public, standing committee or council meetings; responding to a time sensitive media inquiry; responding to a time-sensitive customer service request; in response to a legislative/inspection issue; or to respond to a time-sensitive unplanned Council report requirement.

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- b. Employees/teams who may need to be available after hours to respond to time-sensitive communication should have in place an established protocol to determine the appropriate communication method (e.g., a cell phone call, an email with the subject "URGENT") to reach employees where an operational requirement justifies after-hours communication. There is otherwise no expectation that emails or other unspecified communications channels are being actively monitored after hours.
- c. Where co-workers voluntarily wish to communicate with one another for work-related purposes outside of their normal working hours, these occasions must be communicated, negotiated and agreed upon ahead of time with the understanding that this is not to become a regular practice or expectation for the staff involved.

4.3 Guidelines to support disconnecting from work

- a. Working Hours
 - i. An employee's normal working hours are as set out in their employment contract and/or applicable collective agreement, and may be subject to HUM-VAC-135 Hours of Work and Rest Periods as well as modification based on HUM-WOR-2009 Modified Hours Program and/or HUM-WOR-010 Alternative Working Arrangements.
 - ii. Normal working hours for employees may vary. It is important to remember that all employees' ability to disconnect from work is within the context of their own individual work schedules.
 - iii. Despite the establishment of normal working hours, all employees recognize that there may be circumstances where work must be completed outside of normal working hours.
 - iv. Employees with a corporate email account should indicate their normal working hours in their online calendar (e.g., Outlook) and are encouraged to block their lunch and/or breaks where applicable.
- b. Communications
 - i. Where possible, employees should send and/or check work-related communications during normal working hours. Due to differing/non-standard work schedules within the City, some employees may send communications outside of the normal working hours of recipients. The recipient should understand that they are not expected to respond until their working time recommences unless otherwise required and stipulated per the circumstances as outlined in Section 4.2.
 - ii. Employees should be mindful that responding to communications after hours can create an expectation for some employees that they will always respond after hours. By the same token, management should recognize that sending communications after hours can create a perceived expectation for their staff

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to respond and should therefore not create an environment that pressures their staff to respond to messages after hours. Electronic tools are available to delay delivery of non-urgent communications sent outside of normal working hours.

- iii. Employees should be mindful of the communication channel that they select to use and reserve real-time communication methods such as instant messages (e.g., Teams chat), text messages, cell phone and video calls for use during the normal working hours of the affected employees, or for urgent after-hours communication only (per the circumstances as outlined in Section 4.2) with the aim to minimize disturbance when non-urgent after-hours communications are sent.
- iv. If an employee is not online or available during their normal working hours, it is expected that they will update their communication tools (e.g., Microsoft Teams) status and calendar (e.g., Outlook).
- v. Work-related communications should not be sent to or from employees' personal mobile phones, e-mail addresses, social media accounts, telephone numbers or other devices except where the employee's personal contact information is designated as the primary communication channel (i.e., the employee does not have a corporate email account or City-issued smartphone) or there is agreement to communicate in this manner as stipulated in Section 4.2.
- vi. Some employees, depending on their role, may be provided with mobile devices such as smartphones. Employees with a City-issued smartphone should follow the City's Smartphone Guidelines which establish protocols for after-hours communication.

c. Meetings

- i. Where possible, meetings should be scheduled during the normal working hours of attendees, and organizers should be mindful of the agenda to ensure that the meeting concludes on time.
- ii. When scheduling meetings, employees should note the availability of attendees by making use of digital tools (e.g., their Outlook calendar) to select appropriate meeting times that avoid meal and/or rest periods where indicated.
- iii. Meeting invitations/changes should be sent during normal working hours where possible except where prompt after-hours notification benefits the recipient in arranging their schedule, and senders should be mindful of the potential impact on the recipient of receiving an after-hours meeting invitation/change that may be cause for concern.

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d. Vacation

- i. Vacation is important to support employee health and wellbeing. All employees should seek to take their allotted vacation entitlements as set out in their applicable collective agreement, employment contract and/or the HUM-VAC-245 Vacation Policy.
- ii. Employees should work with their supervisor or designated backup employees to ensure a plan is in place to address job-specific duties that must be completed to maintain service levels and fulfil operational requirements while the employee is on vacation.
- iii. Employees taking vacation are expected to use all applicable tools (e.g., Outlook calendar, automatic email replies, voicemail greeting) to update their status and to ensure that impacted colleagues and/or customers are informed of their status, and in accordance with the City's Customer Service Standards, provide an alternate employee who can be contacted regarding urgent matters.

4.4 Employer responsibilities

- a. The City will take steps to ensure that all employees, regardless of their place of work, are:
 - i. informed of what their normal working hours are reasonably expected to be and are informed of the circumstances in which they will be expected to engage in work-related communications outside their normal working hours;
 - ii. able to take applicable meal, rest periods and hours free from work as required by law, applicable collective agreement or contract;
 - iii. able to take vacation or other leave entitlements as required by law, applicable collective agreement or contract and not be asked to perform work during this time;
 - iv. able to work in a safe and healthy working environment.

4.5 Employee Responsibilities

- a. All employees are responsible for understanding the contents of this Policy and following the guidelines it contains.
- b. The City expects all employees to comply with the following in the course of their work. Employees must:
 - i. ensure that they manage their own working time and consider their obligation as an employee, while working, to take reasonable care to protect their health and safety and that of their colleagues;

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- ii. co-operate fully with any appropriate and/or reasonable mechanism utilized by the City to record working time or update their working status (e.g. out-of-office messages), including when working remotely, flexibly or when mobile;
- iii. be mindful of colleagues' working hours (e.g., by not routinely emailing or calling outside of normal working hours or expecting answers or responses outside of normal working hours) except per the circumstances outlined in Section 4.2;
- iv. abide by the City's Customer Service Standards;
- v. comply with the City's overtime, lieu time and hours of work policies, procedures, and/or applicable collective agreement(s), including any requirements to obtain prior approval before performing overtime work;
- vi. advise their supervisor or manager if they feel their workload or other factors are preventing them from being able to take meal, rest, break or hours-free-from-work periods that they are entitled to;
- vii. work with their supervisor and/or a designated alternate employee to ensure arrangements are in place to enable the employee to disconnect while on vacation or leave.

4.6 Supervisor responsibilities

- a. The City expects all supervisors to comply with the following in the course of their work. Supervisors must:
 - i. work with their team to establish work practices that support this Policy;
 - ii. be mindful of times that communications are sent by their team members and work with team members who may be struggling to disconnect to identify solutions;
 - iii. enforce this Policy including responding to any complaints associated with the implementation of the Policy within their area of responsibility;
 - iv. ensure employees are able to take applicable meal, rest and break periods, and have the appropriate hours-free-from-work as required by law, their employment contract and/or applicable collective agreement language;
 - v. ensure employees are able to take vacation or other leave entitlements as required by law, contract and/or applicable collective agreement language.

4.7 Senior leadership responsibilities

- a. The City expects all supervisors to comply with the following in the course of their work. Senior leaders must:

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- i. fulfill supervisory responsibilities listed in Section 4.6;
- ii. ensure that their divisional/departmental staff are aware of and understand the policy;
- iii. enforce this Policy including responding to any complaints associated with the implementation of the Policy within their area of responsibility.

4.8 Right to be free from reprisal

- a. Employees can disconnect from work, except per the circumstances as outlined in Section 4.2, outside of their normal workday without fear of reprisal. This means that employees:
 - i. are not expected to respond to work-related communication outside of their regular working hours, while on break, or during any paid or unpaid time off;
 - ii. will not face repercussions or be penalized for not communicating outside of their regular working hours.
- b. If an employee believes they are being subject to reprisal for disconnecting from work in accordance with this Policy, they should report such concerns per Section 4.9 Reporting concerns.

4.9 Reporting concerns

- a. All employees are expected and required to report any concerns or issues they may have which they feel is impacting their ability to disconnect from work.
- b. Employees should report such concerns or issues, in writing, to their immediate supervisor. If that is not appropriate or the matter cannot be resolved by doing so, employees should direct their concerns or issues to their senior leadership or Human Resources for support or resolution.
- c. Employees will not be subject to reprisal for reporting such concerns as outlined above.

4.10 Posting, Notice and Retention

- a. The City shall provide a copy of this Policy to each employee within 30 calendar days of implementation. Should any changes be made to the Policy after its implementation, the City shall provide each employee a copy of the revised Policy within 30 days of the changes being made.
- b. The City 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 City.

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- c. The City shall retain a copy of this and any revised version of this Policy for three years after it ceases to be in effect.

5. HISTORY OF POLICY CHANGES

Administrative Updates

Formal Amendments