



What's New - Right to Disconnect

A new Right to Disconnect provision has been included in several State Service Awards and is based on the key principle that employees should not be routinely expected to perform work outside of their working hours - with only few exceptions.

The Right to Disconnect supports clear and reasonable boundaries between work and personal time and complements existing workplace practices that promote employee wellbeing.

This new right enshrines what should already be standard operating practices for Agencies. Managers and employees should discuss what is reasonable in their circumstances if they have not already done so.

What is the right to disconnect?

The Right to Disconnect refers to an employee's right to disengage from work and refrain from engaging in work-related activities, outside the employee's working hours, including during periods of leave and rostered days off. Work-related activities include communications such as phone calls, emails, and text messages.

The Right to Disconnect has three main elements:

- Employees are not to be expected to routinely perform work outside of the employee's working hours;
- Employees will not be penalised or otherwise disadvantaged for refusing to attend to work matters outside of the employee's working hours, unless their refusal is unreasonable in the circumstances; and
- Employees are not required to monitor, read or respond to emails, messages or phone calls outside of their working hours unless the employee is required by the employer to be on-call or available or unless they have been directed by the employer to perform overtime.

Determining whether a refusal to contact by an employee is reasonable

What must be taken into account when determining whether a refusal is reasonable:

Whether an employee's refusal to monitor, read or respond to contact is unreasonable is an objective test based on what a reasonable person, having access to all the facts would consider to be appropriate in the circumstances.



Without limiting all considerations, whether a refusal is reasonable will depend on the circumstances in each case.

The award provides the matters that must be taken into account when considering whether a refusal to respond to contact is reasonable as follows:

- the reason for the contact or attempted contact;
- how the contact or attempted contact is made and the level of disruption the contact or attempted contact causes the employee;
- whether the employee is compensated to be available to be contacted or to perform work outside of the working hours;
- the nature and seniority of the employee's role and the employee's level of responsibility; and
- the employee's personal circumstances (including family or caring responsibilities).

Determining the circumstances where contact may be reasonably necessary.

The Right to Disconnect does not prevent employers from attempting to contact employees, nor does it prevent employees from contacting one another where appropriate.

There will be occasions when it may be reasonably necessary for the employer to contact an employee outside of their working hours, and the award provides examples of where it may be reasonably necessary to do so including but not limited to:

- Ascertaining availability for rosters and offers of work or unplanned absences;
- Where unforeseen circumstances arise;
- For genuine employee welfare matters;
- In an emergency or incident response;
- Where business and operational reasons require contact outside of working hours.

For the avoidance of doubt, an employee may not be required to respond to these matters, provided the refusal to respond is reasonable having regard to the above matters to be taken into account when determining whether a refusal is reasonable.



When does this change apply and who does it apply to?

The Right to Disconnect is effective from 1 June 2026 and applies to the following awards.

- Tasmanian State Service Award
- Health and Human Services Award
- AWU (Tasmanian State Sector) Award
- Port Arthur Historic Site Management Authority Award
- Facility Attendants Award
- Medical Practitioners Award
- Firefighters Award
- Teachers Award

The Right to Disconnect does not apply to SES Officers (or equivalent) and Head of Agencies