



Right to Disconnect - Guidance

Overview

This Guidance is intended to support the practical application of the Award provision and should be read in conjunction with the relevant Award. The Right to Disconnect supports clear and reasonable boundaries between work and personal time and complements existing workplace practices that promote employee wellbeing.

Tasmanian State Service Awards that were subject to Wage negotiations in 2025 have been varied to include a standard Right to Disconnect provision.

The Right to Disconnect establishes the Employees Right to Disconnect from work and refrain from engaging in work related communication and activities such as emails, telephone calls and messages outside of the Employee's working hours or during periods of leave or rostered days off, unless the refusal is unreasonable.

The Right to Disconnect extends to work related communications and activities for third parties, such as clients, customers of the Employer and Employees of other Agencies and organisations.

Guiding Principles

The following principles apply to the operation of the Right to Disconnect.

1. Employees are not to be expected to routinely perform work or respond to contact outside of the employee's working hours.
2. 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;
3. 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; and
4. Unless Employees have been directed by the employer to perform overtime.

Work-related contact should be interpreted broadly and includes any form of communication used to engage with Employees, including phone calls, emails, texts, social media and other messaging services or platforms.

These principles are the elements of the Right to Disconnect contained in the award.



Circumstances where it may be reasonable for the Employer to contact an Employee outside of Working Hours

What must be taken into account when determining whether 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, 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; or
- Where business and operational reasons require contact outside of working hours.

An Employee would be expected to respond to contact from the Employer outside of their working hours in these and similar circumstances unless it would be unreasonable to do so having regard to the matters included below for determining whether a refusal is reasonable.

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

Reason for the contact or attempted contact

Considerations of the purpose for the contact or attempted contact include whether it relates to an emergency or urgent operational matter, staffing or roster coverage (including unplanned absence), employee welfare matters, non-urgent administrative matters that may reasonably be deferred and whether it was regarding normal work duties that are usually undertaken during working hours.

For example a manager may contact an employee to notify them of urgent office repairs that would prevent employees from safely attending the workplace or to recall an employee to duty where there is a serious unfolding crisis and the employee's role is critical to the early response.



Contact may also be appropriate where it relates to notifying of roster changes, conducting welfare checks, or confirming an employee's return to work arrangements.

However, it may not be appropriate to expect an employee to respond to queries about future shift availability or other non-urgent matters. Contact may be appropriate if the matter is urgent or time sensitive and cannot reasonably wait until the particular employee returns to work.

If a matter could wait until the employee's ordinary hours of work or there are other options to address the issue it is less likely that the contact would be appropriate.

How the contact or attempted contact is made and the level of disruption the contact or attempted contact causes the employee

This includes considerations as to the manner in which contact is made, including the time of contact, whether the contact is urgent, not urgent and/or or repeated, the level of disruption caused to the employee; and whether the matter could reasonably have been communicated during working hours.

Managers and Employees should have regular discussions to set parameters around out of hours contact and managers should ensure that any contact is consistent with these agreed parameters.

Whether the employee is compensated to be available to be contacted or to perform work outside of the working hours

Consider whether the employee is 'on-call' or rostered on availability and/or receives an allowance or has been directed to perform overtime.

As a general principle a manager may contact an employee who is on-call or rostered on availability and expect a response if the employee receives a benefit for being on-call or available.

The nature and seniority of the employee's role and the employee's level of responsibility

Consider the nature, level, and responsibilities of the employee's role, including whether the role reasonably requires a higher level of after-hours responsiveness due to operational requirements.

As a general rule Managers should avoid contacting lower level employees out of hours unless it is an emergency situation or recognised part of the employee's role and responsibilities.



The employee's personal circumstances (including family or caring responsibilities).

Consider the employee's personal circumstances, where relevant, including caring or family responsibilities, illness or injury, approved leave; or other factors impacting capacity to respond.

Managers should not disadvantage employees based on assumptions about their personal circumstances. Managers should respect the reasonable boundaries put in place by employees relating to their personal circumstances and ensure that any information is managed in line with their privacy obligations.

Implementation of the Right to Disconnect

The right to disconnect now gives a right to employees to disconnect from work related activities and contact outside of work hours and when on leave.

The right to disconnect is designed to encourage employers and employees to discuss out of hours contact and set expectations that suit the workplace and the particular role.

It is expected that in the main this should be standard operating practice across the Tasmanian State Service and that Agencies do not routinely contact employees outside their work hours and expect them to respond unless there is a reasonable basis to do so.

Noting the Right to Disconnect does not prevent or alter the employer's right to contact employees where it continues to be reasonable to do so, but where it is not reasonable employees may now exercise their right to disconnect, and this is not to be used as disciplinary action or part of a performance review.

Advice to Managers

Managers should make themselves aware of the new provisions and should discuss the implementation of the new provisions with their team members.

Managers should ensure their employees understand their rights to disconnect. Managers should ensure they understand the working hours of all their employees including leave, shift, roster, casual and part-time arrangements.

Managers should particularly be aware of their obligations under the Right to Disconnect to consider whether contact outside working hours is reasonably necessary in the circumstances before making contact with an employee.



Managers should avoid making assumptions about an employee's personal circumstances when considering whether out-of-hours contact is reasonable.

If, after considering the circumstances, a manager considers contact outside of working hours is appropriate and necessary, and that an expectation the employee respond would be reasonable, the manager should consider the method of contact and likely level of disruption for the employee and use their judgement to choose the method of contact which is appropriate for the particular circumstances.

Managers and employees should regularly discuss, if they have not already, the types of circumstances in which the employee may be expected to monitor, read or respond to contact so expectations are clearly understood. These discussions may include what types of matters may require outside of hours contact, what is considered genuinely urgent, preferred methods of contact and any agreed boundaries or expectations regarding outside of hours contact. Where possible, these discussions should occur before a need for out of hours contact arises via a range of forums over the employee life cycle including recruitment and onboarding, performance discussions, one-on-one catchups, team meetings and planning sessions.

Managers should be mindful that if they are sending routine emails to an employee outside of an employee's working hours, that the employee is made aware that there is not an expectation that an employee routinely monitor, read or action emails outside their working hours unless it is reasonable for the employee to do so.

Managers should also consider delaying sending routine emails to employees outside the span of hours and scheduling emails to be sent to an employee during the employee's working hours where possible.

Advice to Employees

The insertion of a Right to Disconnect in the awards does not mean that there is a blanket restriction on the employer contacting employees outside of their working hours.

Managers and supervisors can still contact employees outside of working hours where there is a reasonable basis for doing so and existing arrangements for contacting employees outside of their work hours will continue, provided they are reasonable.

Where employees believe contact outside of work hours and the expectation for them to respond is unreasonable or where they believe that it is reasonable to not respond



to a work related communication, they should consider the factors as outlined and that will be considered by the employer.

Employees should discuss with their Manager when they are not clear of the expectation of their role with respect to monitoring, reading or responding to contact or attempted contact from their employer outside of their working hours.

Employees should discuss the type of circumstances outside of working hours in which they may be expected to monitor, read or respond to work related activity and communications with their manager.

Preferred out of hours contact channels

For example, if there's a serious issue, an employee may prefer to be called on their personal phone so that they don't have to monitor a work phone or email account. It is important to discuss how employees may want to be contacted if needed, outside of working hours.

Practical examples

The examples below seek to demonstrate the operation of the Right to Disconnect provisions of the Award in a practical context.

**Example 1**

Example – Workplace situation	Consideration of reasonableness	Decision of whether to contact out of hours
Selim is a Finance Officer. He has an approved flexible working arrangement and works from 7.30 am to 4.00 pm so that he can collect his two young children from childcare. At 4.30 pm on a Tuesday, Selim's supervisor, Ava, becomes aware of a query regarding an outstanding invoice.	Ava considers whether to contact Selim. Ava is aware that Selim had been processing a number of payments that day. Given this, she knew that by checking with Selim, the issue would likely be able to be resolved quickly. If there was a problem, there was still time to get another team member to fix this by close of business. However, even if the invoice had been missed, it could also be addressed the following morning. Before contacting Selim, Ava also considers the nature and urgency of the issue, Selim's personal circumstances, including that he was on his way to collect his children and unlikely able to respond, and the likely level of disruption that contact may cause.	Having considered the circumstances, including the nature and urgency of the issue and Selim's personal circumstances, Ava determines that after-hours contact is not required. Rather than contacting Selim and seeking a response that day, Ava sends an email so that he can respond to the matter when he recommences work at 7.30 am the following morning.



Example 2

Example - Workplace situation	Consideration of reasonableness	Decision of whether to contact out of hours
Sarah is a Band 8 Project Manager who ordinarily works Monday to Friday from 8.45 am to 5.06 pm. Sarah is responsible for delivering a significant Government initiative and is the subject matter expert for the project. Upon commencement in the role, Sarah's manager discussed the agency's expectations regarding after-hours contact and the Right to Disconnect with her. Sarah has also been advised that there may be occasions where urgent operational matters require reasonable out-of-hours contact. Shortly after Sarah finishes work, a significant issue arises which has potential implications for a Government commitment due to be delivered the following morning. As the Project Manager responsible for the initiative, Sarah is best placed to provide advice regarding the issue. The Deputy Secretary attempts to contact Sarah by phone and sends a text message explaining the urgency of the matter.	Assessment 1: Is it reasonable to contact Sarah? Before contacting Sarah, the Deputy Secretary considers the urgency of the matter, the need to provide advice in relation to a time-critical Government commitment, Sarah's role and responsibility for the initiative, and the likely level of disruption caused by the contact. Having regard to these factors, the Deputy Secretary determines that it is reasonable to attempt to contact Sarah outside ordinary working hours. Assessment 2: Is Sarah's refusal to response reasonable? Sarah receives the message but does not respond. In considering whether Sarah's refusal was reasonable, regard is had to the urgency of the matter, Sarah's level of responsibility for the initiative, the method of contact, and Sarah's personal circumstances.	Having regard to all of the circumstances, Sarah's refusal to respond to the contact may be unreasonable.



Who needs to be aware of out of hours contact arrangements

Depending on the work context, it may be appropriate for managers and supervisors to formalise arrangements for out of hours contact and communicate those arrangements with senior leaders. For any external clients, managers and supervisors may consider whether and how they should discuss expectations about communication with their clients.

When arrangements should be reviewed

It is recommended that the arrangement should be reviewed on a regular basis, when there's a change in an employee's hours (such as a change to hours or work due to a flexible work arrangement) or when there may be a critical issue or high profile project that may arise at work.

What internal policies, procedures and documents may need to be reviewed and updated

Where a role legitimately requires a degree of out-of-hours availability due to operational or business requirements, and this forms an inherent and ongoing aspect of a role, those expectations should clearly be communicated and reflected in relevant documentation such as Statements of Duties and performance development agreements. This does not remove an employee's Right to Disconnect, and the reasonableness of any contact must still be assessed on a case-by-case basis.

Preferred out of hours contact channels

It is important to discuss how employees may want to be contacted if needed outside of working hours. For example, if there's a serious issue, an employee may prefer to be called on their personal phone so that they don't have to monitor a work phone or email account.

Concerns and Resolution

Where concerns arise regarding the application of the Right to Disconnect, employees are encouraged to raise these concerns with their manager in the first instance. Advice can also be sought from the relevant HR team.

Where matters are unable to be resolved employees may lodge an industrial dispute for breach of award in accordance with s29(1) or s23(1) of the *Industrial Relations Act 1984*.