



Right to Disconnect

Frequently Asked Questions

1. What does the Right to Disconnect mean?

This is a new employee right to refuse to monitor, read, or respond to out-of-hours work contact and communications (including emails, calls, and texts), unless that refusal is unreasonable.

2. What has changed with the new Right to Disconnect condition in the award?

This new condition and Right to Disconnect provision in the award means that employees have the right to refuse work-related contact outside work hours, to manage personal and work time and for managers to consider a range of factors before they initiate contact with employees outside of hours to ensure that any contact is reasonable.

3. Does this now mean my manager can't contact me after hours?

No.

Your Manager can still contact you but you have the right to ignore or not respond to that contact outside of your agreed working hours without fear of penalty, providing your refusal isn't deemed unreasonable and you have not been directed or rostered to be available or on-call for duty and or directed to be on overtime.

4. How is an 'unreasonable' refusal determined?

A refusal is assessed on a case-by-case basis. Factors considered include:

- 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).



5. What are some of the reasons why it would be necessary for my manager to consider it reasonable to contact me outside of work hours?

There are a number of reasons why it might be necessary and reasonable for your manager to contact you after work hours as follows:

- 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.

6. Does the Right to Disconnect apply when working flexible hours?

Yes.

The Right to Disconnect applies outside an employee's ordinary working hours. Employees working flexible arrangements should discuss availability expectations with their manager to ensure there is a shared understanding of working patterns and communication requirements.

7. Can I be disciplined for not responding after hours?

Employees must not be subjected to discipline or adverse action for refusing to respond to communications where that refusal is reasonable.

8. What if I am on leave?

The Right to Disconnect applies to employees while on leave in the same way. Employees are able to refuse to respond to contact while on leave where the refusal is reasonable. Managers are able to contact employees while they are on leave taking into the account the same factors for out of work hours considerations.

9. What should I do if my manager keeps contacting me outside my working hours?

Firstly, you should discuss any concerns directly with your manager to clarify out-of-hours expectations. If it cannot be resolved at the workplace level, you or your manager should refer to your HR team for assistance.