

Disconnecting From Work: Managerial Employees

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Introduction

While the Employment Standards Act, 2000 (ESA) requires the Simcoe Muskoka District Health Unit (SMDHU) to have a Disconnecting From Work Policy, the Act does not specify the information the employer must include in its policy. As such the ESA allows the employer to determine the content of the policy itself. The ESA also does not specify SMDHU establish a policy that provides a right for employees to disconnect from work and be free from the obligation to engage in work-related communications. Accordingly, the SMDHU Disconnecting From Work policy for Managerial employees has been developed in accordance with the above.

Purpose

To inform all health unit Managerial employees of the parameters around disconnecting from work in accordance with the requirements of the ESA, 2000, in order to assist Managerial employees in better achieving Work Life Balance.

Legislative Authority

Employment Standards Act, 2000 (ESA)

Policy Definitions and Interpretation

Disconnecting from work: Defined in the ESA to mean not engaging in work-related communications, including emails, telephone calls, video calls or sending or reviewing other messages, to be free from the performance of work. Text messages are included in this definition.

On Call: The Disconnecting From Work policy does not apply to Managerial employees scheduled to be on call/stand by.

Scheduled Workday: A scheduled workday for managerial employees for the purposes of disconnecting from work occurs between the hours of 8 a.m. and 6 p.m., except those working overtime, weekends or an evening or alternative shift extending past 6 p.m., in which case upon conclusion of that shift.

Work Time: If a Managerial employee performs work — such as reviewing or drafting emails after the employee’s shift is over— the time the employee spends doing those activities is generally considered to be working time even if the employee does so from home after the employee’s scheduled shift is over.

Policy

Given the nature of their position, Managerial staff are not subject to ESA sections:

- 17: Hours of Work;
- 18: Hours Free From Work
- 19: Exceptional Circumstances.

In addition, their compensation is built around the need to be available if and when required by the employer which may include but not limited to after hours and weekends. As such, Managerial employees may need to be contacted as needed by the Health Unit. Notwithstanding, they may choose to turn on an out of office notification and postpone their response until the commencement of their next scheduled workday for any non-urgent/non-emergency communications with SMDHU on Public Holidays/days in lieu, Comp and flex time, paid leaves, and Vacation. They may also disconnect from work at the completion of their “scheduled workday” if not scheduled to be on call/standby. This may allow Managerial employees to be free from the performance of work after having completed the requirements of their “scheduled work day”. However, if an emergency/urgent call is initiated specifically to a managerial employee they will be required to communicate with the Health Unit in urgent situations, Exceptional Circumstances, as defined in the ESA, when an Incident Management System (IMS)/Emergency Management System (EMS) occurs or when a public health emergency exists or is declared by the Government or the Health Unit.

Accordingly, all managerial employees contacted to assist in an emergency or urgent response will be required to respond in such situations and to read or reply to all urgent work-related communications including but not limited to emails, work-related phone calls, text’s etc., during and after their scheduled workday is over, the duration of which will be as requested by their direct supervisor

Procedures

1. Except managerial employees assigned to:
 - work overtime
 - on call/standby,
 - work evenings,
 - an alternate shift,
 - weekends,
 - public holidays/days in lieu,

managerial employees are not required to leave their work phones or computers on after their scheduled shift or on their scheduled days off. In emergency or urgent situations SMDHU has an established “fan out” call system which will be utilized to contact designated managerial employees who will be required to assist in the response. Accordingly, managerial employees are not required to respond to normal communications until the commencement of their next scheduled workday.

2. Notwithstanding, in Exceptional Circumstances, an Incident Management System(IMS)/Emergency Management System(EMS), an urgent situation occurs or when a public health emergency exists or is declared by the Government or the Health Unit, all contacted managerial employees will be required to assist in the response, are to be available and have their work phones and computers turned on during and after their scheduled work day is over, the duration of which will be as required by their direct supervisor.

3. In non-emergency, non-urgent situations, communication options available to managerial employees that support disconnecting from work outside of a scheduled workday:
- Voicemail –although not required, you have the option to indicate your scheduled workday if deemed necessary and when your voice mail will be responded to; when out of office and to indicate a return date; when a message will be responded to; and who can be contacted if an earlier response is required.
 - Email notification –although not required, you have the option to turn on out-of-office at the end of each scheduled workday indicating when email will be responded to.
 - Meetings – except in emergency or urgent situations, meetings should normally only be booked during normal business hours which are between 8:30 a.m. and 4:30 p.m.

Related Policies

HR0605 Disconnecting From Work: Non-Managerial Employees

Related Forms

N/A

Final Approval Signature: _____