

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL**

BY-LAW NO. 2022-44

“BEING A BY-LAW TO ADOPT A DISCONNECT FROM WORK POLICY”

WHEREAS the Working for Workers Act, 2021 S.O. 2021, c.35 amended the Employment Standards Act, 2000, S.O. 2000, c. 41 to include Part VII.0.1 where Section 21.1.2 provides that an employer who employs 25 or more employees, before March 1 of that year, ensure it has a written policy in place for all employees with respect to disconnecting from work policy; and

WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it necessary to adopt a disconnect from work policy for the Township of Edwardsburgh Cardinal.

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. That the Disconnect from Work Policy, as outlined in Schedule “A” attached hereto shall form part of this by-law, is approved.
2. That this by-law shall come into force and effect upon passing.

Read a first and second time in open Council this 27 day of June, 2022.

Read a third and final time, passed, signed and sealed in open Council this 27 day of June, 2022.

Mayor

Clerk

**Schedule “A”
2022-44
Disconnect from Work Policy**

1. Preamble

The Township is committed to fostering a safe and healthy work environment for all employees and recognizes the importance of employees maintaining a balance between their work and personal lives. Time spent away from work related tasks can lead to overall improved employee health (physical, mental, and emotional) and increased organizational productivity. The Township encourages employees to disconnect from work where/when possible.

2. Purpose

The purpose of this policy is to provide a strategy and outline the procedures, requirements, roles and expectations for the right to Disconnect from Work process and ensure compliance with the applicable legislation.

3. Application

This policy applies to all Township employees, as defined in the Collective agreement, Employment and Personnel Policy and by the *Ontario Employment Standards Act*, regardless of their place of work.

4. Definition

- a) **Disconnecting from work:** is defined in the ESA to mean not engaging in work-related communications, including emails, video calls or sending or receiving other messages, to be free from the performance of work.
- b) **ESA:** refers to the Ontario Employment Standards Act, 2000
- c) **Township:** refers to the Township of Edwardsburgh Cardinal

5. Employer Obligations

The Township will make reasonable efforts to ensure that its employees, regardless of their place of work, are:

- a) informed of what their normal working hours are reasonably expected to be and are informed of the general circumstances in which they may be expected to engage in work-related communications outside their normal working hours.
- b) able to take applicable meal, rest periods and hours free from work as required by law, contract and/or applicable collective agreement language.
- c) able to take vacation or other leave entitlements as required by law, contract and/or applicable collective agreement language.

6. Employee Obligations

The Township expects all employees to comply with the following in the course of their work. Employees will:

- a) cooperate fully with any applicable mechanism utilized by the

Township to record working time or update their working status (e.g., out-of-office messages).

- b) be mindful of colleagues', customers/clients', vendors' and other third parties' working hours.
- c) ensure that they take ownership of their work and meet operational needs.
- d) obtain prior approval before performing overtime work for any non-management level.
- e) Speak with their supervisor or manager if unable to manage their workload during their regularly scheduled hours.
- f) Use their accrued entitlements (vacation, personal, float, banked) in full every year, excluding eligible carryover entitlements. Notify supervisor or manager of any entitlement they were unable to exercise and the reasons why.

7. Ability to Disconnect from Work

- a. An employee's ability to disconnect from work depends on the Township's operational needs and the duties and obligations of the employee's position, subject to an employee's employment contract, applicable collective agreement and/or their minimum statutory entitlements under the ESA.
- b. 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.
- c. Nothing in this Policy is intended to amend or supersede any grievance procedure or other aspect of any applicable collective agreement.
- d. The Township understands that employees may want or need to work outside their normal hours to meet a time-sensitive deadline, to attend to an urgent matter, or due to unforeseen circumstances; however, employees should not regularly or frequently work outside their scheduled hours to complete or catch up on work without previous authorization from their supervisor or manager.

8. Reporting Concerns

- a. All employees **are expected to** report any concerns or issues they may have which they feel is impacting their ability to disconnect-from-work.
- b. Employees are encouraged to report such concerns or issues 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 the CAO.
- c. Employees will not be subject to reprisal for reporting such concerns

as outlined above.

9. Posting, Notice and Retention

- a. The Township shall provide notice of this Policy to employees of the Township within 30 calendar days of implementation. Should any changes be made to the Policy after its implementation, the Township shall provide notice to employees of the revision within 30 days of the changes being made.
- b. The Township shall advise all new employees of this Policy within 30 calendar days of the employee commencing employment with the Township.

10. Communication

- a. Employees may feel obligated to send or respond to messages when not working. The Township may on occasion send general communication to employees when they are not working, but will do their best to ensure that they are not sending communication that requires immediate response from employees. Employees are not expected to respond to any company communication when not at work, except for unforeseen circumstances, such as an emergency.
- b. Employees must also respect others and avoid direct communication like sending emails, messages (through their phone or other communication/messaging apps) or calling other employees or clients outside their regularly scheduled working hours, during breaks, or during an employee's time off, such as regular day off or vacation.
- c. The Township understands that it may be necessary to send communication to a group of employees, such as an entire department, or forward important information to an employee who is not working. If the Township/employees/Council do send communication to others who are not at work, they should not expect a response until the employee returns. If the matter is urgent or there is an emergency and requires an immediate response, the employee/Council member should contact the employee's supervisor or manager.
- d. If the Township/employee(s)/Council member(s) sends communication outside of working hours, others may be more likely to feel obligated to respond or assume the person sending the communication will be available during those hours. If it is necessary to compose messages or communication outside of regular hours, use a scheduling tool to send the message at a specific time during regular working hours.

11. Health Support

- a. The Township recognizes that the workplace plays a significant role in managing and supporting mental health and understands that deterioration of mental health and wellness can be triggered by excess pressures at work or at home and result in lowered work performance and harm to one's physical and mental health.
- b. The Township will support mental health by:
 - i. Minimizing work-related sources of stress;
 - ii. Addressing internal factors that contribute to burnout;
 - iii. Regularly assessing workload and expectations;

- iv. Promoting work-life balance;
- v. Helping employees recognize the signs and symptoms or health issues;
- vi. Having an open-door policy for communication and ensure employees are comfortable talking to their supervisor or manager about health concerns;
- vii. Treating mental health with the same level of importance as physical health and safety;
- viii. Providing employees with the assistance and access to resources they need to support their mental health.

EVALUATION

The policy will be reviewed on a regular basis using the four-part questionnaire that will evaluate the following items:

- Did the legislation change;
- Was the goal of the standard met;
- Were the requirements of the standard met; and
- Were there problems or concerns meeting the standard?

Applicable training needs will also be reviewed and provided as needed to keep the policy current.