



TITLE: RIGHT TO DISCONNECT POLICY

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| Superseded or Obsolete Policy / Procedure(s) | | Owner | |
| | | Human Resources | |

1. Purpose of Policy

The health and wellbeing of the employees of Carlow College, St. Patrick's (hereafter Carlow College) is of the utmost importance. The College encourages and supports all employees to prioritise their own wellbeing. Disconnecting from work is vital for your wellbeing, and to help you achieve a healthy and sustainable work-life balance. The College recognises that every employee is entitled to switch off outside of their normal working hours and enjoy their free time away from work without being disturbed, unless there is an emergency or agreement to do so, for example while 'on call'.

To encourage and support our employees in balancing their working and personal lives, whether they work traditional hours in the workplace, work remotely or flexibly, we have adopted a *Right to Disconnect Policy*, which includes best practice guidance around wellbeing, working hours, the use of technology and more.

The purpose of this Policy is to provide practical guidance and best practice to employees in relation to the Right to Disconnect. The modern working environment in recent times has been drastically changed by new communication and information technologies, which allows the College and employees the flexibility to work anywhere and at any time.

Although digital platforms bring flexibility and freedom to employees' they can also create an absence of limits. The College recognises the importance of helping employees maintain a good work and home life balance but is aware that an 'always-connected' culture can shrink the boundaries of balancing work life with home life.

The College also recognises that every employee, regardless of their role, is entitled to switch off outside of their normal working hours and enjoy their free time away from work without

being disturbed unless there is a reasonable basis to do so. The creation of a culture in which employees feel they can disconnect from work and work-related devices necessitates a joint approach by both the College and our employees.

To encourage and support our employees in balancing their working and personal lives we have adopted this Policy, considering the Code of Practice for Employers and Employees on the Right to Disconnect.

The College has referred to the Workplace Relations Commission's *Code of Practice for Employers and Employees on the Right to Disconnect* (WRC Code).

The legislation governing this Policy includes:

- *Organisation of Working Time Act, 1997* (OWTA 1997);
- *Safety, Health and Welfare at Work Act, 2005* (SHWWA 2005);
- *Employment (Miscellaneous Provisions) Act, 2018*; and
- *Terms of Employment (Information) Act, 1994 – 2014*.

This Policy is to further assist employees in navigating an increasingly digital and changed working landscape, which often involves remote and flexible working. The WRC code and this Policy aims to provide assistance to those employees who feel obligated to routinely work longer hours than those agreed in their terms and conditions of employment.

2. Definitions

What is the Right to Disconnect?

The Right to Disconnect refers to an employee's right to be able to disengage from work and refrain from engaging in work-related electronic communications, such as emails, telephone calls or other messages, outside normal working hours. In brief, the Right to Disconnect has three main elements:

- I. The right of an employee to not routinely perform work outside normal working hours.
- II. The right to not be penalised for refusing to attend to work matters outside of normal working hours.
- III. The duty to respect another person's right to disconnect (e.g., by not routinely emailing or calling outside normal working hours).

3. Scope of Policy

This Policy is applicable to all employees of Carlow College.

4. Policy Statement

The College recognises that it has a duty to implement this Policy and all employees are expected to comply with it. Management will receive training in the application of this Policy to ensure that they are aware of its contents and provisions. All employees also have a duty and a responsibility to uphold the Policy. The Right to Disconnect refers to an employee's right to be able to disengage from work and refrain from engaging in work-related electronic communications, such as emails, telephone calls or other messages, outside normal working hours. It is important to highlight that normal working hours will vary amongst employees depending on the nature of their role, work location and personal circumstances, etc.

This Policy and its subsequent practices and procedures recognises that business and operational needs may dictate that there will be situations which clearly require some out-of-hours working by some employees depending on the service being provided, the employee's role, the needs of students and the unique requirement of critical services, and as agreed in an employee's terms of employment.

5. Roles and Responsibilities

5.1 The Employer Responsibilities include:

- Providing detailed information to employees on their working time, in accordance with the *Terms of Employment Information Act*, 1994 - 2014.
- Ensuring that employees are informed of what their normal working hours are reasonably expected to be under the *Employment (Miscellaneous Provisions) Act*, 2018.
- Ensuring that employees take rest periods, in accordance with the *OWTA*, 1997.
- Ensuring a safe workplace, including reviewing the relevant risk assessment and, where necessary safety statement in line with the *SHWWA*, 2005. Employers must take account of their obligations under section 8(2)(b) of the *SHWWA*, 2005 which extends to 'managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare at work of his or her employees at risk'.

Not penalising an employee for acting in compliance with any relevant provision or performing any duty or exercising any right under section 27 of *SHWWA*, 2005.

5.2 Human Resources Responsibilities include:

Human Resources have the following responsibilities:

- The Human Resources Office holds responsibility for this Policy and any subsequent practices and procedures.
- Ensure that both Line Managers and staff adhere to the process outlined in this Policy.
- Answer any process/procedure related queries from staff and Line Managers.

5.3 Line Manager Responsibilities include:

Line Managers play a central role in the successful implementation of this Policy. Line Managers should respect the Right to Disconnect of their team members and should demonstrate clear commitment to the Policy through demonstrated leadership and being active role models in this respect.

Line Managers must also recognise and take action when an employee's inability or reluctance to disconnect appears to be linked to excessive workload, performance issues, or if organisational culture is a contributing factor. In such circumstances, Line Managers must ensure that employees have clear goals and deliverables that, other than in exceptional circumstances, stand to be delivered during normal working hours.

Line Managers have the following responsibilities:

- Line Managers are responsible for ensuring that both they and their staff understand the Policy, its practices and procedures.

- Line Managers are required to adhere to this Policy and its procedures.
- Line Managers are required to consult and collaborate with Human Resources as defined within the practices and procedures of this Policy.
- Line Managers are required to notify Human Resources of potential issues arising from this Policy.
- Line Managers are to ensure that appropriate support is provided to employees where applicable.

5.4 Staff Responsibilities include:

All College staff members are responsible for:

- Adhering to the reporting procedures outlined in this document.
- Cooperating fully with any appropriate mechanism utilised by the College to record working time including when working remotely.
- Ensuring that they manage their own working time. Section 13(1)(a) of the *SHWWA* places an obligation on an employee, while at work, to take reasonable care to protect their safety, health and welfare and the health and safety of co-workers.
- Cooperating fully with any appropriate mechanisms utilised by the College to record working time including when working remotely for example Workload Allocation, Timesheets or Blip.
- Being mindful of their colleagues', students', stakeholders' and all other people's right to disconnect (e.g., by not routinely emailing or calling outside normal working hours).
- Notifying the College in writing of any statutory rest period or break to which they are entitled to and were not able to avail of on a particular occasion and the reason for not availing of such rest period or break.
- Being conscious of their work pattern and aware of their work-related wellbeing and taking remedial action if necessary.

6. Associated Documentation

- Appendix 1: Right to Disconnect: Practices and Procedures
- Appendix 1:1 Raising Right to Disconnect Concerns

7. Referenced Policies¹

- *Annual Leave Policy*
- *Communications Policy*
- *Data Protection Policy*

¹ During the COVID-19 Pandemic, the College has had to bring in temporary Remote Working Guidelines. These guidelines, until more permanent policies are developed, should be read in conjunction with this policy. The relevant guidelines are: *Temporary Remote Working Guidelines* and *Temporary Health and Safety Remote Working Guidelines*.

- *Dignity and Respect Policy*
- *Disciplinary Policy (Staff)*
- *Grievance Policy (Staff)*
- *Information Security Policy*
- *Internet and Email Usage Policy*
- *IT Policy*
- *Time Off In Lieu Policy*
- *Social Networking and Social Media Policy (Staff)*

8. Monitoring and Review

The Policy will be formally reviewed on an annual basis by the Human Resources Office to reflect any legislative/organisational changes. Staff will be informed through regular email communication and through the staff portal regarding any updates to same. This Policy will also be made available through the Bright HR system.

Appendix 1: Right to Disconnect: Practices and Procedures



Right to Disconnect: Practices and Procedures

1. Introduction

The health and wellbeing of College employees is of the utmost importance. The College encourages and supports its employees to prioritise their own wellbeing. Disconnecting from work is vital for your wellbeing to help you achieve a healthy and sustainable work-life balance. Achieving a healthy work-life balance has three main elements:

- Ensuring employees are aware of their normal working hours.
- Ensuring employees do not suffer any negative consequences for not engaging in work outside of their normal working hours; and
- Ensuring that others are aware they have a duty to respect an employee's work-life balance.

The College encourages employees working from home to schedule post-work leisure activity, in order to create some separation from the end of their working day and the beginning of their personal time. All employees are reminded to switch off from work, to monitor their working hours and to take breaks away from work devices.

The College will always ensure that its obligations are met in relation to the *Organisation of Working Time Act, 1997* which was introduced in respect of maximum working hours, rest periods, holidays and night work and recognises that employees enjoy strong protection under this legislation.

Your entitlements in this respect are set out in your employment documentation and the Employee Handbook and the Benefits Handbook. Employees must also be aware that they have a duty to take reasonable care of their health and safety in accordance with section 13 of the *Safety, Health and Welfare at Work Act, 2005*. You are required to notify the College in writing through your Line Manager, if you did not or have not been able to avail of your rest breaks from work and setting out why you believe you were unable to do so.

2. Confidentiality and Standards

It is essential that employees refer to the policies referenced in this policy, their contracts of employment and the *Data Protection Policy* and associated documents.

All information not in the public domain acquired in the course of your duties must be treated as confidential both during and after termination of your employment.

Every effort is taken by the organisation to ensure that all affairs are treated with absolute confidentiality. You will be expected to keep all information concerning the organisation, its employees, students, third parties, and any other connected organisation with whom you are involved as an employee of this organisation, absolutely confidential. Any deliberate breach of

confidence will be regarded as a matter justifying summary dismissal. This requirement for confidentiality extends beyond your period of employment.

3. Communications

The College believes that employees should be able to disconnect from work and from phone calls, emails or messages outside normal working hours. The College recognises the need for a healthy work life/home balance and that a constant digital/telephonic connection can impact on, or restrict this balance, therefore:

- Where possible, emails and/or social media communications should be checked or sent only during normal working hours.
- Due to differing/non-standard patterns of work in the College, some employees may send communications at times which are inopportune for other employees e.g., weekends.
- Whilst you may receive emails from Management or colleagues outside of your normal working hours there is no expectation that you reply to these outside your working hours.
- Senders should therefore give due consideration to the timing of their communication and potential for disturbance.
- Recipients should understand that they will not be expected to respond until their working time commences, save for legitimate and reasonable situations where a response may be required.

The College will endeavour to only send communications outside agreed working hours in legitimate and reasonable situations. Such situations include, but are not limited to, contact to discuss availability for rosters, to cover shifts at short notice, in emergency or urgent situations, where unforeseeable circumstances arise], etc.

Where business and operational needs dictate that an immediate response is required, the sender should endeavour to indicate the level of urgency in their communication.

Furthermore, due to the nature of our business, the needs of our students and wider community, some employee's will be required to perform some out-of-hours working as part of their employment.

4. Culture and Oversight

Organisational culture and leadership play a key role in tempering student expectations in respect of receiving responses outside of normal office hours, albeit due to business and operational needs communications are occasionally required outside of the employee's normal working hours.

The *Right to Disconnect Policy* should be read in conjunction with the organisation's *Dignity and Respect Policy*, *Communications Policy* and *Data Protection Policy*.

5. Email Out of Office and Footers

The following email *Out of Office* and *Signature* messages are recommended for use:

“My normal working hours are from X to Y. I will respond to you when I am back at work.”

“I am currently working flexibly so while it suits me to send this email now, I do not expect a response or action outside your own working hours”

6. Meetings Clause

We respect people’s time by only inviting them to meetings where they play an active role and have something to contribute. Employees should be mindful of and manage how much virtual communication they have each day.

7. Procedure

The College understands that maintaining a healthy work-life balance is likely to impact employees differently and will ensure that appropriate solutions are agreed upon and implemented for different teams performing different functions.

The College will ensure that appropriate steps are in place to ensure an employee can exercise their Right to Disconnect and maintain a suitable work-life balance as far as practicable, and that this is maintained by:

- Providing training to employees on the proper use of any digital/telephonic communication equipment provided.
- Providing training to Line Managers to ensure they can and do comply with this duty of respect and in turn can set good examples for their teams.
- Implementing the reporting structure for all employees where they feel that they are unable to disconnect or maintain a suitable work-life balance.
- Ensuring that employees do not suffer any negative impacts from exercising their right to disconnect.
- Keeping this Policy under review.

The College understands that employees may still want to use College digital and telephonic platforms after hours; however, the College recommends that these only be used in exceptional circumstances.

Employees, who feel that they are unable to complete their work within their contracted hours, should speak with their Line Manager.

The College acknowledges that for certain roles, for example Academic staff and other roles identified as necessary, that sometime-regular periods where access to College digital platforms will fall outside of normal hours, that this would be categorised as normal as it is defined within the Workload Allocation Policy and/or specific contracts. For Academic staff, such requirements do not need agreement from your Line Manager. Other roles can liaise directly with their Line Managers regarding this.

Note: All full-time academic staff at Carlow College receive forty days annual leave (pro-rata for part-time staff) in recognition of the expectation that academics spend time over the summer break on research related activities. Please refer to the Benefits Handbook (Section 9: Academic Staff Post-Doctoral Research Leave Guidelines and Procedures) for further information.

The College further recognises that employees may wish to access certain HR systems such as Bright HR, which is downloaded on phones to book annual leave. While this is acceptable, we

do expect that this is minimally used and that annual leave is booked within your working hours.

As stated previously employees should be aware that they are not expected to send or answer any work-related emails, calls, or messages, save for legitimate and reasonable situations.

Where an employee feels they cannot disconnect from work, they must make this known to their Line Manager as soon as possible. Your attention is also brought to the College's *Grievance Policy (Staff)* which may be utilised if you are dissatisfied with your ability to disconnect from work in accordance with this Policy.

Appendix 1:1 Raising Right to Disconnect Concerns



Raising Right to Disconnect Concerns

1. Introduction

Employees and employers should manage the right to disconnect in a manner that is respectful of the other's rights and expectations and in the context of the relevant legislation and good workplace relations generally. They should also be conscious of the fact that due to business and operational needs and depending on a number of factors including: the role of the employee, students' needs, nature of the business, global reach of the College, that circumstances may occasionally arise that necessitate that communications are sent and received outside of the employee's normal working hours. When occasional contact outside normal working hours becomes the norm, this needs to be addressed.

In this regard, situations may arise where an employee may feel that their Right to Disconnect is not being respected or that their workload is such that they are not able to disconnect at the end of their normal working day. Examples of such situations might include:

- Being contacted regularly outside of normal work hours.
- Being expected to regularly work through lunch or other breaks.
- Being penalised for not being available out of normal working hours or favourable treatment for employees who stay connected out of hours.

Most employees who find themselves in this situation will want this level of intrusion to stop. Best practice suggests that employees should attempt to resolve the problem with the person(s) informally in the first instance. In circumstances where an employee feels that it would be too difficult to do this on their own, we encourage you to make an initial approach to a Line Manager, Human Resources or union representative. However, we do encourage that staff speak with their Line Managers in the first instance.

If an informal process has not been successful in resolving the issue, then the formal College grievance procedure may be utilised.

Notwithstanding that a specific contravention of the *OWTA, 1997* may be referred to the WRC at any point, if the matter is addressed through the grievance procedure in the context of the Right to Disconnect and still remains unresolved on completion, the employee may refer it to the WRC under the appropriate legislation and citing this Code.

2. Queries

Any queries or requests in relation to this Policy should be directed to your Line Manager in the first instance. For further information or queries in relation to the above, you can contact the Human Resources Office at:

- hr@carlowcollege.ie
- T: 059 91 53 293 / 059 91 53 288

3. Useful Resources

The Department of Enterprise, Trade and Employment has produced the following guide. Guidance for Working Remotely includes information and guidance across a range of areas relevant to remote and other flexible working arrangements including:

- [Health and Safety](#)
- [Employment conditions](#)
- [Data Protection](#)
- [Equality](#)
- [Training](#)
- [Legislation](#)
- [Additional supports](#)