

# RIGHT TO DISCONNECT

From August 26 2024, Australian workers have a legal right to disconnect from the workplace outside of working hours. The changes to the *Fair Work Act 2009* aim to combat the stress and burnout caused by technology-driven 'always on' working culture. As an employer, you must take steps to support this new right.

## EMPLOYEE PROTECTIONS

- Employees can refuse to monitor, read, or respond to work-related communications outside their working hours.
- Employees are safeguarded against negative employer reactions if they refuse unreasonable out-of-hours contact.
- Exceptions apply if the refusal is deemed unreasonable.

## REASONABLE ADDITIONAL HOURS

When determining whether additional hours are considered reasonable, consider the following factors:

- **Remuneration:** The employee's pay level.
- **Notice:** How much and when notice was provided.
- **Health & Safety:** Any risks associated with overtime.
- **Employee Circumstances:** Their role, level of responsibility and their personal situation such as family and carer duties.

## REASONABLE WORKING HOURS

- A full-time work week is 38 hours unless stated otherwise in employment agreements.
- Employers can require employees to work additional reasonable hours. e.g. completing a project before a deadline or working an extra hour to close up.

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## CRITERIA FOR DISCONNECTING

When determining if an employee's refusal to respond is unreasonable, consider the following factors:

- **Purpose of Contact:** The reason behind the contact.
- **Method and Disruption:** How the contact was made and its disruption level.
- **Compensation:** Extent of compensation for being available.
- **Role and Responsibility:** Employee's job nature and responsibilities.
- **Personal Circumstances:** Including family and carer duties.

## WORK PRACTICES ASSESSMENT

To support the right to disconnect, employers should:

- Evaluate current work practices to identify unreasonable expectations to monitor or respond to out-of-hours contact
- Ensure employees are compensated adequately if they are expected to remain available outside work hours.

## COMPLIANCE PREPARATION

Steps to maintain legal compliance with the *Fair Work Act 2009* include:

- Updating current policies to reflect the right to disconnect.
- Training managers and staff on the new guidelines.
- Establishing clear communication protocols for out-of-hours contact.