

OUT OF WORKING HOURS COMMUNICATION POLICY *(RIGHT TO DISCONNECT)*

Rationale

Sacred Heart College (the College) supports healthy boundaries and believes all workplace participants should have dedicated time to focus on their personal life and wellbeing. In line with the Mercy Education values of respect the College is committed to enabling workplace participants to exercise their right to disconnect outside of their normal working hours unless their refusal of contact is unreasonable.

Scope

This policy has been developed in accordance with the Fair Work Act 2009 (Cth) s 333(M) and applies to all workplace participants, whether they work full-time, part-time, or on a casual basis.

Definitions

Right to disconnect: A workplace participant may refuse to monitor, read, or respond to contact, or attempted contact, from an employer or from a third-party including parents, students, colleagues or others within the school community, where the contact or attempted contact relates to their work outside of the employee's working hours unless the refusal of contact is unreasonable.

Emergency: A serious, unexpected situation that requires urgent attention.

Genuine welfare matter: Contacting an employee as a safety and/or wellbeing check-in, for example following an incident or if they are on extended sick leave.

Normal working hours: The standard working hours of an employee as defined in their employment contract.

Reasonable additional hours: Employees who are required to work reasonable additional hours will have this provision outlined in their employment contract. The Fair Work Act 2009 (Cth) s 62(3) outlines factors to be considered in determining whether additional hours are reasonable. Example factors include considering employee's health and safety, the needs of the workplace, the individual's personal circumstances, and notice provided.

Policy Statement

This policy forms part of the College's approach to attracting, selecting, retaining, and developing exceptional specialised staff by offering suitable working arrangements to help balance work and life commitments. The

policy aims to empower workplace participants and Leaders at the College to exercise their right to disconnect and to generate realistic and practical expectations of how that right can be exercised in a flexible working environment. It is not intended to override any Award, enterprise agreement, or other workplace law (as amended or replaced). In the event of any inconsistency between this policy and an industrial instrument or workplace law (as amended or replaced), the latter will prevail.

This policy acknowledges that in a school setting situations may arise where urgent communication outside of work hours and the need to respond to communication is necessary and deemed reasonable under the following circumstances:

- public emergencies
- critical incidents
- imperative time-sensitive operational updates
- where potential harm to others may otherwise result; or
- where it may be necessary to comply with legal obligations.

Requirements for Exercising the Right to Disconnect

Workplace participants are expected to work their normal working hours, including reasonable additional hours where applicable. Outside of these hours, they have the right to disconnect from work-related emails, telephone or video calls, text messages, and online meetings.

Designated working hours for full time employees consists of an average of 38 hours per week over a school term and includes reasonable additional hours and/or work undertaken to meet professional responsibilities. This can include work performed in other locations, including their home.

This is pro-rata for part-time employees in line with their designated hours stated in their contract of employment.

There may be times where, by mutual agreement, workplace participants need to be available outside of their normal working hours. This could include providing coverage during peak periods or College events. In these cases, time in lieu (TIL), overtime or an applicable on-call allowance may be applied, depending on the circumstances. These arrangements would be in writing and subject to organisational approval in advance.

If an employee chooses to respond to communication outside of their designated working hours, this is not directed work and will not attract time in lieu (TIL).

Accessibility and Communication

Leaders and employees need to have self-awareness about how responding outside of their normal working hours, especially in the evenings, weekends, public holidays, or non-workdays may be perceived, the potential expectations this may raise about their availability, as well as the risk it may create in allowing others to exercise their right to disconnect.

Resolving concerns or disputes

In the event of a dispute relating to exercising a right to disconnect, both parties to the dispute should agree to attempt to resolve the problem at the workplace level by discussions between themselves.

Either party may raise a grievance in line with the College's Grievance Policy. Should the dispute remain unresolved, either party may escalate the matter to the Fair Work Commission, making an application for the Fair Work Commission to do either or both of the following:

- A. make an order under the Fair Work Act 2009 (Cth) s 333P: Orders to stop refusing contact or to stop taking certain actions; or
- B. otherwise deal with the dispute.

Further information on the Right to Disconnect

- For further information on this policy, please contact People and Capability
- For further information on the right to disconnect, please consider the Fair Work Commission's guideline on the Right to Disconnect

Related Documents

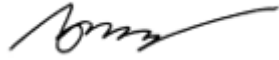
- [Workplace Participant Information, Communication and Technology \(ICT\) Policy](#)
- [Email Protocol](#)
- [Respect at Work Policy](#)
- [Fair Work Act 2009 \(Cth\) s 62\(3\), s 333\(M\) and, s 333\(P\)](#)

Document Control

Date Approved: 21 August 2024

Name: Anna Negro, Principal

Signature:



Sponsor: Leader of People & Capability

Date presented at Advisory Council Meeting: 21 August 2024

Reviewed by:

- Strategy & Communication Subcommittee of the College Advisory Council
- Consultative

Committee

Person responsible for implementation: Leader of People & Capability

Location checklist:

- The Hub
- Student Space
- Parent Portal
- Website
- Uploaded to MEL Compliance folder

VERSION HISTORY

Version	Date approved	Next review
1.0	August 2024	2027
2.0		
3.0		
3.1		
4.0		
5.0		