

## **Right to disconnect – not just desirable but necessary**

The ACTU is continuing to press for a clear easily understood mechanism to give workers in a wide range of circumstances across all industries the right to disconnect to reclaim a level of work-life balance.

The ACTU yesterday lodged its ‘Right to Disconnect’ reply submission to the Fair Work Commission that is tasked with how to vary modern award terms to include the right to disconnect. The ACTU has proposed a draft model clause providing guidance to employers and employees on how the mechanism would operate.

The ACTU has put forward ways to strengthen an employee’s right to disconnect so that employers need to take all reasonable steps to make sure they don’t routinely need to contact workers out of hours. Employers being disorganised should no longer be a good enough excuse.

Employer arguments against the proposed model focus on the need to retain flexibility as a central justification for not supporting the ACTU draft model clause, claiming it carries the perceived risk of ‘tipping the balance’ in favour of employees.

This employers’ argument that flexibility will be lost with the implementation of a right to disconnect is a fallacy.

The right to disconnect is directed at an employee’s right to refuse unreasonable contact out of hours and does not impose a blanket ban on employer contact.

In fact, the introduction of the right to disconnect will still give bosses the choice about whether to contact employees when they are not working.

The difference is that now, employees will for the first time have the benefit of being able to exercise choice about whether to refuse employer contact outside of hours when they are not paid to do so.

### **Quotes attributable to ACTU President Michele O’Neil:**

“The right to disconnect simply provides a mechanism for workers to reasonably reclaim a level of work-life balance amid an increasingly tech-dominated society.

“Employer group claims that they effectively ‘own’ their employees out of work hours if they have entered into flexible work arrangements is frankly outrageous and the Fair Work Commission should not bow to threats of this nature.

“Employers want to be able to contact workers outside of working hours, in a range of circumstances, such as asking them about tasks that were not completed during their working hours. That is the very type of contact where it may be reasonable for a worker to refuse to respond until they are next back at work.

“This is exactly how the right to disconnect should operate - to give workers the right to not respond to unreasonable contact by their employer when they are not being paid to do so.

“Employers have been engaged in scaremongering that the right to disconnect could leave employers vulnerable to legal action. These arguments lend even more force to our belief that employers need clear practical guidance on how to comply with their obligations.

“The ACTU’s model clause represents a common sense approach, providing practical and specific guidance on implementing the statutory right to disconnect and broad application across all industries and awards.”

**ENDS**

**Media contact:** Luisa Saccotelli 0400 149 901