

Right to disconnect award should be clear and practical, says ACTU

The ACTU is seeking more practical detail be included in the right to disconnect award terms currently being developed by the Fair Work Commission and due to come into effect on 26 August, 2024.

The new right to disconnect will enable an employee to refuse to monitor, read or respond to work-related contact outside of their working hours, unless it is unreasonable. The Fair Work Commission has been tasked with developing a right to disconnect term to be included in all modern awards that set the minimum terms and conditions of workers in different industries and sectors. It issued its draft term for consultation on 11 July 2024.

In response, the ACTU is seeking improvements to spell out what should be taken into account in determining whether or not a refusal is unreasonable, to better respect workers' down time, and to encourage employers to better manage work.

This includes when workers are on approved leave, or an employer has not first taken all reasonable steps to minimise the need to contact workers outside of working hours.

The ACTU also wants the onus to be placed firmly on employers to discourage their customers and clients from contacting employees outside of their working hours. This would also extend to students and parents not unreasonably contacting teachers outside of school time.

The ACTU is also wanting the Fair Work Commission to review the new provisions after 12 months to gauge how clear they are and whether any changes are needed to prevent unnecessary disputes that come about because of a lack of clarity around workers rights.

The new workplace right to disconnect passed through the Federal Parliament in February as part of the "Closing Loopholes" Bill as an amendment by the Greens and supported by the Albanese Government in response to the growing issue of 'availability creep' that intensified during the pandemic. The right to disconnect laws come into effect for most workers on 26 August, 2024. It takes effect for those in small businesses on 26th August 2025.

The ACTU condemns the Opposition Leader Peter Dutton for vowing to eliminate the right to disconnect if the Coalition wins the next election.

Quotes attributable to ACTU President Michele O'Neil:

"It should be a basic right that workers are paid for all the work they do. Excessive work demands increase stress and burnout at work and are impacting the mental health of Australians. Unions want a strong right to disconnect so working people have a healthy work-life balance.

"Workers shouldn't have to respond to contact outside of work about work or about rostering for shifts they haven't asked for, simply because their bosses were too disorganised.

"Unions are proposing a common-sense approach that will also benefit workers who are contacted by people other than their employer. If you're a teacher for example, you should be able to spend time with your loved ones on school holidays, instead of dealing with work calls.

“The right to disconnect is an important win for workers to ensure Australians are not expected to work for free and that is especially important given current cost-of-living pressures.

“One of the few policies that Peter Dutton has announced is taking away Australian workers new right to disconnect. How out of touch do you have to be to force Australians to work longer hours, for lower wages and spend less time with their families?

“Time and time again, big business have opposed the right to disconnect, and Peter Dutton has backed them every step of the way. Working people now know that Peter Dutton doesn’t care about their work-life balance.”

ENDS

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