

Right to Disconnect Policy Template for Small Businesses

This policy template is designed to assist small businesses (fewer than 15 employees) in Australia in complying with the "Right to Disconnect" laws that commenced on August 26, 2025. It is a guide and should be adapted to the specific needs of each business and its employees. The most effective policies are developed through open discussion and collaboration between the employer and staff.

Disclaimer: *This template is for informational purposes only and does not constitute legal advice. Businesses should seek professional advice to ensure their policies and procedures are compliant with all relevant laws and regulations, including specific modern awards or enterprise agreements that may apply.*

[Your Business Name] - Right to Disconnect Policy

1. Policy Objective

This policy outlines the rights and responsibilities of both employees and the business regarding work-related communication outside of an employee's normal working hours. Its purpose is to foster a healthy work-life balance, promote employee well-being, and ensure compliance with the **Fair Work Act 2009** and the "Right to Disconnect" laws that apply to small businesses from August 26, 2025.

We recognise that employees have the right to refuse to monitor, read, or respond to work-related communication (including calls, emails, texts, and social media messages) outside their normal working hours, unless such refusal is unreasonable.

This right extends to contact from:

- The business owner or other employees.
- Third parties such as clients, suppliers, or customers.

2. What are "Normal Working Hours"?

An employee's normal working hours are defined in their employment contract or relevant industrial instrument (e.g., modern award or enterprise agreement). This policy applies to all forms of communication outside these agreed-upon hours, including during meal breaks, rostered days off, public holidays, or periods of leave.

3. What is "Unreasonable" Refusal?

The determination of whether a refusal to respond is "unreasonable" is assessed on a case-by-case basis. The following factors will be considered when making this determination,

as per the Fair Work Act:

- **Reason for the contact:** Is the communication urgent or essential? Does it relate to a genuine emergency or a critical business issue that cannot wait until the next working day?
- **Method of contact and level of disruption:** Is the communication a disruptive phone call or a less intrusive email? A refusal may be more reasonable if the contact is highly disruptive (e.g., a phone call at 10 pm) versus an email that can be dealt with the next day.
- **Compensation:** Does the employee receive compensation (financial or otherwise) for remaining available or for working additional hours outside of their normal hours?
- **Employee's role and responsibility:** The nature of the employee's role and their level of seniority and responsibility in the business.
- **Employee's personal circumstances:** This includes family, carer, or other personal responsibilities that may affect their ability to respond to out-of-hours contact.
- **Legal requirements:** A refusal to respond to contact that is required by law (e.g., a legally binding notice) would be unreasonable.

4. Expectations for Communication

To ensure clarity and respect for everyone's right to disconnect, the business and its employees will adhere to the following principles:

For all staff (including managers and business owners):

- **Respect personal time:** Avoid sending work-related communications outside of an employee's normal working hours unless it is a genuine emergency.
- **Delaying delivery:** Utilise email and messaging scheduling functions to ensure non-urgent communications are delivered during an employee's working hours.
- **Set expectations:** Add a brief note to your email signature stating your working hours and advising that a response may not be immediate. For example: *"My working hours are 9:00 am - 5:00 pm, Monday to Friday. I will respond to your message as soon as possible during these times."*

For employees:

- **No obligation to respond:** Unless a situation falls under the "unreasonable refusal" criteria outlined in this policy, you are not expected or obligated to monitor, read, or respond to work-related communications outside of your normal working hours.
- **Raise concerns:** If you feel that out-of-hours contact is becoming excessive or disruptive, please discuss this with your manager or the business owner.

For managers/business owners:

- **Lead by example:** Demonstrate a commitment to the right to disconnect by not routinely contacting employees outside of their working hours.
- **Clarity of roles:** Clearly define expectations for out-of-hours contact in job descriptions

and during onboarding, particularly for roles where some after-hours availability may be reasonably required.

- **Open dialogue:** Have an open and honest conversation with each employee to understand their personal circumstances and set mutual expectations for reasonable contact.

5. Examples of Reasonable vs. Unreasonable Refusal

Scenario	Is refusal to respond reasonable?	Rationale
Urgent IT Outage: An IT employee is contacted at 8 pm about a critical server failure that is impacting all client operations.	No.	The reason for contact is urgent, and the employee's role has a high level of responsibility for a critical business function.
Weekend Client Request: A client sends a non-urgent email on Saturday afternoon requesting a document for a meeting on Tuesday.	Yes.	The reason for the contact is not urgent and can reasonably wait until the employee returns to work on Monday.
Rostering Change: An employee is contacted about a last-minute change to their roster for the following day.	Depends.	This could be a reasonable request, but the method of contact and employee's personal circumstances must be considered. A phone call may be more appropriate than a text message, for example, and a late-night call may be deemed unreasonable.

6. Dispute Resolution

If a dispute arises about the application of this policy or whether a refusal to respond was unreasonable, the employee and the business should first try to resolve the matter through a direct conversation.

If the issue cannot be resolved at the workplace level, either the employee or the business

may seek to have the dispute dealt with by the Fair Work Commission.

7. Policy Review

This policy will be reviewed and updated as needed, in consultation with employees, to ensure its ongoing effectiveness and compliance with the Fair Work Act.

Acknowledgement of Policy Receipt and Understanding

I, [Employee Name], acknowledge that I have received, read, and understood the **[Your Business Name] - Right to Disconnect Policy**. I understand my rights and responsibilities as outlined in this document and agree to abide by them.

Employee Name: _____

Signature: _____

Date: _____

Employer Name: _____

Signature: _____

Date: _____