Communication about the right to disconnect – template email for managers

**Summary**

The following resource contains a template email for managers/key personnel within your business.

This email briefly explains what the right to disconnect is, what to do should a dispute arise in the workplace in relation to out of hours contact, risks related to the new right and some

practical steps that they can take to ensure that they do not inadvertently encroach on this new workplace right.

# How to use the template email

The template email contains highlighted text which indicates areas where you simply need to replace the writing with what applies to the company.

Explanatory information is shown in *blue italics* to assist you and should be deleted once you have finalized the email.

# Ensure all highlighted text and explanatory information has been completed or deleted, as appropriate, before issuing an email to any employee.

Please note, you should only send the template email to managers/key personnel once the legislation has commenced (from 26 August 2024 for non-small business employers and 25 August 2025 for small business employers).

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# TEMPLATE EMAIL TO MANAGERS / KEY PERSONNEL – Communication email on the new right to disconnect

**To:** [Insert manager/team leader/supervisor]

# Subject: Disconnecting from work

Dear [Insert name of manager/leader/supervisor]

As you may be aware, recent changes in workplace legislation have introduced the right for employees to disconnect which [is commencing/commenced] on 26 August [2024/2025].

As a [manager/supervisor/leader] with [Name of Employer] I’m writing to share some essential information about the new right to disconnect, as well as some practical guidance on how to navigate this new requirement in your communication and day to day deals with your team to ensure we don’t as a company and as individuals we do not inadvertently violate the new laws.

# Overview of the new right to disconnect

Under the new right to disconnect legislation an employee may refuse to monitor, read or respond to contact (or attempted contact) from their [Name of Employer] or a third party (e.g. customers, clients, suppliers) outside of their working hours, unless the refusal is unreasonable.

When determining whether a refusal is unreasonable, the reasons for the contact, how it is made and level of disruption caused to the employee, the extent to which the employee is compensated for being available or working additional hours, the nature of the employee’s role and level of responsibility and the employee’s personal circumstances must all be taken into account.

It is important for all [managers, supervisors, leaders] to be aware that the legislation does not prohibit you or anyone else from contacting employees outside of their working hours. However, where such contact relates to work, is outside of their working hours and is unreasonable an employee may have the right not to monitor, read or respond to such communication.

# Impact of the right to disconnect on decision making

The right to disconnect is at law an employee’s ‘workplace right’. This means as a [manager/leader/ supervisor] you will need to factor in the new right to disconnect into key employee decisions.

In particular, you will need to tread carefully and ensure management processes are managed carefully, taking into account the new right to ensure employees exercising their right are not subjected to adverse treatment. For example, when making promotion decisions, it will be important that an employee is not treated unfavourably because they have refused to monitor or respond to emails outside their working hours, unless their refusal was unreasonable.

# Right to disconnect policy

[**Optional paragraph –** *use if you have a right to disconnect policy/delete if not relevant*]

In line with this recent change to the law, [Name of Employer] has recently developed a new internal [Insert name of policy e.g Disconnecting from Work] policy that outlines our expectations around the right to disconnect. This will ensure everyone has a consistent understanding and follows best practices.

I encourage you to review this new policy which can be accessed [insert where policy can be accessed or attach to email]. If you have any questions about this new policy or about out of hours contact, please do not hesitate to get in contact with [insert contact person].

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# Practical Steps

As a [insert key personnel title e.g. manager/leader/supervisor], you should factor in the right to disconnect in your day to day contact with employee to ensure we foster a safe and healthy work environment for all employees, whilst remaining productive, adaptable and forward-thinking.

Here are some practical steps to consider in the way you might communicate with staff outside of working hours in light of the new right to disconnect:

1. **Assess necessity**: Before contacting a staff member after hours, consider whether it’s truly necessary. If it can wait until the next business day, consider refraining until then.
2. **Clear communication**: When communicating after hours, consider adding a sentence at the top or bottom of your text message or email indicating that the employee is not expected to respond until the following workday such as “*My working hours may not be your working hours. Please do not feel obligated to respond to this e-mail outside of your normal working hours*.” This will help manage

expectations and reduces the pressure on employees to engage with any non-urgent work outside of their working hours.

1. **Use scheduling tools**: Utilise email scheduling functions to send messages during working hours, even if you draft them after hours, for example, on Monday evening you draft an email to an

employee at 10:00pm, but use the scheduling function in Outlook to program the email to actually be delivered to the employee’s inbox at 9:00am the following morning.

1. **Consider setting clear expectations from the start:** When working on a particular task or project consider setting clear expectations around contact outside of working hours (particularly where employees are operating across different locations, time zones, roster patters or flexibly).
2. **Communicate with third parties:** The right to disconnect equally applies to communicate from third parties (customers, clients, suppliers, distributors, service providers, contractors etc) to employees. So consider how to manage their expectation around out of hours contact to avoid them acting in breach of the new right.

Thank you for your cooperation in this matter. If you have any questions or if this email raises any concerns, please don’t hesitate to reach out.

Sincerely

[Insert your name] [Insert your position]

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