RIGHT TO DISCONNECT POLICY AND PROCEDURE

Version 2.0: June 2026

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Purpose and Scope

This policy is about empowering Bilingual Care's staff 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 also forms part of Bilingual Care's approach to attracting and retaining staff by offering suitable working arrangements to help balance work and life commitments.

This policy is not contractual. It is not intended to override any enterprise agreement, or other workplace law (as amended or replaced). If there is any inconsistency between this policy and an enterprise agreement or workplace law, the latter will apply.

This policy applies to all Bilingual Care staff (full-time, part-time and casual) and meets relevant legislation, regulations, and Standards.

Applicable Strengthened Aged Care Quality Standards

- Standard 2: The Organisation

Definitions[1]

Emergency – a serious, unexpected situation that requires urgent attention and is critical to business operations.

Genuine Welfare Matter - a safety and/or wellbeing check-in, for example, following an incident or if the employee is on extended sick leave.

Normal Business Hours - the usual opening hours for Bilingual Care. Bilingual Care's normal business hours are from 8:30am to 5:00pm on weekdays (excluding public holidays).

Normal Working Hours - the standard working hours of an employee as defined in their employment contract.

On-call - a mutual agreement made in advance between Bilingual Care and an employee to make themselves available during hours they would not be otherwise working. On-call entitlements and provisions must be outlined in the employee's employment contract, enterprise agreement, or applicable Modern Award.

Reasonable Additional Hours – extra hours worked in addition to the employee's normal working hours. Reasonable additional hours must be specified in the employee's employment contract. Section 62(3) of the Fair Work Act 2009 (Cth) outlines factors to be taken into account in determining whether additional hours are reasonable. Example factors include considering

[1] Fair Work Ombudsman (2024) Right to disconnect, accessed 30 October 2025, https://www.fairwork.gov.au/employment-conditions/hours-of-work-breaks-and-rosters/right-to-disconnect

employee health and safety, the needs of the workplace, the employee's personal circumstances and notice provided.

Right to Disconnect – an employee may refuse to monitor, read or respond to contact, or attempted contact, from Bilingual Care outside of the employee's working hours unless the refusal of contact is unreasonable (see definition of *Unreasonable Refusal*).

Unreasonable Refusal – refusing to respond to contact from Bilingual Care without reasonable cause. When determining if refusal is unreasonable, the following should be considered:

- the reason for the contact or attempted contact
- how the contact or attempted contact is made and the level of disruption the contact or attempted contact causes the employee
- the extent to which the employee is compensated (either monetary or non-monetary):
    - to remain available to perform work during the period in which the contact or attempted contact is made or
    - for working additional hours outside of the employee's ordinary hours of work
- the nature of the employee's role and the employee's level of responsibility and
- the employee's personal circumstances (including family or caring responsibilities)

Urgency - how swiftly action must be taken. Categorised as 'urgent' or 'non-urgent':

- Urgent: situations that require immediate action to prevent significant disruption, financial loss, or safety concerns.
- Non-Urgent: issues that can reasonably wait until the next business day.

Work-related Communication - any form of communication (phone calls, emails, texts, or other digital messaging) that relates to the employee performing their professional duties.

Policy

Bilingual Care is committed to fostering a culture where all staff can exercise their Right to Disconnect outside of their normal working hours to promote wellbeing and prevent burnout.

Bilingual Care believes that staff should be able to have dedicated time to focus on their personal life and wellbeing. It supports staff to exercise their Right to Disconnect, unless their refusal of contact is considered an *unreasonable refusal*.

Procedures

General

All Bilingual Care staff are expected to work their normal working hours (including reasonable additional hours where applicable) as detailed in their employment contract. Outside of these hours, staff have the Right to Disconnect from work-related communication and meetings.

There may be times where, by mutual agreement, staff members need to be available outside of their normal working hours. This could include providing coverage during peak periods or being on-call to meet business requirements. In these cases, overtime, Time Off in Lieu (TOIL), or an applicable on-call allowance may be applied, depending on the circumstances. These arrangements must be in writing and subject to Bilingual Care's approval in advance.

It is also expected that Bilingual Care's staff may need to be contacted in the event of an emergency, or genuine welfare matter. In these cases, as a courtesy, and in accordance with Bilingual Care's duty of care, staff are asked to respond when practicable, even if via email or text, to confirm receipt of the message and so Bilingual Care knows they are safe and well. See also Bilingual Care's *Work Health and Safety Policy and Procedure* for remote work safety requirements.

Accessibility and Communication

Accessibility

Staff must be contactable and available for communication with their manager, other relevant staff or consumers during their normal working hours. Outside of this time, there is no expectation for staff to be accessible via work or personal devices (i.e. laptops and mobile phones can be switched off, and work-related contact can be ignored without reprisal).

Bilingual Care supports staff balancing their work and private life commitments, therefore staff can exercise their Right to Disconnect without it impacting their performance reviews or career progression.

All Bilingual Care staff are asked to consider how responding outside of their normal working hours and normal business hours, especially in the evenings, weekends, public holidays, or non-workdays, may be perceived. Responding outside of normal working hours may create an expectation about availability, as well as the risk it may create in allowing others to exercise their Right to Disconnect.

Communication

Where possible, emails should be checked or sent only during a staff member's normal working hours. As Bilingual Care supports part-time and other working arrangements, there is no expectation for staff to respond to emails outside their normal working hours.

Bilingual Care staff, including the Leadership Team, are encouraged to note their normal working hours on their email signature and out-of-office replies. They should endeavour to arrange / time emails and other messages to be sent during normal business hours to avoid potential disturbance. To delay the sending of an email in Outlook the following instructions can be followed:

- Outlook on Microsoft 365;
- Outlook on Mac; and
- Outlook on the web.

Unless business and operational needs dictate that an urgent response is required, a statement can be attached to out-of-hours emails, removing the expectation of an urgent response. For example: "My work hours are Monday – Thursday 9am – 5pm. I appreciate you may work different hours. There is no expectation that you respond to this email outside your normal working hours."

Responsibilities

Bilingual Care's Leadership Team Responsibilities

Bilingual Care's Leadership Team is responsible for managing their staff while working on site or remotely, maintaining regular contact with each staff member within their normal working hours, and setting and documenting performance expectations.

To support staff to exercise their Right to Disconnect, the Leadership Team should consider the following:

- leading by example and exercising their own Right to Disconnect
- setting reasonable work priorities and targets for staff that are achievable within normal working hours
- respecting staff member's time by scheduling team meetings when all staff members are available to work (whenever possible), and only inviting them to meetings where it is necessary for them to be involved
- only contacting staff during their normal working hours, unless for emergencies or genuine welfare matters
- adequately supporting leave arrangements (e.g. arranging reasonable time for a handover and a point of contact when a staff member is planning to take leave, so the staff member can exercise their Right to Disconnect during their approved leave)
- encouraging out-of-office messages when staff members are not at work, and email signatures clarifying that a response is not required outside of an individual's normal working hours
- encouraging and reminding staff members that they have the Right to Disconnect, reminding them of the existence of this policy and
- offering support and wellbeing check-ins to staff who may find it challenging to exercise their Right to Disconnect

Staff Responsibilities

Bilingual Care staff should consider the following:

- acknowledging their own Right to Disconnect along with supporting their colleagues to do the same
- performing work to the best of their ability during their normal working hours and giving themselves permission to exercise their Right to Disconnect, knowing that the Leadership Team supports them in doing so
- protecting personal time by including their normal working hours in their email signature
- only contacting colleagues during their normal working hours, unless for emergencies or genuine welfare matters
- where work-related emails or documents are drafted outside of normal business hours, arranging to send them within normal business hours
- applying an out-of-office' message, including an alternative point of contact, when on leave or a non-workday
- scheduling post-work leisure activities to create some separation from the end of the workday and beginning private time
- raising concerns with the Managing Director in the first instance if they are unable to exercise their Right to Disconnect. If the dispute remains unresolved, see the Dispute Resolution procedure set out below.

Guidelines for After-hours Communication

Bilingual Care Initiated Contact After-Hours

Urgent Communications: If a situation arises that requires urgent communication outside of business hours (e.g., a critical operational issue, consumer emergency, or time-sensitive matter), the following procedure must be followed:

Step 1: SMS Notification
The person initiating the contact should first send an SMS detailing the issue. This should include a brief description of the matter and its urgency.

Step 2: 30-Minute Window
If there is no response within 30 minutes, a follow-up phone call can be made.

Step 3: Escalation Procedure
If there is still no response, the sender should assess the situation's criticality. If it is genuinely urgent, another attempt can be made to contact the person, or an alternative contact person may be reached.

Staff-Initiated Contact After-Hours

Non-welfare/emergency job-related issues: Staff may also need to reach out to their manager for work-related matters that aren't welfare or emergency issues but are still pressing. The following procedure must be followed:

Step 1: SMS Notification
The employee should send an SMS briefly outlining the issue.

Step 2: 30-Minute Response Window
If there is no response within 30 minutes, the employee may proceed with a phone call.

Step 3: Follow-Up and Escalation
If the person does not respond, the employee should document the attempt and, if necessary, contact an alternative manager if the situation is urgent.

Documentation and Reporting

All after-hours communications should be documented, including the time of contact and the nature of the issue. This ensures transparency and accountability.

Reasonable Effort and Expectation

Bilingual Care staff may not always be available after hours due to personal commitments. Therefore, a reasonable effort to make contact is defined as a maximum of three attempts within one hour. If contact is not made, the issue should be escalated appropriately or deferred if possible.

Dispute Resolution

In the event of a dispute relating to a staff member exercising their right to disconnect, both the staff member and Bilingual Care will attempt to resolve the dispute at the workplace level. Either party may raise a grievance in line with Bilingual Care's *Disputes and Grievances Policy*

and Procedure.

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:

- make an order to stop refusing contact or to stop taking certain actions, or
- deal with the dispute in other ways.

Supporting Documents

Documents relevant to this policy and procedure include:

- *Disputes and Grievances Policy and Procedure*
- *Work Health and Safety Policy and Procedure*

Monitoring and Review

This Policy and Procedure will be reviewed at least annually by the Leadership Team. Reviews will incorporate staff, consumer, and other stakeholder feedback.

Bilingual Care's *Continuous Improvement Plan* will be used to record improvements identified and monitor the progress of their implementation. Where relevant, this information will be considered as part of Bilingual Care's service planning and delivery processes.

DOCUMENT CONTROL

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