



HSE Right to Disconnect Policy for Public Health Service Employees

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| Document produced by | HSE National Employee Relations | Union/staff association consultation completed | 14 January 2022 |
| Revision Date | Three years or more frequently as required | Responsibility for review and audit | National Director Human Resources |

January 2022

Table of Contents

| | |
|---|----|
| 1. Introduction..... | 3 |
| 2 Policy Statement | 3 |
| 3. Purpose | 4 |
| 4. Scope..... | 4 |
| 5. Definitions | 5 |
| 6. Roles and Responsibilities..... | 5 |
| 7. Working Hours..... | 8 |
| 8. Communications..... | 8 |
| 9. Meetings | 9 |
| 10. Raising Concerns..... | 9 |
| 11. Workplace Health and Wellbeing Supports | 10 |
| 12. Implementation Plan..... | 11 |
| 13. Monitoring..... | 11 |

1. Introduction

1.1 The Health Service Executive (HSE) recognises that the health and wellbeing of employees is of the utmost importance and integral to maintaining high standards in the delivery of public health and social care services. The HSE encourages and supports¹ health service employees to achieve a healthy work-life balance.

Disconnecting from work and maintaining clear boundaries between work and personal time is vital for employee wellbeing and is regarded as a key organisational priority.

1.2 The right to disconnect sits within the broader objective of ensuring the safety, health and wellbeing of employees. Every employee is entitled to switch off outside of their normal working hours / scheduled roster and enjoy their free time away from work without being disturbed, including the right to not respond immediately to emails, telephone calls, text messages, or social media messages (e.g. WhatsApp). While unforeseen circumstances may arise that require an employee to be contacted outside of normal working hours, this should be the exception rather than the norm².

It is important to note that this does not refer to the contractual commitments that apply to some categories of health service employees due to the 24/7 nature of essential healthcare delivery, for example, on-call arrangements/emergency call-outs/out-of-hours services. These contractual commitments should be provided for in the employee's written statement of their terms and conditions of employment and implementation of these working arrangements must comply with the Organisation of Working Time Act 1997.

1.3 To encourage and support all employees in balancing their working and personal lives, the HSE has produced this Right to Disconnect Policy which is based on the Workplace Relations Commission's *Code of Practice for Employers and Employees on the Right to Disconnect* ("the WRC Code of Practice") [at this link](#).

2 Policy Statement

2.1 The HSE is committed to maintaining high standards in the delivery of its services and to ensuring the safety, health and wellbeing of its employees. The HSE respects the right of all public health service employees to maintain a healthy work-life balance and to disconnect from work outside of their normal working hours / scheduled roster. While technological advances have brought significant benefits to

¹ In the HSE this includes access to services such as occupational health services [here](#) and the HSE Employee Assistance Programme – staff counselling [here](#). Please note that each Section 38 employer will advise their employees of the specific services that are available within their organisation and how these can be accessed.

² If this occurs on a more frequent basis the employee should raise this with the appropriate manager so that the matter can be addressed.

the workplace, this does not mean that employees are expected to be contactable and accessible outside of their normal working hours (apart from occasional legitimate situations when it is necessary to contact staff outside of normal working hours).

3. Purpose

3.3 This policy has been produced in accordance with the WRC Code of Practice. The objective of this policy is to highlight that all public health service employees have a right to disconnect from work outside of their normal working hours and to set out the rights and obligations of employers and employees in this regard.

3.4 As stated in the WRC Code of Practice, occasional legitimate situations can arise when it is necessary to contact employees outside of their normal working hours, including but not limited to ascertaining availability for rosters to fill in at short notice, where unforeseen circumstances may arise, where an emergency may arise³, and/or where business and operational reasons require contact outside of the employee's normal working hours. However, this must not be a frequent occurrence and steps should be taken by management to address the substantive issue if there is a frequent occurrence

3.5 This policy complements and supports health service employers' and employees' rights and obligations under the Organisation of Working Time Act 1997, the Safety, Health and Welfare at Work Act 2005 and the Terms of Employment (Information) Act 1994⁴. Further details on the relevant statutory provisions are set out in *HSE HR Circular 21/2021 Code of Practice for Employers and Employees on the Right to Disconnect* [here](#).

4. Scope

4.1 This policy applies to all public health service employees in the HSE and Section 38 organisations regardless of whether the employee is working at the employer's premises or off-site (including working from home). It applies to full-time and part-time employees across all staff categories.

³ Major Emergency Management arrangements will apply where appropriate.

⁴ This Act was amended by the Employment (Miscellaneous Provisions) Act 2018 [view here](#).

5. Definitions

5.1 The term 'right to disconnect' as provided for in the WRC Code of Practice refers to the following:

- the right of an employee to not have to routinely⁵ perform work outside their normal working hours (including refraining from engaging in work-related emails, telephone calls, or social media messages);
- the right not to be penalised for refusing to attend to work matters outside of normal working hours; and
- The duty to respect another person's right to disconnect (for example: by not routinely emailing, social media messaging or calling outside normal working hours).

6. Roles and Responsibilities

6.1 HSE CEO

The HSE CEO has responsibility for:

- Ensuring that governance arrangements are in place in order that legislative and organisational obligations are met in relation to the Right to Disconnect policy. The HSE CEO may delegate accountability for coordinating and monitoring implementation of this Policy and any associated procedures to senior managers such as the HSE National Directors, Assistant National Directors, Hospital Group Chief Executive Officers, Chief Officers Community Health Organisations.
- Ensuring that all employees are aware of the Right to Disconnect policy.

6.2 HSE National Directors (NDs), Chief Officers (COs) of Community Healthcare Organisations (CHOs), Chief Executive Officers (CEOs) of Hospital Groups (HGs) and Section 38 Intellectual Disability/Social Care Agencies

HSE National Directors, Chief Officers of the CHOs and Chief Executive Officers of the Hospital Groups and Section 38 Intellectual Disability/Social Care Agencies are responsible for:

- Overseeing the development, provision and communication of resources and supports locally to assist the implementation of this policy, in conjunction with appropriate personnel. This includes the identification and resourcing of appropriate personnel and ensuring training and instruction to staff.

⁵ The WRC Code of Practice provides that there are occasional legitimate situations when it may be necessary for an employer to contact employees outside of normal working hours.

- Endorsing and supporting local implementation of the policy.
- Ensuring cooperation with monitoring and reporting requirements as may be required.
- Ensuring this policy and procedure is brought to the attention of all employees.

6.3 *Line Managers*

All managers are primarily responsible for ensuring that policies, procedures and processes within their work areas are adhered to. As part of that responsibility line managers are required to:

- Disseminate the Right to Disconnect Policy to all employees within their area of responsibility.
- Communicate the policy to new employees as part of their induction process.
- Provide information on working hours, rest periods/breaks⁶ and annual leave entitlements in the employee's written contract of employment and notify the employee in writing of any changes.
- Encourage employees to raise any concerns informally and, if necessary, under the Grievance Procedure so that their issues can be addressed.
- Respond to issues raised by an employee in a timely manner.
- Ensure that appropriate mechanisms are in place to record working time (on site and remote working) including late roster finishes, untaken rest breaks/periods etc. and to identify the requirement to grant compensatory rest, where appropriate, in accordance with the Organisation of Working Time Act 1997 (see summary in Appendix 1 of HSE Circular 21/2021 [here](#)) and any relevant national agreement⁷.
- Provide information to new and existing employees on their working times, normal working hours and rest periods/breaks and the arrangements for recording working time and rest breaks/periods (both at the employer's work premises and off site/remote working).
- Inform employees of the procedures to follow if they are unable to avail of a statutory rest break or period.

⁶ Depending on the nature of the job, specific details on rostering arrangements and rest provisions in the particular workplace may be provided by the appropriate manager upon commencement of the person's employment.

⁷ Consultant Contracts include specific provisions regarding compensatory rest and the circumstances and timeframes within which rest days may be availed of or claimed as payment in lieu. Specific provisions for Consultants regarding compensatory rest accruing to a Consultant arising from the provision of service while on-call and circumstances where payment may apply are set out in the document titled 'Provision of compensatory rest for Consultants' (16 April 2014).

- Ensure that all employees receive their entitlement to rest periods/breaks and that they do not work in excess of the maximum weekly working hours as provided for in the Organisation of Working Time Act 1997.
- Schedule meetings at appropriate times having regard to employees' rest breaks and normal working hours.
- Ensure a safe workplace, maintain up to date risk assessments and ensure work activities are managed to prevent any improper conduct or behaviour likely to put safety, health and welfare at risk.
- Engage with employees in relation to availing of their annual leave entitlements during the leave year.
- Promote work/life balance – employees' personal time must be respected and there is a general expectation that employees disconnect from work emails and any other work-related communications outside of their normal working hours and during any type of leave/rest days.
- Outline the workplace communications protocol including the *very limited and exceptional circumstances* in which an employee may be contacted outside of their normal working hours due to urgent service needs or unforeseeable circumstances. This may include ascertaining availability for rosters arising from unexpected absences provided such contact does not occur on a frequent basis⁸.
- Outline the circumstances in which it may be necessary for managers to contact employees' on their personal mobile phones.
- Outline appropriate email etiquette including the timing and tone of any out-of-hours communications and the use of email 'out of office' and footers to indicate the employee's normal hours of work/availability.
- Inform employees of how to access organisational supports e.g. Occupational Health, Employee Assistance Programme (EAP) and their relevant trade union/staff association as required.
- Maintain open channels of communication about workload and time management and encourage appropriate behaviours around disconnecting from work.
- Take appropriate action if an employee shows signs of not disconnecting from work in line with this policy and consider factors such as workload, performance issues or organisational culture.

6.4 *Employees*

The obligations of employees include the following:

⁸ If employees are being contacted outside of their normal working hours on a frequent basis the matter should be escalated to an appropriate level of management to address the underlying issues.

- Take reasonable care to protect their safety, health and welfare and the safety, health and welfare of any other person who may be affected by the employee's acts or omissions at work.
- Fully cooperate with any appropriate mechanism to record working time (on site and remote working) including late roster finishes, untaken rest breaks/periods.
- Be mindful of their colleagues' right to disconnect (for example, by not routinely emailing, calling, texting or social media messaging outside normal working hours).
- Be conscious of their work pattern and aware of their work-related wellbeing.
- Raise any concerns informally with their line manager and, if necessary, under the Grievance Procedure.

7. Working Hours

7.1 All employees should be informed of their contracted working hours, normal times of attendance, rest breaks/periods and, where applicable, rostering arrangements. The employee's right to disconnect outside of their working hours (including rest days, annual leave, sick leave or any form of statutory leave) should be respected.

8. Communications

8.1 Emergency communications outside of an employee's normal working hours/roster⁹ should be the exception rather than the norm.

8.2 The tone and sense of urgency in written communications should be proportionate, particularly those sent outside of normal working hours. Texts or emails sent outside of normal working hours may be easily misinterpreted by the recipient as to its urgency. Where appropriate, measures such as adding a footer to an email signature indicating the sender's normal hours of work may be used to indicate an employee's availability. The sender's message is equally important and, when not urgent, the email may state that an immediate response is not expected.¹⁰

8.3 Employees who are on any type of leave should be sent relevant information e.g. workplace developments, notification of job vacancies.

⁹ This does not refer to the contractual arrangements that apply to some categories of health service employees such as on-call.

¹⁰ For example, including the statement "My working day may not match yours. Please do not feel obliged to reply to this email outside of your normal working hours." Please note that the inclusion of such messages is permitted under the *HSE Visual Identity Guidelines*.

9. Meetings

9.1 The scheduling of meetings (in-person or online/virtual) should take account of an employee's normal working hours and the requirement to avail of rest breaks (e.g. lunch breaks). Only those required to participate should be requested to attend to facilitate the appropriate scheduling/timing of meetings.

10. Raising Concerns

10.1 Managers and employees should manage the Right to Disconnect in a manner that is respectful of everyone's rights and expectations and in the context of the relevant legislation and good workplace relations generally. It is recognised that circumstances may occasionally arise that necessitate that communications are sent and received outside of employee's normal working hours. This may be due to operational needs and other factors including the role of the employee, the agreed terms of employment and the unique requirement of critical services. When occasional contact outside normal working hours and scheduled rostering arrangements becomes the norm, however, this needs to be addressed either informally or, if necessary, under the organisation's Grievance Procedure.

10.2 In this regard, situations may arise where an employee may feel that their Right to Disconnect is not being respected or that their workload is such that they are not able to disconnect at the end of their normal working day/shift. Examples of such situations might include:

- Being contacted regularly outside of normal work hours;
- Being expected to regularly work through meal breaks;
- Feeling obligated to routinely work longer hours than those agreed in their terms and conditions of employment.
- Inability to leave work on time due to excessive workload;
- Being subjected to less favourable treatment for not being available outside of normal working hours.

10.3 In line with the organisation's Grievance Procedure, employees should raise any issues of concern relating to their employment, including matters encompassed by this policy/WRC Code of Practice directly with their line manager in the first instance. In circumstances where an employee feels that they cannot approach their line manager, they should contact another manager at a higher level or seek advice/support from their local HR/Employee Relations Department. Employees should be informed that if issues/complaints cannot be resolved informally, they may invoke the formal stages of the Grievance Procedure and seek advice and support

from the relevant trade union/staff association if necessary. Where there is a collective agreement, the parties should abide by those terms as it relates to raising grievances.

11. Workplace Health and Wellbeing Supports

11.1 Employees should be informed of the specific supports that can be accessed internally within their organisation or other arrangements that may apply. Employees should also be advised that they can contact their relevant trade union/staff association for advice and support.

Each Section 38 employer will inform their employees of the services that are available within their organisation and how these can be accessed.

In the case of HSE employees the following services are available:

11.2 HSE Occupational Health Services

Occupational Health Services aim to promote and maintain the physical, mental and social wellbeing of employees. Occupational Health (OH) provides a confidential independent advisory service. The emphasis of the service is on the protection of employees from the possible adverse effects of work related activity and on health promotion.

Employees or managers seeking support or advice can access further information from:

<https://healthservice.hse.ie/staff/benefits-services/occupational-health/>

11.3 HSE Employee Assistance Programme

The HSE Employee Assistance Programme provides a confidential counselling support and referral service for all staff with personal or work-related issues. No information about the employee's issue will be given to anyone without their written consent. The service is provided by trained and experienced counsellors who are professionally qualified and bound by the codes of conduct of the professional bodies to which they belong. Contact details for the EAP in each area are available online or from the relevant Human Resources Department.

Employees do not need to contact HR or their line manager to use the service. Employees can phone or email the EAP contact for their area to arrange a consultation with a counsellor. This is known as self-referral. A manager can make a referral for an employee, with the employee's agreement, if they have concerns for the employee's wellbeing.

<https://healthservice.hse.ie/staff/benefits-services/benefits/counselling.html>

12. Implementation Plan

12.1 This policy will be made available to all employees via distribution of a HR Circular to senior managers.

12.2 This policy will be made available to all employees via the HSE's internet site (www.hse.ie)

12.3 A global broadcast will be sent to all HSE employees notifying them of the release of this document.

12.4 This policy will be communicated to new employees as part of their induction process.

12.5 This policy will be reinforced on a periodic basis through team meetings and one-to-one engagements with employees.

12.6 This policy will be incorporated into training programmes for line managers.

13. Monitoring

13.1 Each public health service employer is responsible for putting appropriate arrangements in place for monitoring compliance with the provisions in this policy.

13.2 The National Director of Human Resources is responsible for the revision and updating of this policy document.

13.3 Contact details for further information:

National Employee Relations Services
Human Resources Division
Health Service Executive
63-64 Adelaide Road
Dublin 2
Telephone: 01-6626966 Email: info.t@hse.ie