

New laws won by Unions under the Fair Work Act, give workers the formal right to disconnect from work outside of ordinary work hours. The changes aim to protect health and wellbeing. And workers now have a legal right to refuse contact. These changes are a good thing and empower workers to protect their work life balance.

## Right to disconnect



See Fair Work Act s. 333M  
for more information

### What is the new right to disconnect?

From 24 August 2024 the law has changed. Workers can now refuse to *"monitor, read or respond"* to any workplace contact if it is outside your working hours, unless it is unreasonable.

This includes contact from your employer or a third party.

It is called the *"right to disconnect"*.

### Can my employer still send me emails and messages after hours?

**Yes.** Your employer can still send you an email or a message outside of work hours.

The new laws mean that you get to choose if you want to respond to the contact.

### Are there any exceptions?

**Yes.** There are some situations when it may be unreasonable for a worker to not respond.

For example, a worker rostered on-call. In this situation, the worker would anticipate responding to a recall and they are compensated for any contact.

### For example

Mya is a Fitter and Turner working on a project.

Mya finishes her day at 5.30pm and is not rostered on-call. Mya's Team Leader sends her an email after she leaves site for the day about the project.

The new law doesn't prevent Mya's Team Leader from sending Mya an email after hours.

However, the Right to Disconnect means that Mya does not have to check her emails and she does not have to respond to or act on the request which was sent after hours.



## Work expect me to respond. What should I do?

### Know your rights:

The law has changed. You have a right to disconnect. This means you do not have to monitor, read or respond to contact from your employer outside of your working hours.

### Organise:

Is this impacting other workers? Talk to your co-workers, run a survey and understand how others are feeling.

### Engage:

As a collective, raise any concerns with your employer.

Share information about the new entitlement.

Let your employer know that you have a right to disconnect and that you and your co-workers will not be engaging outside of your working hours.

### External options:

Reach out to the Union for support. If your employer has directed you to engage after work, you don't agree and you can't find a solution at the workplace level, you have the option of filing a dispute with the Fair Work Commission. The Commission can hear and make orders about disputes about your right to disconnect.

## Is this discrimination?

*I let my employer know that I wouldn't be reading their messages after work. Since then, I feel like they are treating me different. What should I do?*

Refusing to "monitor, read or respond" to your employers contact outside of your working hours is a protected workplace right.

Your employer must not do anything to prevent you from accessing it. This includes things like:

- Suggesting you don't have a right to disconnect
- Threatening to fire you unless you take a call after work
- Changing the terms of your employment
- Terminating your employment.

This kind of treatment is called "adverse action" and it is against the law.

If you feel you have been targeted or treated adversely because you exercised your right to disconnect, and you can't find a solution at the workplace level, reach out to your union for support. You have the option to file an application with the Fair Work Commission. The Commission has new powers to hear and make orders about right to disconnect disputes.

## Join us!

Women make up 48% of the Australian workforce, but much fewer join male dominated industries. The Workplaces for Women Project is promoting and advancing equality in gender segregated industries and is helping to create workplaces where women are safe, respected, included and equal.



Rights at work resources here

***"Because the more of us that get into the workplace, the better it will be for us all. Workplaces and cultures will only change if we can get more women to help us change."***

- Trades Assistant

***"I just think women thrive in this industry and we're bloody good at it!"***

- Bus Operator

**Workplaces  
FOR Women**  
EQUALITY RESOURCES

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Australian Government



[weareunion.org.au/w4w](http://weareunion.org.au/w4w)