



**An Roinn Fiontar,
Trádála agus Fostaíochta**
Department of Enterprise,
Trade and Employment

CODE OF PRACTICE FOR EMPLOYERS AND EMPLOYEES ON THE RIGHT TO DISCONNECT

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LEGISLATIVE BASIS FOR THE PREPARATION OF A CODE:

Section 20(2) of the Workplace Relations Act, 2015 provides, at the request of the Minister, for the preparation of draft codes of practice by the Workplace Relations Commission, for submission to the Minister for Enterprise, Trade and Employment.

Codes of Practice are written guidelines, agreed in a consultative process, setting out guidance and best practice for employers and employees with respect to compliance with employment legislation.

The Code is voluntary. However, it can be used in legal proceedings as evidence in circumstances where a breach of an employment right is under scrutiny.



The Right to Disconnect refers to an employee's right to be able to disengage from work and refrain from engaging in work-related electronic communications, such as emails, telephone calls or other messages, outside normal working hours.

The Code of Practice provides practical guidance for employers and employees to assist in meeting existing obligations under the following legislation, the purpose of which, in the main, is to protect employees from working excessive hours.





GUIDANCE LEGISLATIVE FRAMEWOK:

- Organisation of the Working Time Act 1997
- The Safety, Health and Welfare at the Work Act 2005
- Employee (Miscellaneous Provisions) Act 2018
- Terms of Employment (Information) Acts 1994 to 2014



Employer obligations:

- Providing detailed information to employees on their working time;
- Ensuring that employees take rest periods;
- Ensuring a safe workplace, including reviewing their risk assessment and, where necessary their safety statement;
- Taking into account of their obligations to ‘managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare at work of his or her employees at risk; and
- Not penalising an employee.



EMPLOYEES' RESPONSIBILITIES:

- Ensuring that they manage their own working time
- Cooperating fully with any appropriate mechanism utilised by an employer to record working time including when working remotely.
- Being mindful of their colleagues, customers/clients and all other people's right to disconnect
- Notifying the employer in writing of any statutory rest period or break to which they are entitled to and were not able to avail of on a particular occasion and the reason for not availing of such rest period or break.
- Being conscious of their work pattern and aware of their work-related wellbeing and taking remedial action, if necessary.

RAISING CONCERNS:



It is to be appreciated that circumstances may occasionally arise where communications are sent and received outside of employee's normal working hours.

When occasional contact outside normal working hours becomes the norm, this needs to be addressed with the employer.