



Irish Nurses and Midwives Organisation
Working Together

HSE Right to Disconnect Policy for Public Health Service Employees

**The largest Professional Union
for Nurses and Midwives in Ireland
representing over 45,000 members**

1. Introduction

This leaflet sets out some of the main provisions of the HSE Right to Disconnect Policy for Public Health Service Employees which is based on the WRC Code of Practice for Employers and Employees on the Right to Disconnect.

2. Purpose

The objective of the HSE 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.

The 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 1994, as amended.

3. Scope

This policy applies to all public health service employees in the HSE and Section 38 organisations.

4. Definitions

The term 'right to disconnect' refers to the following:

- The right of an employee to not have to routinely 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).

5. Working Hours

All employees should be informed of their contracted working hours, normal times of attendance, rest breaks/periods and 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.

6. Meetings

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.

7. Communications

Emergency communications outside of an employee's normal working hours/roster should be the exception rather than the norm. **This does not refer to the contractual arrangements that apply to some categories of health service employees such as on-call.*

The tone and sense of urgency in written communications should be proportionate, particularly those sent outside of normal working hours.

If contact outside of normal working hours is becoming a frequent occurrence, steps should be taken by management to address the substantive issue.

8. Raising Concerns

Situations may arise where members 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.

If this arises, the member should raise the issue directly with their line manager in the first instance. In circumstances where the member feels that they cannot approach their line manager, they should contact another manager at a higher level or discuss the matter with their local HR/Employee Relations Department.

If the issue/complaint cannot be resolved informally, the member may invoke the formal stages of the Grievance Procedure.

Members are advised to seek guidance/support/representation from the INMO as appropriate during this process.

Should a matter remain unresolved it can be referred to the WRC under the appropriate legislation with the right of appeal to the Labour Court.

9. Further Information

Should you have any questions in relation to your right to disconnect under the HSE Policy and WRC Code of Practice, please contact the Information Office on 01-6640610 or 01-6640619.

This leaflet provides guidance on the HSE Right to Disconnect Policy for Public Health Service Employees (errors and omissions excepted).

Produced by Information Office, Irish Nurses & Midwives Organisation, The Whitworth Building, North Brunswick Street, Dublin 7 D07 NP8H

Tel. 01 664 0610/19. E-mail: catherine.hopkins@inmo.ie or catherine.oconnor@inmo.ie Website: www.inmo.ie

April 2023