

Understanding the right to disconnect

Employees in the Fair Work system will have a new workplace right called the **right to disconnect**.

This starts on 26 August 2024 for most employees. For employees of small businesses,* it will start on 26 August 2025.

The **right to disconnect** protects employees who refuse to monitor, read or respond to contact or attempted contact outside their working hours, unless their refusal is unreasonable.

This includes contact, or attempted contact, from:

- their employer, or
- another person, if the contact or attempted contact is work-related.

Certain matters need to be considered when determining whether or not an employee's refusal is unreasonable. These include:

- the reason for the contact or attempted contact
- how the contact or attempted contact is made and the level of disruption it causes the employee
- the nature of the employee's role and their level of responsibility
- the employee's personal circumstances, including family or caring responsibilities
- whether the employee is compensated or paid extra for:
 - remaining available to work when the contact or attempted contact is made, or
 - working additional time outside of their ordinary hours of work.

Other matters may also be considered.

If there is a dispute about an employee's right to disconnect, employers and employees first need to try to resolve it themselves. If they can't resolve the dispute at the workplace level, they can apply to us at the Fair Work Commission for help.



*To find out more about the meaning of 'small business employer' and how to calculate the number of employees, visit [our website](#).

How we can help

An employer or an employee can ask us to:

- make an order to stop:
 - the employee from continuing to unreasonably refuse to monitor, read or respond to contact or attempted contact, or
 - the employer from continuing to require the employee to monitor, read or respond to contact or attempted contact, or from taking disciplinary or other action against the employee (if the employee's refusal to monitor, read or respond to contact or attempted contact isn't unreasonable)
- help them resolve the dispute in another way, or
- do both.

If the employee feels they have been adversely affected because of their right to disconnect (for example – by being dismissed or disciplined) they can apply to us to deal with a general protections dispute, if eligible.

Find out more



Visit our website to learn more about the [right to disconnect](#) and our role.