

# Right to Disconnect: What Small Businesses Should Know

The Right to Disconnect is a new workplace entitlement under the Fair Work Act 2009.

From 26 August 2025, employees of small businesses will have the right to refuse contact (calls, messages, emails) from their employer outside of working hours, unless the refusal is unreasonable.

## Who does the Right to Disconnect apply to?

- Small businesses (fewer than 15 employees)
- Full-time, part-time and casual employees covered by the National Employment Standards (NES)
- Employers or clients/third parties contacting staff outside of agreed work hours

## Reasonable vs unreasonable refusal

### Reasonable refusal examples:

- Late-night message that can wait until the next shift
- Weekend call that interrupts family or personal commitments
- Repeated "just checking in" emails with no urgency

### Unreasonable refusal examples:

- Contact was made to prevent a safety, security, or IT emergency in the business
- Time-critical client or regulatory deadline
- Employee is rostered on-call and receives the allowance

The Fair Work Commission will weigh factors such as the employee's role, compensation, frequency of contact, and the reason for the call.

## What small businesses need to do

From **26 August 2025**, small business employers must:

- Understand employees' right to disconnect
- Respect boundaries around non-work hours
- Avoid patterns of late-night messaging or calls

Small businesses are advised to follow these steps:

1. **Define hours:** record ordinary hours and any on-call arrangements in contracts and rosters.
2. **Update policies:** include a Right to Disconnect clause in your communication, IT use policy, or employee handbook.
3. **Ensure managers are briefed:** train management on what reasonable contact is, along with escalation paths.
4. **Create a dispute path:** nominate an internal contact for discussing disputes at the workplace level. Unresolved matters can go to the Fair Work Commission.

### ● Penalties for non-compliance

An employer who breaches a Commission order about the right to disconnect may be fined for civil penalties of up to **\$19,800** (owner/manager) or **\$99,000** (companies with less than 15 employees) per contravention.

### ● Key date and quick checklist for small businesses

**26 August 2025** - Right to Disconnect comes into effect for businesses with less than 15 employees.

- Ordinary hours recorded for every employee
- Urgent contact rules defined
- Email or chat "quiet hours" configured for company communication channels
- Policy updated and circulated within the company
- Managers trained on Right to Disconnect
- Internal dispute contact set

### ● Need help?

Now Actually can review your existing policies, train your managers, and ensure your compliance when it comes to the Right to Disconnect for your small business.

**Contact Us**