

AUSTRALIA

The Right to Disconnect and Gig Worker Protections



Implications for Employers

- Employers can no longer expect employees to respond to messages or emails outside normal working hours unless it is reasonable to do so.
- Communication practices, especially after hours, now need to be considered in light of the right to disconnect with employers, managers and employees being aware of their obligations.
- Businesses using gig workers face new exposure to claims for minimum terms and conditions, unfair contract terms and unfair deactivation.

Practical Solutions

- Implement and communicate a clear Right to Disconnect policy setting expectations and providing guidance for managers and employees.
- Train managers on when after-hours contact is reasonable and how to manage urgent business needs consistent with the right to disconnect.
- Review and update gig worker arrangements to ensure compliance with the new rights and to reduce litigation risk.

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