



Right to disconnect: New state service entitlement

FACT SHEET

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2026 EBA

What is the right to disconnect?

The right to disconnect is a workplace entitlement arising from the negotiated Tasmanian State Service employment conditions won by union members in the latest Public Sector Unions Wages Agreement and Teachers Agreement.

It is not a Fair Work right.

The right to disconnect is intended to support your work-life balance by limiting work-related contact outside paid working hours except where genuinely necessary.

What does this mean for me?

When you have finished work for the day, are on leave, or are otherwise not rostered to work or be on call, you are entitled to disconnect from work-related communications.

This includes:

- Emails
- Phone calls
- Text messages
- Microsoft Teams messages
- SeeSaw or similar notifications
- Other work-related electronic communications

You are not required to monitor, read or respond to these communications outside your working hours, unless refusing to do so would be unreasonable in the circumstances.

Does this mean nobody can contact me?

No. The right to disconnect does not prevent others from sending communications outside normal hours.

It means you are not expected to read or respond until you return to work, unless the refusal to respond would be unreasonable in the circumstances.

For example:

A principal sends an email at 7:00pm regarding next week's staff meeting

✓ You can read and respond during working hours

A colleague sends a Teams message over the weekend

✓ You can respond when you return to work

Are there exceptions?

Yes.

The clause recognises that there may be occasions when it is reasonably necessary for the employer to contact an employee outside working hours.

The clause lists the following examples:

- Ascertaining availability for rosters and offers of work, or unplanned absences
- Genuine employee welfare concerns
- Where unforeseen circumstances arise
- Emergency or incident response
- Where business and operational reasons require contact out of hours

Even where contact is made for one of these reasons, the clause states that an employee may not be required to respond if the refusal to respond is reasonable having regard to the matters set out in the clause.

There is a list of matters for the manager or principal to consider before contacting you.



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What does the clause require workplaces to consider?

When you are considering contacting someone out of work hours, it must be for a matter listed above.

Our view is that if it can wait till they are working, wait.

However, if you think that it does need to be done now, then you should consider if it is appropriate to contact them. Please make notes of what went into your decision.

We also note that the following matters must be taken into account when deciding whether an employee's refusal to monitor, read or respond outside working hours is reasonable.

- 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
- Whether the employee is compensated to be available to be contacted or to perform work outside working hours
- The nature and seniority of the employee's role and the employee's level of responsibility
- The employee's personal circumstances, including family or caring responsibilities

And we note that the section is clear that these are factors that must be considered, but they are not exclusive.

AEU advice & support

Members should:

- Keep records where unreasonable after-hours contact becomes an ongoing issue
- Keep notes of any discussions you have about contact with your manager
- Contact the AEU if you are pressured to remain constantly available or are disadvantaged for exercising your workplace rights

If you have more questions about the right to disconnect or if you need support, here's who to talk to:

1. Talk to your workplace's AEU rep
2. Talk to your workplace's AEU Organiser
3. Contact your AEU support team (see details below)





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Full Award clause (for reference)

The formal wording of the entitlement is below. The plain-English guidance above is intended to help members understand and use the entitlement.

1. (a) The Right to Disconnect refers to an employee's right to disengage from work and refuse to monitor, read, or respond to contact such as emails, telephone calls, or attempted contact from their employer outside of the employee's working hours or during periods of leave or rostered days off unless the refusal is unreasonable.

(b) The Right to Disconnect has the following elements:

(i) an employee is not to be expected to routinely perform work outside of the employee's working hours;

(ii) an employee will not be penalised or otherwise disadvantaged for refusing to attend to work matters outside of the employee's working hours, unless their refusal is unreasonable in the circumstances; and

(iii) subject to sub-clause 11(b)(i) and 11(b)(ii), an employee is not required to monitor, read or respond to emails, messages or phone calls outside of their working hours unless the employee is required by the employer to be on-call or available or unless they have been directed by the employer to perform overtime.

(c) Without limiting the matters that may be taken into account in determining whether a refusal is reasonable, the following must be taken into account:

(i) the reason for the contact or attempted contact;

(ii) how the contact or attempted contact is made and the level of disruption the contact or attempted contact causes the employee;

(iii) whether the employee is compensated to be available to be contacted or to perform work outside of the working hours;

(iv) the nature and seniority of the employee's role and the employee's level of responsibility; and

(v) the employee's personal circumstances (including family or caring responsibilities).

(d) There will be occasions when it may be reasonably necessary for the employer to contact an employee outside of their working hours, including but not limited to:

(i) ascertaining availability for rosters and offers of work; or unplanned absences

(ii) where unforeseen circumstances arise;

(iii) for genuine employee welfare matters;

(iv) in an emergency or incident response;

(v) where business and operational reasons require contact outside of working hours.

For the avoidance of doubt, an Employee may not be required to respond to these matters provided the refusal to respond is reasonable having regard to the matters in subclause (c).