

Right to disconnect laws can boost retention 40 per cent, research finds ahead of new laws

By **Blair Jackson**

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A long-running analysis of 24,000 workers has found the right to not be on call all hours of the day and night boosts productivity and retention, a study has found.

New federal “right to disconnect” laws will take effect on August 26, meaning staff are legally protected from being forced to take non-emergency calls and respond to emails outside of business hours.

Despite some business sector leaders feeling the changes will hurt productivity, a new survey indicates the effects of “right to disconnect” practices can boost staff retention by 40 per cent.

Business management platform Nimbus tracked 24,000 workers over the course of five years, finding businesses which implement the “do not disturb” ethos hold onto staff for longer.

“Far from being a drag on productivity, these new (right to disconnect) laws could help improve it, if organisations accept that they must now collaborate with their staff and provide them with the tools to improve their work life balance,” Nimbus chief executive Grant Custance said.

“Getting the right people with the right skills more motivated, because they know where they stand with their working hours, is a good thing.”

Mr Custance founded Open Wave in 1998, which four years later was the software being used to schedule staff in 80 per cent of Australia’s call centres. The business was purchased in 2011, and in 2015 he founded the company which would go on to become Nimbus.

Telstra uses Nimbus’ technology for call forwarding during natural disasters, and worldwide security giant Serco uses Nimbus globally.

The Nimbus app is installed on workers' phones, and they can set a "do no disturb" window of time.

Nimbus tracked 24,000 workers at "some of Australia's most iconic retailers" across five years. The companies at which staff used the do not disturb feature, on average retained staff at a 40 per cent higher rate.

Former Fair Work Ombudsman executive director, Michael Clark, said many organisations had "yet to get the message" that the employee-employer relationship had shifted.

"The time where a 6am message or call from the boss to come into work today is over," Mr Clark said.

"Right to disconnect has killed this archaic practice and puts the power of when messages are received into the hands of the employee."

From August 26, employees of large companies can refuse to monitor, read or respond to contact or attempted contact from their employer, or another person if the contact is work-related unless the employee's refusal is unreasonable.

Not answering the phone will be unreasonable if the contact is required by law.

If the call or email is not required to be answered by law, reasonableness will be judged by the worker's job responsibility level, how disruptive the contact was and whether they were compensated.

The Fair Work Commission is the port of call for an employee or employer to take a complaint.

Companies which breach the rules, including an individual employee, can be liable to civil fines up to \$19,800.

The changes do not prohibit an employer actually sending the email or message outside work hours.

The new laws will apply to businesses with less than 15 staff as of August 26, 2025.