

# After-hours business communication: its affects and implications

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Communication is essential for the successful functioning of any organisation, but are some companies taking it to the extreme?

A recent survey by Challenger, Gray & Christmas reveals that many managers contact employees after hours—and quite a few expect a timely reply. The survey questions and responses were as follows:

## ***Would you contact a subordinate after hours?***

- **48.57%** Yes, but I would not expect a response until the following workday
- **28.57%** Yes, I would expect a response within a few hours
- **17.14%** No, I would wait until the following workday
- **5.71%** Yes, customer demand necessitates contacting employees at all hours

## ***For what reason(s) would you contact a subordinate after work (check all that apply)?***

- **87.50%** Work emergency
- **41.67%** Professional
- **29.17%** Personal emergency
- **16.67%** Personal; our relationship is such that we discuss personal issues after work
- **5.10%** Social
- **3.30%** Other

## ***Through what method(s) would you contact your employee after hours?***

- **76.92%** Email
- **76.92%** Text message
- **42.31%** Phone call
- **15.38%** Chat software (Skype, Gchat, Internal Chat)
- **7.69%** Social media message (Tweet, Facebook Messenger)
- **3.85%** Other

Apparently, leaders are contacting workers after hours. But should they?

## **The legal factor**

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Before addressing such issues as work/life balance, perhaps the most important question is whether employers have the legal right to contact employees when they're not at work.

According to Dallas attorney Todd Shadle, chair of the employment law section of Godwin Bowman & Martinez PC, while most companies have policies regarding non-exempt employees and overtime, after-hours and remote access work is not addressed.

In fact, according to the Challenger, Gray & Christmas survey, less than 10% of surveyed companies have a policy that details communicating for work outside of work hours. Another 3% stated they were working on a policy, but the majority (87.5%) have no procedures in place.

"It becomes a problem when the manager is demanding information immediately—which happens in small businesses as well as major corporations," Shadle says.

He explains that employees don't have the luxury of ignoring requests and often feel compelled to respond, so companies need to establish policies that address these issues.

However, he admits that currently, it's not clear if answering a few voicemail or email messages qualifies as compensable work.

"Regarding exempt employees, there are no restrictions on what an employer can expect," he says.

That's because exempt employees operate by a totally different set of rules.

Charles Krugel, an employment lawyer and HR counselor in Chicago, explains, "With employees who are properly classified as salaried employees, the off-the-clock question doesn't apply since salaried employees aren't paid by the hour but on a flat rate."

As a result, he says the question of whether it is legal to contact an employee after hours or not would depend on whether the employee is salaried or paid by the hour.

"In any event, I strongly advise companies that if they require off-the-clock work, then document all of those hours," Krugel says.

Beyond that, Shadle believes there is no right or wrong answer if the company is prepared to pay its hourly-compensated employees.

“It’s not a matter of ‘should,’ but whether it’s cost-feasible for a company to require off-the-clock contact with hourly employees,” he says.

## The work/life balance factor

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After clearing the legal hurdle, it has been established that U.S. companies have the right to contact exempt employees, and pay non-exempt workers (or try to claim that the contact doesn’t constitute a significant time requirement).

But should companies contact employees outside of work hours?

Jason Fried, CEO of Basecamp, doesn’t think so.

“No, it’s not company time, it’s life time,” he says. Fried believes 40 hours a week should be plenty of time to accomplish everything that needs to get done. If companies can contact workers at will, Fried believes employees never really get to “leave” work.

He admits that there may be emergencies and special situations that require contacting employees, but stresses that these incidents should be real emergencies.

“It’s reasonable to have one or two emergencies a year—but, if it’s more frequent than that, you’ve got deeper problems on your hands,” Fried says.

Adam Beeson, director of communications at G2, believes that there are several factors that determine if companies should contact an employee outside of normal work hours.

“Your business, industry and the function an employee serves for the company would be deciding factors,” he says. For example, in the healthcare industry, a specially-skilled employee might have information that could help a patient.

“However,” he stresses, “in an industry where the work is not a matter of life and death, the questions should be approached differently.”

Many employees have an expectation of after-hours contact. A Gallup poll reveals that 60% of U.S. workers check email outside of business hours.

Elizabeth Cogswell Baskin, CEO and executive creative director of Tribe, Inc., says this issue reflects the company’s culture.

“For some cultures, being available 24/7 is almost a point of pride for employees; for others, employees will find such expectations an affront to their rights to a personal life,” she says.

Baskin believes the tone is set at the top. If the CEO works nights and weekends, there may be an expectation that everyone else will follow suit and communicate around the clock.

“In a company where employees expect to leave their work at the office, managers need to respect that—or have frank discussions with their team about why they sometimes will need to be available after hours.”

## The distracted driving factor

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Findings from a Harris Poll reveal that 27% of employees say their boss has called/texted them while knowing that they were driving.

“People typically want to please their managers and employers, but doing so [while driving] could come at a big price,” says Joan Woodward, president of the Travelers Institute and executive vice president of Public Policy at Travelers.

Woodward warns that when employees take their eyes off the road, even for a few seconds, the results could be catastrophic.

“It’s important for supervisors to lead by example and make it clear they don’t expect an immediate response while an employee may be driving, whether it be a phone call, email, or text.”

## Establishing criteria

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If employees need to be contacted when they’re not at work, this should entail guidelines—and, perhaps, a reverse pecking order.

For example, Beeson believes that employees in leadership should be contacted before reaching out to a lower level employee.

“In many instances, the more advanced leader is better prepared to handle the question remotely than the less experienced, lower-level employee,” he explains.

And if the issue at hand can’t be handled remotely, he doesn’t see the point in contacting them.

Fried believes the only criterion to consider should be respect.

“Companies don’t own people—they pay people for a full day’s work, not a whole day’s work.”

He says that 8-9 hours is more than enough time for a workday and anything more than that is “an invasion of life.”

Fried says respect must start at the top, with owners and managers treating their workers as human beings and not cogs in a machine.

“People aren’t on-demand like a Netflix show, they are at work or they aren’t.”

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