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RIGHT TO DISCONNECT AND ITS LEGAL INSIGHTS: PROTECTION FOR WORK-LIFE BALANCE

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" You will never truly satisfied by work until you are satisfied by life"

- *Heather Schuck.*

ABSTRACT

*In the digital age, the lines between work and personal life have become increasingly blurred, leading to concerns over employee well-being, mental health, and productivity. The **"Right to Disconnect"** is an emerging legal and social concept that aims to establish clear boundaries between work and personal time, ensuring employees are not obligated to engage in work-related communication beyond designated hours. This paper explores the significance of the right to disconnect in fostering a healthier work-life balance, reducing burnout, and enhancing workplace efficiency. It examines global legislative frameworks, corporate policies, and the challenges of implementation in various industries. By assessing case studies from countries that have already enforced this right, the study highlights its impact on employee satisfaction and organisational culture. The research also discusses the feasibility of adopting this right universally, considering the gig economy, remote work trends, and technological advancements. Ultimately, this paper advocates for a balanced approach that safeguards employee rights while maintaining business competitiveness in a rapidly evolving work environment.*

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KEYWORDS: *Right To Disconnect, Work Life Balance, Communications, Employees Working Hours*

INTRODUCTION

The advancement of technology is considered as both a boon and ban for the human life where the invention of digital communication technologies has not only made the lives of the people easier by making the **communications** possible but on the other hand it also affects the **work life balance** of an individual, thus blurring out the work-life boundaries and throwing light on the need to introduce a right such as right to disconnect from work life digitally also after the finishing of the working hours. There shall be encouragement with regarding to clear **working hours** , breaks and employees personal time so that mental health and privacy of the **employees** be valued .

In today 's digital age, where constant connectivity has become norm, the **right to disconnect** stands as a crucial safeguard for **employees** looking to live life peacefully. This right ensures that workers are not compelled to engage in work related communication outside official **working hours**, thereby reducing overburden and preventing the excessive intrusion of work into personal life. The increasing expectations of 24/7 availability by the corporate slavery culture have led to mental health concerns like depression, anxiety and stress related disorders.

By enforcing **'Right to disconnect'** organisations and governments can promote a healthier work life balance, improve health and foster a more sustainable, humane work environment. Respecting the personal boundaries in a digitally dominated world eventually comes under the ambit of 'right to privacy'.

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MEANING

The **Right to Disconnect** refers to an employee's right to disengage from work-related **communications**, such as emails, phone calls, and messages, outside of working hours without facing negative consequences.

SIGNIFICANCE

1. Protects **employees** from being expected to work beyond their **working hours**.
2. Aims to maintain **work-life balance** and prevent burnout.
3. Recognised in some countries through labor laws or company policies.

HISTORICAL BACKGROUND

1) **France**

The **right to disconnect** was first discussed in France. France in the year 2017 passed the law that companies with 50 or more **employees** to support their **employees** with the **right to disconnect.** This concept gained attention after the passing of landmark judgement by the French Supreme Court court in 2001 which stated that there is no need for the employees to be reachable outside the **working hours** and and ruled that "the fact that [the employee] was not reachable on his cell phone outside **working hours** cannot be considered as misconduct."

El Khomri Law

In 2017, France further codified this right by the implementation of the El Khomri Law, which explicitly recognised the "**right to disconnect"** within the workplace. Article 55 under Chapter II "Adapting the Labour Law to the Digital Age" (Adaptation du droit du travail à l'ère du numérique) included a provision to amend the French Labour Code to include the **right to disconnect** (le droit de la déconnexion).

France adopted the right into its Labour Code in September 2015 after a report on the impact of digital technologies on labour which supported a right to "professional disconnection." The report was presented to the French Minister of Labour Myriam El Khomri after the previous minister sought information on the effect of digital transformation on Labour.

The introduction of this law followed a 2016 study that discovered that 37% of workers were using professional digital tools (e.g., work mobile phones) outside of work hours and that 62% of workers wanted more controls and rules to regulate this.
Default: Employers who do not include the **right to disconnect** in the MAN are liable to criminal prosecution for obstructing the exercise of union rights, punishable by 1 year in prison and a €3,750 fine.

OTHER COUNTRIES ADOPTING SIMILAR RIGHTS

2) **Germany**

There is not any actual law but many german companies have implemented the similar policies.
Example- In the year 2011 Volkswagen stated that that it would stop email servers from sending emails to the mobile phones of employees between 6pm and 7am.
Other German companies such as Allianz, Telekom, Bayer and Henkel all have similar policies in place to limit the amount of digital connection **employees** have after **working hours.**

3) **Slovakia**

February 19, 2021, the National Council of the Slovak Republic passed an amendment to the Slovak Labor Code (Act No. 311/2001 Coll.), which introduces a **right to disconnect** for remote working **employees**.

4) **Portugal**

Has laws prohibiting employers from contacting employees outside **working hours** except in emergencies.

5) **Australia**

The Australian Government on February 12, 2024 passed the Fair Work Legislation Amendment (Closing Loopholes No. 2) Bill 2023, which included a **right to disconnect.**

RECENT EMPLOYEES DISCONNECT POLICY OF AUSTRALIA

The concept of **Right to disconnect** has been gaining attention in Australia, after the times of COVID-19 pandemic. Australia has now allowed its **employees** to refuse to monitor, read, or respond to work related **communications** outside of their regular working hours unless doing so is deemed unreasonable by their employer; thereby giving them the right to ignore work contacts after hours, while exceptions are being there depending on their job requirements.

The **Employees** in Australia have the **right to disconnect** under the Fair Work Act, 2009. Under this act the **employees** are not required to work for unreasonable hours. Employers are required to pay for overtime and they have to make sure that the work is not unreasonable for the **employees**. In Some workplaces of Australia there are policies which indirectly support the concept of

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disconnecting outside of regular hours. Under occupational health and safety laws the mental and physical health of the **employees** is to be ensured by their employers including stress management.

In case of disputes in connection with the **right to disconnect** can be addressed by the firework Commission. From August 26, 2025 the **right to disconnect** will also apply to the **employees** of small businesses.

RECENTLY IN INDIA

The tragic death of 26-year-old Anna Sebastian Perayil, an EY **employees** in Pune, highlights the urgent need for a healthier **work-life balance** and the recognition of the **right to disconnect.** Anna's mother attributes her untimely demise to an overwhelming workload, a growing concern in corporate environments where excessive work pressure takes a severe toll on employees' physical and mental health. This incident underscores the necessity for companies to implement policies that ensure **employees** are not overburdened, such as enforcing reasonable working hours and allowing them to disconnect from work after office hours.

INDIAN PERSPECTIVE

India does not yet have a formal **"Right to Disconnect"** law at the national level. However, there have been discussions and proposals on the subject:

1. The Right to Disconnect Bill, 2018

Introduced by NCP MP Supriya Sule in the Lok Sabha. Proposed that companies with more than 10 employees establish a policy allowing workers to disconnect from work **communications** outside of official hours. Suggested setting up welfare committees to address concerns.

However, this bill did not become law.

2. Labour Codes and Work-Life Balance

The Occupational Safety, Health and Working Conditions Code, 2020 and the Industrial Relations Code, 2020 touch upon work-life balance but do not explicitly mention the **right to disconnect.** Indian labour laws primarily focus on maximum **working hours** and overtime compensation, but they do not regulate after-hours digital **communications**.

3. Corporate & IT Sector Practice

Some companies in India (especially MNCs) have introduced internal policies that encourage **employees** to disconnect after work hours. The increasing adoption of remote work and flexible hours makes it harder to enforce a strict **right to disconnect**. As India's workforce, especially in the IT and service sectors, continues to grow, the demand for **work-life balance** is increasing. If enacted, such a law could help reduce burnout, improve mental health, and boost productivity. The **Right to Disconnect** is not explicitly mentioned in the Indian Constitution, but it can be linked to several fundamental rights and constitutional provisions that protect an individual's well-being, privacy, and **work-life balance**.

Constitutional Aspect of 'Right To Disconnect' :-

1. **Fundamental Rights & Right to Disconnect**

Article 21 – Right to Life and Personal Liberty

The Supreme Court has interpreted Article 21 to include the **Right to Privacy** (Puttaswamy Judgment, 2017) and the Right to Health and Well-being.

Unrestricted work-related **communications** after **working hours** can infringe on personal time, affecting mental health and well-being.

The **Right to Disconnect** can be seen as a natural extension of the Right to Life, ensuring **employees** have time for rest and family life.

2. **Directive Principles of State Policy (DPSP) & Right to Disconnect**

Article 39(e) – Protection of Workers' Health and Strength

The State must ensure that workers are not abused or overburdened by work conditions that harm their health.

Constant connectivity beyond **working hours** can lead to burnout and stress, violating this principle.

Article 43 – Living Wage and Decent Standard of Life

Encourages policies that improve the quality of life for workers.

Disconnecting from work after official **working hours** aligns with this objective, promoting mental well-being and family time.

3. **Judicial Interpretations & Evolving Work Culture**

The Right to Health (which includes mental health) has been recognized as a fundamental right by the Supreme Court. The courts have also emphasised the dignity of labour, which includes fair and humane working conditions.

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Challenges in Implementation

1. India has a diverse workforce with different work cultures across sectors.
2. Many companies work across time zones, making it difficult to impose strict "no communication" policies.
3. The gig economy and flexible work arrangements complicate standardising **work hours.**

CONCLUSION

In conclusion, the **right to disconnect** is not just a privilege but a necessity for modern workplaces. It enhances a healthier work environment, mental and physical well-being and contributes to long-term productivity. Employers, policymakers, and **employees** must collaboratively establish clear boundaries and policies to ensure that professional responsibilities do not encroach upon personal life, leading to a more balanced and fulfilling work experience.

Despite its rapid economic growth and evolving work culture, India lacks formal legal provisions ensuring **employees' right to disconnect.** The Indian workforce, particularly in the IT, finance, and corporate sectors, often faces unrealistic expectations of 24/7 availability, leading to work-related stress and adverse health effects.s a diverse workforce with different work cultures across sectors.

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