

Disconnecting digitally beyond working hours: a legal and comparative study on the right to disconnect

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Abstract

Purpose: The study examines the emergence of the Right to disconnect as a resolution to workplace digital connectivity issues. It explores the legal, constitutional, and ethical aspects of this right, comparing the standards of work-life balance. The study mainly emphasizes the legal recognition and implementation of the Right to disconnect to promote work-life balance, mental health, and the dignity of labor in a digital and remote-working environment, outlining the negative effects of constant connectivity on employee well-being. **Design / Methodology:** The research uses a doctrinal legal approach to focus on the statutes, court decisions, academic literature, and international legal frameworks relating to the Right to disconnect. Comparative analysis evaluates France, Germany, Italy, and Spain's laws and policies in relation to India. A constitutional interpretation of Indian law, specifically Article 21, is used to determine whether this right can be incorporated into domestic law. **Practical Implication:** In a digital work culture, India requires a well-defined legislative framework to guarantee employees' right to disconnect, supporting policy reforms that encourage work-life balance, mental health, and their impact on well-being. The study also helps policymakers, employers, and HR managers to take note of employee well-being and the framework code of work accordingly. **Findings/Outcome:** The research indicates that the Right to disconnect is required for preserving employees' mental health, ensuring and increasing productivity, and work-life equilibrium in the digital era. In India, despite constitutional provisions supporting this freedom, there is a lack of clear legislation and guidelines for the corporate to disconnect the employee after leaving the workstation.

Keywords: right to disconnect; work-life balance; labour laws; telework and mental wellbeing.

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Received on May 4, 2025 and approved for publication on November 27, 2025.



Desconectando-se digitalmente após o horário de trabalho: um estudo jurídico e comparativo sobre o direito de se desconectar

Resumo

O estudo examina o surgimento do direito de se desconectar como uma solução para as questões de conectividade digital no local de trabalho. Ele explora os aspectos jurídicos, constitucionais e éticos desse direito, comparando os padrões de equilíbrio entre vida profissional e pessoal de um sistema internacional e indiano. O estudo enfatiza principalmente o reconhecimento jurídico e a implementação do direito à desconexão para promover o equilíbrio entre vida profissional e pessoal, a saúde mental e a dignidade do trabalho em um ambiente digital e de trabalho remoto, destacando os efeitos negativos da conectividade constante no bem-estar dos funcionários. A pesquisa utiliza uma abordagem jurídica doutrinária para se concentrar nos estatutos, decisões judiciais, literatura acadêmica e marcos jurídicos internacionais relacionados ao direito à desconexão. A análise comparativa avalia as leis e políticas da França, Alemanha, Itália e Espanha em relação à Índia. Uma interpretação constitucional da lei indiana, especificamente o Artigo 21, é usada para determinar se esse direito pode ser incorporado à legislação nacional. Em uma cultura de trabalho digital, a Índia requer um quadro legislativo bem definido para garantir o direito dos funcionários à desconexão, apoiando reformas políticas que incentivem o equilíbrio entre vida profissional e pessoal, a saúde mental e seu impacto no bem-estar. O estudo também ajuda os formuladores de políticas, empregadores e gerentes de RH a tomarem nota do bem-estar dos funcionários e do código de trabalho de acordo com isso. A pesquisa indica que o direito à desconexão é necessário para preservar a saúde mental dos funcionários, garantir e aumentar a produtividade e o equilíbrio entre vida profissional e pessoal na era digital. Um estudo comparativo indica que nações com proteções e padrões legais estabelecidos, como França e Espanha, demonstram uma aplicação superior dos limites pessoais. Na Índia, apesar das disposições constitucionais que apoiam essa liberdade, há uma falta de legislação e diretrizes claras para que as empresas desconectem o funcionário após ele deixar o local de trabalho. O estudo ressalta a necessidade imperativa de promulgar salvaguardas legislativas abrangentes para aliviar os efeitos adversos da conectividade digital contínua sobre os funcionários.

Palavras-chave: direito à desconexão; equilíbrio entre vida profissional e pessoal; leis trabalhistas; teletrabalho e bem-estar mental.

Desconectarse digitalmente fuera del horario laboral: un estudio jurídico y comparativo sobre el derecho a la desconexión

Resumen

El estudio examina la aparición del derecho a la desconexión como solución a los problemas de conectividad digital en el lugar de trabajo. Explora los aspectos jurídicos, constitucionales y éticos de este derecho, comparando los estándares de conciliación entre la vida laboral y personal desde un sistema internacional e indio. El estudio hace hincapié principalmente en el reconocimiento jurídico y la aplicación del derecho a la desconexión para promover el equilibrio entre la vida laboral y personal, la salud mental y la dignidad del trabajo en un entorno digital y de teletrabajo, y describe los efectos negativos de la conectividad constante en el bienestar de los empleados. La investigación utiliza un enfoque jurídico doctrinal para centrarse en los estatutos, las decisiones judiciales, la literatura académica y los marcos jurídicos internacionales relacionados con el derecho a la desconexión. El análisis comparativo evalúa las leyes y políticas de Francia, Alemania, Italia y España en relación con la India. Se utiliza una interpretación constitucional de la legislación india, concretamente el artículo 21, para determinar si este derecho puede incorporarse a la legislación nacional. En una cultura laboral digital, la India necesita un marco legislativo bien definido que garantice el derecho de los empleados a la desconexión, apoyando reformas políticas que fomenten el equilibrio entre la vida laboral y personal, la salud mental y su impacto en el bienestar. El estudio también ayuda a los responsables políticos, los empleadores y los directores de recursos humanos a tomar nota del bienestar de los empleados y del código marco de trabajo correspondiente. La investigación indica que el derecho a la desconexión es necesario para preservar la salud mental de los empleados, garantizar y aumentar la productividad y el equilibrio entre la vida laboral y personal en la era digital. Un estudio comparativo indica que los países con protecciones y normas legales establecidas, como Francia y España, demuestran una aplicación superior de los límites personales. En la India, a pesar de las disposiciones constitucionales que respaldan esta libertad, no existe una legislación y unas directrices claras para que las empresas desconecten a los empleados después de salir de su puesto de trabajo. El estudio subraya la necesidad imperiosa de promulgar salvaguardias legislativas integrales para aliviar los efectos adversos de la conectividad digital continua en los empleados.

Palabras clave: derecho a la desconexión; equilibrio entre la vida laboral y personal; legislación laboral; teletrabajo y bienestar mental.

Se déconnecter numériquement en dehors des heures de travail : une étude juridique et comparative sur le droit à la déconnexion

Résumé

L'étude examine l'émergence du droit à la déconnexion comme solution aux problèmes de connectivité numérique sur le lieu de travail. Elle explore les aspects juridiques, constitutionnels et éthiques de ce droit, en comparant les normes d'équilibre entre vie professionnelle et vie privée dans le système international et le système indien. L'étude met principalement l'accent sur la reconnaissance juridique et la mise en œuvre du droit à la déconnexion afin de promouvoir l'équilibre entre vie professionnelle et vie privée, la santé mentale et la dignité du travail dans un environnement numérique et de travail à distance, en soulignant les effets négatifs d'une connectivité constante sur le bien-être des employés. La recherche utilise une approche juridique doctrinale pour se concentrer sur les lois, les décisions judiciaires, la littérature universitaire et les cadres juridiques internationaux relatifs au droit à la déconnexion. Une analyse comparative évalue les lois et politiques de la France, de l'Allemagne, de l'Italie et de l'Espagne par rapport à celles de l'Inde. Une interprétation constitutionnelle de la loi indienne, en particulier de l'article 21, est utilisée pour déterminer si ce droit peut être intégré dans le droit national. Dans une culture du travail numérique, l'Inde a besoin d'un cadre législatif bien défini pour garantir le droit des employés à la déconnexion, en soutenant les réformes politiques qui encouragent l'équilibre entre vie professionnelle et vie privée, la santé mentale et leur impact sur le bien-être. L'étude aide également les décideurs politiques, les employeurs et les responsables des ressources humaines à prendre en compte le bien-être des employés et à adapter le code du travail en conséquence. La recherche indique que le droit à la déconnexion est nécessaire pour préserver la santé mentale des employés, garantir et augmenter la productivité, et assurer l'équilibre entre vie professionnelle et vie privée à l'ère numérique. Une étude comparative montre que les pays qui ont mis en place des protections et des normes juridiques, comme la France et l'Espagne, font preuve d'une meilleure application des limites personnelles. En Inde, malgré des dispositions constitutionnelles soutenant cette liberté, il existe un manque de législation et de directives claires permettant aux entreprises de déconnecter les employés après leur départ du lieu de travail. L'étude souligne la nécessité de mettre en place des garanties législatives complètes afin d'atténuer les effets néfastes de la connectivité numérique continue sur les employés.

Mots-clés : droit à la déconnexion ; équilibre entre vie professionnelle et vie privée ; droit du travail ; télétravail et bien-être mental.

工作时间之外的数字断网：关于断网权的法律与比较研究

摘要：

本文探讨了“断网权”的出现，以此作为解决工作场所数字连接问题的方案。研究从法律、宪法和伦理层面探讨了这项权利，并比较了国际和印度体系中关于工作与生活平衡的标准。研究主要强调在数字化和远程办公环境下，法律对“断网权”的承认和实施如何促进工作与生活平衡、心理健康和劳动尊严，并阐述了持续连接对员工福祉的负面影响。作者重点关注与“断网权”相关的法规、法院判决、学术文献和国际法律框架。比较分析评估了法国、德国、意大利和西班牙的法律和政策与印度的差异。通过对印度宪法第21条的解释，作者试图确定这项权利是否可以纳入印度国内法。作者认为，在数字化工作文化中，印度需要一套完善的法律框架来保障员工的“断网权”，并支持旨在促进工作与生活平衡、心理健康及其对员工福祉影响的政策改革。本项研究还有助于政策制定者、雇主和人力资源经理关注员工福祉，并据此制定相应的工作框架准则。通过比较研究，作者发现，像法国和西班牙这样拥有完善法律保护标准的国家，在个人界限的执行方面表现突出。相比之下，在印度，尽管宪法条款支持这项自由，但目前尚缺乏明确的立法和指导方针去要求企业在员工离开工作场所后断开其工作连接。作者强调，印度必须制定全面的法律保障措施，以减轻持续的数字化连接对员工的身心健康的负面影响。

关键词：断网权、工作与生活平衡、劳动法、远程办公、心理健康

Introduction

The right to disconnect is a labour law principle established in multiple nations to safeguard employees from perpetual availability beyond working hours (Golding, 2023). It aims to promote work-life equilibrium, avert burnout, and augment job satisfaction and productivity. The law of the right to disconnect focuses on the legal and philosophical basis for safeguarding employees' time outside working hours, delineating boundaries in an age characterized by digital connectivity (Josserand; Boersma, 2024). The concept derives from labour rights, seeking to equilibrate the power dynamics between employers and employees, particularly in light of the growing demands for perpetual availability enabled by technology. Legal academics contend that akin to workers' rights to equitable remuneration and secure working environments, they should possess the right to disengage from work communications during non-working hours. This right, which guarantees employees the ability to keep their personal life and work obligations completely separate, is based on upholding human dignity, mental health, and personal autonomy. Under such conditions, individuals should be able to disengage from work communications during non-working hours. The issue of overtime wages is associated with the fact that non-exempt employees are typically compensated hourly. In contrast, exempt employees are not eligible for overtime regardless of the number of hours they work. When it pertains to employees who work after hours, exemption excludes them from receiving compensation.

The digital revolution has significantly transformed the workforce, enhancing efficiency by expediting communication among departments and organizations. However, the business sector did not implement a substantial transition until the COVID-19 pandemic. During this time, organizations began exploring ways to continue work-from-home or anywhere through a code of conduct due to the absence of regulations in many countries (Šmite *et al.*, 2023). In 2020, the implementation of social distancing protocols and nationwide lockdowns forced numerous sectors to allow remote work or telecommuting. At present, there are only a handful of countries that have enacted legislation that explicitly addresses the issue of whether or not employees have the right to be free from electronic workplace communications after their workday concludes (Blanpain *et al.*, 2007). In other advanced industrial economies in the European Union, notably France and Germany, the "right to disconnect" of an employee from workplace communication devices has recently emerged as a significant employment law issue. The pervasive increase in telework has both positive and negative effects. Increased productivity, improved work-life balance, and increased autonomy in working hours are all benefits of telework. The balance between work

and home has been altered by the introduction of new communication and information technologies in the working environment, as well as the new model of work known as “smart working”. However, the question of whether there is a boundary between the risk of being always online and the flexibility of the work environment has arisen. The right to disconnect is emerging within this context. The right to disconnect is the ability of an employee to remain unavailable outside of working hours without fear of disciplinary action.

The matter of overtime compensation is inherently connected to the distinction between non-exempt workers, who are typically compensated on an hourly basis, and exempt workers, who, irrespective of the number of hours worked, do not qualify for overtime pay. In the context of employees engaging in work beyond standard hours, the designation of exempt status indicates the absence of any financial remuneration (Kurzynoga, 2024). The growing prevalence of digital technologies has transformed conventional working models and fostered a culture of perpetual availability for the organization. Prolonged engagement with digital tools has been shown to result in diminished concentration, alongside cognitive and emotional overload, potentially leading to various physical and mental challenges. While there is no explicit article of international law addressing the right to disconnect, fundamental principles and regulations exist concerning the organization of working time, rest, privacy, equitable working conditions, health and safety in the workplace, and the balance between work and personal life. These elements collectively establish a foundational basis for the legal assertion of the right to disconnect.

Review of literature

The author emphasizes that the proliferation of communication media in modern workplaces has rendered employees perpetually accessible to their work. Constant connection to work (CCW) denotes the state in which employees are perpetually linked to their job responsibilities, even outside designated work hours, and cannot disengage from their professional obligations. We examined the relationship between CCW and sleeplessness and the moderating influence of work engagement. The research indicates that enhancing job engagement and detaching from work during non-working hours can safeguard employees’ health and well-being. In another research (Chesley, 2006) the author’s focus on the growth of communication technologies has been linked to significant changes in work, including the acceleration of work activities. Numerous studies highlight that individuals are interconnected through diverse devices and applications, all of which

compete for workers' attention. Although a pervasive connection seems to provide individuals with enhanced freedom and control over the timing and location of their work.

Contemporary Labour Law recognizes the significance of flexibility in individual employment relationships through the extensive implementation of teleworking initiatives. Nonetheless, the teleworking phenomenon expands concurrently with a contrasting trend, whereby teleworkers experience diminished protections due to prevailing practices that necessitate their availability for work-related communications at all times and in all locations, while overarching regulations governing working hours are overlooked (Müller, 2020). The European Union member states exhibit significant concern over the mitigation of such dangers; nonetheless, the jurisprudence of the Court of Justice of the European Union, as reflected in its interpretation of the Directive on certain aspects of working time organization, is very relevant.

Technology's role in redefining policies of the remote work concept

The terminology associated with employment, the 'workplace', and 'the work hours', was delineated. Currently, there is a growing autonomy of work from location, with tasks being performed not only at home but also while traveling and during vacations across numerous enterprises. The office is no longer confined to physical boundaries; it exists wherever individuals possess their smartphone, pager, laptop, or smartwatch, enabling them to operate beyond conventional hours.

The right to disconnect pertains to employees' entitlement to disengage from work-related contacts during non-working hours and vacations. This stems from the realization that modern forms of information and communication technology (ICT) such as smartphones, smartwatches, tablets, and laptops blur the lines between one's work life and one's personal life, which can have negative effects on things like privacy and autonomy, morale, health and safety, productivity, pay, leisure time, and work-family conflicts. These studies have become even more blurry due to the rapid growth and broad use of remote labor in the years after the COVID-19 epidemic.

Technological innovations have facilitated flexible work arrangements in offices worldwide. This has profoundly altered the conception of task execution, leading to the emergence of new opportunities and challenges. The needs of future generations entering the workforce are challenging traditional limits and the status quo, placing young professionals in uncharted circumstances. The interaction between technology and employment, along with the discordance in generational perspectives, undermines the fundamental principle of work-life balance.

Theoretical legal framework of several countries for the right to disconnect

Frequent news stories reveal that individuals in numerous countries are laboring extended hours, are inextricably linked to their mobile devices, and are facing heightened stress, burnout, overwork, and escalating work-family conflict (Bharucha, 2021). Consequently, there appears to be a heightened awareness of the hazards associated with workplace technology. However, the straightforwardness of certain solutions, like the complete prohibition of after-hours emails, fails to address the intricacy of the issue. Recently, in India, an Ernst & Young employee collapsed due to prolonged working hours and associated strain.

France: France is regarded as the EU pioneer in formally acknowledging the right to disconnect. In 2013, a national cross-sectoral agreement on the workplace, which emphasized quality of life, encouraged companies to avoid encroaching on employees' personal lives by instituting specific periods during which their electronic communication devices could be deactivated. This right was codified into law on 8 August 2016 and is currently governed by the French Labour Code. Fourteen: The new legislation, centered on the right to disconnect, mandates that companies with 50 or more employees initiate a dialogue between employers and employees (through representatives) to govern the utilization of digital tools outside of working hours, delineate employees' rights to disengage, and guarantee the enforcement of these rights (Cheng, 2020).

Moreover, the right to disconnect must be incorporated into the obligatory annual negotiating process centered on workplace quality of life and gender equality. This regulation applies only to enterprises employing 50 or more individuals. Electronic requests submitted outside of working hours are considered compensable time, akin to engaging in work-related phone conversations or reading documents during non-business hours.

Germany: German employers have made considerable advancements in regulating after-hours labour; nonetheless, no particular legislation has been enacted on this matter. German employers acknowledge the detrimental impact of incessant pressure on their workforce. Germany's corporate self-regulatory framework enables employees to collaborate with pertinent social partners to formulate distinct regulations that address the specific demands of each stakeholder. The inherent risk of self-regulation is that businesses may establish laws that appear to benefit employees but, in reality, do not provide them with meaningful protection. Furthermore, German employers are not obligated to participate in corporate self-regulation. The German Labour Ministry has implemented laws for after-hours communication to motivate other firms to adopt similar practices. The ministry has prohibited

communication with personnel outside of working hours, save in emergencies, and established regulations preventing managers from disciplining employees who turn off their mobile devices or do not react to communications after hours.

Italy: Employees possess the right to disengage from technical devices and online platforms utilized for work without it resulting in any repercussions on the continuation of the job relationship or remuneration. The concept of smart working refers to a form of dependent employment that does not require specific work hours or a designated workspace, incorporating technological tools for the execution of job tasks. This regime applies not only to private employment contracts but also to public administration when applicable. The sole restrictions mandated by this legislation that must be adhered to are the maximum daily and weekly working hours, as defined by law or collective agreements.

Spain: Spain is the most recent nation to incorporate the right to disconnect into its local legislation, with a comprehensive array of other digital rights. The Employment and Collective Bargaining Agreement for the years 2015, 2016, and 2017 is proposed to address the impact of ICT on labor relations and to further improve the balance between work and personal life, while enhancing the competitiveness and productivity of enterprises. Collective bargaining was regarded as the most effective means to address this issue, owing to its closeness to the requirements of both employers and employees. Numerous companies have been entering into agreements over the advised issues. AXA's Spanish division is the first to implement a right to digital disconnection at the corporate level in Spain. An agreement reached in July 2017 stipulates the right to refrain from responding to emails or professional messages outside of working hours, except in cases of force majeure or extreme circumstances. The legislation addresses digital rights regarding labor law in Articles 87 to 91. All are connected to a broad right to privacy in the workplace concerning the utilization of digital equipment, alongside a more specific right regarding video surveillance and audio recording devices, as well as geolocation systems (Trujillo Pons; Megino Fernández, 2023). Article 88 of the law stipulates that both private and public employees are entitled to digital disconnection outside of legally or conventionally defined working hours, to ensure the preservation of their rest intervals, leave, holidays, and personal and familial privacy.

Right to disconnect: a constitutional analysis in India

The contemporary work culture, which transcends formal hours, can adversely impact an individual's physical and mental well-being. Although courts have not extensively

analyzed the interpretation of the Right to Disconnect, it can be liberally construed under Article 21 of the Indian Constitution, which guarantees every citizen the Right to Life and Liberty. The term 'life' as articulated in Article 21 of the Constitution transcends basic biological existence; it encompasses a wide range of rights, including the right to livelihood, improved living standards, and the right to leisure.

In *State of Punjab v. M.S. Chawla*,¹ the court determined that the right to life guaranteed by Article 21 encompasses the right to health and medical care. Additionally, in *Kirloskar Brothers Ltd. v. ESIC*,² the Supreme Court determined that companies are obligated to facilitate a meaningful existence for their employees. These cases illustrate that Article 21 includes the Right to disconnect, highlighting the need for employers to uphold and protect this right actively. The directive principle of the state policy under Art. 38 and Art. 39 of the Constitution of India state that the state promotes the welfare of the people and to direction of the state to secure the strength and health of its workers. In *CESC Ltd. v. Subash Chandra Bose*³, the Supreme Court noted that health constitutes a state of complete physical, mental, and social well-being rather than merely the absence of disease or infirmity. Consequently, it may be concluded that the Right to Health encompasses both the mental and physical well-being of an individual.

Change of nature of work vis-à-vis right to disconnect

The advancement of new information and communication technologies (ICT) and its continual enhancement have facilitated living for many individuals. The Internet has transformed into a portal connecting individuals' residences to the global landscape. Only a few years prior, activities such as videoconferencing, online shopping, email correspondence, doing financial transactions, performing public administration jobs digitally, and remotely measuring heart rate or monitoring sleep and oxygen levels appeared to belong to the realm of science fiction (Dutton, 2004). Nonetheless, it has now materialized as a reality. Work is a human endeavor that fosters the development of physical, intellectual, and cognitive abilities; nevertheless, it can also pose health risks. A paradoxical relationship exists between health and employment, encapsulated as: 'work is essential for health, yet employment can adversely impact health'. The right to disconnect illustrates a paradox evident in remote work, which, while beneficial to both companies and individuals, likely adversely affects employees'

¹ AIR 1997 SUPREME COURT 1225, 1997 (2)

² AIR 1996 SUPREME COURT 3261

³ 1992 AIR 573

health. This detrimental impact on health, among other factors, results from the necessity for constant contact via ICT and extended working hours (Petitta; Ghezzi, 2023).

The effectiveness of the recent global movement advocating for employees' freedom to disconnect. The expansion of Information and Communication Technologies (ICT) and mobile usage have necessitated that employees persist in their duties beyond standard working hours, so undermining work-life balance and the right to leisure. This supplementary teleworking frequently constitutes unpaid overtime, exacerbating the situation. Nevertheless, the international legal framework has scarcely tackled this issue. The detrimental effects of a culture of constant availability prompted France to introduce the right to disconnect for employees, initiating a global movement to incorporate this digital right into legislative frameworks.

The right to disengage from work: an ethical and pedagogical concern

A primary impediment to enforcing the Right to disconnect is the absence of a well-delineated standard for appropriate working hours, which might vary considerably among individuals and professions. In contrast, occupations like security, healthcare, and emergency services necessitate continuous availability, rendering a standardized measure of working hours unfeasible across different sectors. From the employers' standpoint, the right to disconnect may hinder the timely fulfilment of tasks. In the age of proliferating startups, there is frequently an increased expectation for employees to expend additional effort to maintain competitiveness. This pressure may prompt managers to advocate for prolonged working hours, which contradicts the ideal of the freedom to disconnect. To capitalize on these prospects, Indian firms often recognize the need to intensify their efforts to sustain competitiveness, especially given the country's reliance on the global market. The Right to Disconnect is a progressive initiative aimed at alleviating the demands of work outside designated hours. Countries like Australia and France have established legal protections for the Right to Disconnect (Josserand; Boersma, 2024). In contrast, India introduced the Right to Disconnect Bill in 2018, which has yet to be addressed in Parliament. To effectively implement the Right to disconnect in India, a comprehensive framework is essential, taking into account the diverse nature of work across various sectors, economic realities, and competitive dynamics that influence employee expectations and managerial conduct.

Conclusion and suggestion

A “right to disconnect” law in the workplace is necessary because of the rapid adoption of digital technologies that ultimately change the nature of employment. The distinction between work and home life has blurred due to the workplace being connected with employees remotely and digital tools, which can lead to stress, burnout, and decreased health for employees. A freedom to disconnect regulation ensures that workers can safely disconnect from work-related messages beyond certain hours without fear of job loss. Adapting to a hyper-connected society in the digital era, there is a requirement for changes so that technical progress can boost productivity without putting people’s mental health at risk. Legislation that sets standards to promote a sustainable balance, which in turn fosters a stronger workforce that can handle the demands of an increasing digitalization.

To optimize the effectiveness of a “right to disconnect” rule in responding to the changing work environment and rising digitalization, it ought to be formulated as a singular, cohesive paragraph within labour regulations. Employees are entitled to disconnect from work-related electronic communications, including emails, messages, and calls, outside their designated working hours, except in emergencies as mutually defined and created standards of emergencies by the employer and employee. This entitlement protects against penalties or discrimination for non-responsiveness during personal time, recognizing the necessity of preserving mental health and work-life balance in an age of abundant digital connectivity. Employers must contrivance clear policies to uphold this boundary, promoting a culture of trust and adaptability to modern-day workplace requirements in the digital era. This concise yet required a strong clause would establish a definitive standard, harmonizing employee welfare with operational adaptability.

How to cite this article:

ABNT

PANDEY, Sharad Kumar; DUBEY, Ravi; SHARMA, Arpit. Disconnecting digitally beyond working hours: a legal and comparative study on the right to disconnect. *Passagens rev. int. hist. pol. e cult. jur.*, Niterói, v. 18, n. 1, p. 135-147, Jan.-Apr. 2026. <https://doi.org/10.15175/nvww838>

APA

Pandey, S. K., Dubey, R., & Sharma, A. (2026). Disconnecting digitally beyond working hours: a legal and comparative study on the right to disconnect. *Passagens rev. int. hist. pol. e cult. jur.*, 18(1), 135-147. <https://doi.org/10.15175/nvww838>

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Publisher responsible for the evaluation process:

Gizlene Neder

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