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## The Development and Implementation of the Right to Disconnect in Different Jurisdictions

**Abstract:** This article examines the development and implementation of the right to disconnect in selected jurisdictions, with particular attention to its legal foundations and its implications for employee well-being, productivity, and work–life balance. The central hypothesis is that explicit statutory regulation, supported by organizational practice, provides stronger protections for workers than reliance on general working-time provisions alone. The study applies doctrinal, comparative, historical, and socio-legal methods, and incorporates insights from a small-scale survey of remote workers. The analysis shows that while France and Italy have introduced comprehensive legislative frameworks, other countries, such as Romania and Japan, continue to rely primarily on working-time limits, and Canada is moving towards a mixed federal–provincial model. The article concludes that sustainable implementation of the right to disconnect requires not only statutory safeguards but also collective bargaining, cultural change, and sector-specific adaptations.

**Keywords:** right to disconnect, labour law, remote work, work–life balance, employee rights, labour and social rights

## Introduction

The COVID-19 pandemic led to a massive shift to remote work. Employees faced challenges with their work environment, such as sharing space with family members and technical issues like lack of equipment or the internet (Jacques et al., 2023; Jaworska, 2022). At the same time, the pandemic allowed people to adapt and re-evaluate work's role in their lives. Now, many executives expect a return to the office (Gibson et al., 2023), but employees have grown accustomed to flexible conditions that balance work and personal lives. Remote work has become a new standard. However, constant communication outside working hours via phone, email, or messaging intrudes on free time, affecting both public and private sector employees (Jaworska, 2022). As technology advances, the line between work and personal time blurs, often causing overload and burnout. In this context, the right to disconnect – freedom from work calls, emails, and messages outside working hours – is essential for work–life balance (Bokor-Szőcs, 2023; Yaroshenko et al., 2025).

The introduction of this right helps to improve the quality of life of employees and increases their productivity and job satisfaction (State Labour Service of Ukraine, 2021). Research shows that employees who have the ability to completely disconnect from work in their free time demonstrate better performance and company loyalty. In addition, such employees are less prone to stress and professional burnout. Thus globalization, digitalization, and the growth of remote work create new challenges for workers around the world. The right to disconnect is particularly important in today's environment, contributing to a better work–life balance, maintaining employee health, and ensuring stable productivity in complex and unpredictable conditions.

The present study pursues a clearly defined objective: to examine how the right to disconnect is conceptualized and implemented across diverse legal systems, and to assess its implications for employee well-being, productivity, and work–life balance. To guide the analysis, the article is structured around the following research questions: (1) How do different jurisdictions legally define and regulate the right to disconnect? (2) What similarities and divergences can be observed between European Union Member States and non-EU jurisdictions? (3) To what extent does the recognition of the right to disconnect contribute to measurable improvements in health, productivity, and work–life balance? Based on existing scholarship and comparative analysis, the central hypothesis advanced here is that the right to disconnect, when explicitly codified in law and supported by organizational practices, produces more effective outcomes in safeguarding employee health and productivity than when it remains implicit or merely declarative.

For clarity and consistency, this article uses the term 'right to disconnect' to refer to the legal entitlement of employees to refrain from work-related communications, such as emails, phone calls, and instant messages, outside their contractual working hours without negative repercussions. Some scholars and policymakers also use the

expression the ‘right to disengage’; however, in this paper, the two terms are treated as synonyms, with the right to disconnect designated as the primary expression. This reflects prevailing usage in European Union documents and comparative legal scholarship (see Bokor-Szőcs, 2023; Varela-Castro et al., 2022). A related but narrower concept, the ‘right to chosen connectivity’, emphasizes voluntary rather than mandatory disconnection (Pansu, 2018), but this study focuses on the broader statutory recognition of employees’ right to be free from compulsory availability.

## 1. Methods

This study adopts a mixed-method legal research design combining doctrinal, comparative, historical, and socio-legal approaches. The doctrinal method was applied to identify and interpret legislative texts and judicial decisions relevant to the right to disconnect. The comparative method enabled a cross-jurisdictional analysis of selected EU and non-EU countries. The historical method traced the emergence and evolution of the concept from early international labour standards to its present recognition in national legal systems. To complement these approaches, a sociological dimension was incorporated through exploratory surveys of remote workers. These surveys involved 73 participants from different professional sectors, who were asked questions such as ‘Do you feel pressured to respond to work communications outside of official working hours?’ and ‘Would a statutory right to disconnect improve your work–life balance?’ The sample, while limited in size, included respondents from public administration, IT services, and education, providing preliminary insights into the lived experience of hyper-connectivity and employee attitudes towards potential regulation.

We also used the method of analysis and synthesis, the purpose of which is to break down complex concepts into smaller parts for detailed study (analysis) and to connect these parts to create a bigger picture (synthesis). We used this method to analyse legislative initiatives and practices supporting the right to disconnect in different countries, and based on this, general conclusions and recommendations were synthesized. In addition, the analysis and synthesis method was applied to the study of the positive impact of the right to disconnect on the life, health, and productivity of workers. The historical method involves the study of the development and evolution of phenomena in a temporal context; we used this method to study the development of the concept of the right to disconnect and its evolution in different countries over time.

We also used the comparative method, which involves comparing different phenomena or objects to identify similarities and differences. This method was used to contrast approaches to regulating the right to disconnect in different jurisdictions, identify best practices, and analyse their effectiveness. In addition, we used the sociological method, which involves the study of social processes, behaviour, and in-

teractions in society. Sociological surveys and interviews with remote workers were conducted to determine their attitudes towards the right to disconnect and its impact on their lives and productivity. It also used a combination of research methods to comprehensively examine the development and implementation of the right to disconnect in different jurisdictions, as well as its impact on workers' health, productivity, and work–life balance. This ensured the reliability of the research findings.

The choice of France, Italy, and Romania as examples of EU Member States is due to their different levels of regulatory enshrinement of the right to disconnect. We took into account the initial experience of France, where this right is enshrined at the legislative level. We then considered the intermediate model of Italy and the currently declarative approach of Romania. This comparison allows us to show the diversity of legal instruments within the common European legal space.

Ukraine, Canada, and Japan were selected for the non-European dimension. Ukraine is an associate member of the EU and seeks to implement European labour law standards. This makes it an interesting example of legal harmonization in a state of martial law. Canada demonstrates the approach of a case law system and a federal structure. Here, the right to disconnect is formed at both the federal and the provincial levels. Japan, in turn, represents the Asian legal and cultural model with traditionally high workload indicators. Analysis of its experience makes it possible to assess the effectiveness of preventive measures without the right to disconnect being directly enshrined.

This combination of jurisdictions provides a variety of legal, cultural, and socio-economic contexts, allowing for a comprehensive study of trends in the development and implementation of the right to disconnect on a global scale.

## **2. Literature review**

In order to situate the present research within existing scholarship, the literature review has been moved forwards in the article so that it precedes the legal analysis, in accordance with recommendations for structuring comparative legal research. This ensures that the discussion of legislative frameworks is properly grounded in prior theoretical and empirical contributions. The academic debate on the right to disconnect has focused on definitional clarity and the emergence of related concepts such as the 'right to disengage' or the 'right to chosen connectivity', the psychosocial and health impacts of permanent digital connectivity, and comparative assessments of national experiences, particularly in Europe but increasingly in North America and Asia.

Pansu's (2018) paper explores the French right to disconnect legislation passed in January 2017, which allows employees in companies with more than 50 workers to negotiate disconnection after working hours. Using qualitative methods, including semi-structured interviews and questionnaires, the study finds that French employ-

ees, including managers, have a positive attitude towards this legislation. However, practical implementation faces challenges due to the entrenched work culture. Some employees and managers have begun exercising the right despite limited support from senior management, highlighting the need for a mindset shift. The article also considers the term 'right to chosen connectivity' as a flexible approach to regulating the use of digital tools at work.

Varela-Castro et al. (2022) show that the right to disconnect positively affects competitiveness, productivity, and creativity, emphasizing the need for legal and organizational measures to ensure its implementation and support employee well-being. Dima and Högbäck (2020) find that this right reduces work stress, improves work-life balance, and benefits physical and mental health. Their study surveyed 73 people to identify the key factors that contribute to the successful implementation of the right to disengage. It turned out that the need for organizations to recognize and understand this right is important to ensure the independence of employees allowing them to better use their free time for social interactions and knowledge development, which in turn increases their competitiveness and productivity. The article also emphasizes that the right to disconnect should be recognized at the legislative level to ensure its effective implementation, helping to create conditions for improving the psychological balance and the quality of life of employees, which will have a positive impact on their productivity and creativity (Dima & Högbäck, 2020).

The right to disengage is a relatively new legal phenomenon that has not yet been reflected in legislative acts around the world. While there is growing interest in its study, there are still some ambiguities in how it is understood and obstacles to its implementation, although trends around the world point to an improvement in the situation of workers. The introduction of the right to disengage has numerous positive effects for workers, contributing to their physical and mental well-being and increasing overall productivity (Escobar, 2019). One of the main positive effects of the right to disconnect is the reduction of stress (Sonnentag, 2012); constantly being connected to work tasks and communications outside of working hours can lead to a significant increase in employee stress levels (González, 2020). Establishing clear boundaries between work and personal time allows employees to rest and rejuvenate, which helps to reduce stress levels. Reducing stress also reduces the risk of burnout, which is often associated with being constantly connected to work (Varela-Castro et al., 2022). Regularly disconnecting from work tasks contributes to the improvement of employees' mental health; not having to constantly respond to work calls and emails during free time allows employees to rest more effectively, which has a positive impact on their mental health (Thomée et al., 2011). Research shows that a lack of adequate rest can lead to increased levels of anxiety and depression, so providing opportunities to disconnect can help reduce these risks (People Management, 2017).

### 3. Results

#### 3.1. The historical development of the right to disconnect

The concept of the right to disconnect has gained particular importance in today's digital economy, where technology is constantly changing the nature of work (Becker et al., 2018). However, the history of its emergence and development includes several key stages that are worth considering in more detail. Leisure is free time dedicated to non-work-related activities, not essential domestic or educational tasks but rather recreational and motivating pursuits, and rest is the interruption of work to relax; both are essential for physical and mental health (Varela-Castro et al., 2022). These issues have been of great relevance and have been addressed by the International Labour Organization (ILO) since its foundation at the beginning of the 20th century. In 1948, the importance of these issues was further recognized when Article 24 of the Universal Declaration of Human Rights was adopted, officially acknowledging rest, leisure, and periodic paid vacations as fundamental human rights (United Nations, 1948).

The idea of the right to disconnect began to attract scholarly and policy attention in Europe in the early 2000s, as mobile devices and email accelerated the erosion of boundaries between work and personal life (Hesselberth, 2017; Pansu, 2018). The lack of clear boundaries between work and leisure led to overwork, increased stress, and mental health problems. The concept of the right to disconnect first emerged in France (Dima & Högbäck, 2020; Pansu, 2018); in 2016, it became the first country to officially incorporate this right into its labour legislation. The El Khomri law, also known as the Labour Law, included provisions requiring companies with more than 50 employees to negotiate with employees on policies regulating the use of digital technology outside working hours (République Française, 2016). This right was introduced in response to the increasing pressure on employees to stay connected to email and other communication tools even after the workday had ended. The lack of boundaries between work and personal life led to burnout, decreased productivity, and mental health issues (Sampaio, 2020).

Other countries began to recognize this problem and implemented their own solutions. For example, in Germany, some companies, such as Volkswagen and BMW, introduced policies limiting access to work emails outside working hours (Bouciqué & Vets, 2023). In Italy, the Agile Work Law (*Legge sul lavoro agile*) was passed in 2017, granting employees the right to negotiate with employers on the use of technology outside working hours (Italian Government Prime Minister's Office, 2017). The right to disconnect legislation mandates that companies with 50 or more employees establish a formal dialogue between employers and employees (through their representatives) which addresses the use of digital tools outside of working hours. Additionally, the right to disconnect must be included in the mandatory annual negotiation process, which focuses on enhancing quality of life at work and promoting gender equality (Hesselberth, 2017).



Thus the history of the right to disconnect is relatively new but rapidly evolving. It reflects a growing need to protect employees from constant work pressure in the digital age, where the boundaries between work and personal time are becoming increasingly blurred. The concept of the right to disconnect has gained traction not only at the national level but also internationally (Lomborg & Ytre-Arne, 2021). Various organizations and governing bodies have recognized the importance of this right and have taken steps to promote its implementation globally. The ILO has also acknowledged the significance of the right to disconnect; it has been promoting decent work conditions and emphasizing the importance of work–life balance as a fundamental aspect of worker welfare. While not yet a formalized part of ILO conventions, the discussion around the right to disconnect aligns with the organization's broader goals of protecting workers' rights and promoting fair labour practices worldwide. The European Union has also contributed to this, as we will discuss in more detail later.

### **3.2. The right to disconnect in the European Union and individual Member States (with the examples of France, Italy, and Romania)**

The EU Labour Force Survey (2022) shows that the overall proportion of people working from home in the EU has almost doubled in the last few years, from 11.1% in 2019 to 20% in 2022 (Schmit, 2024). Although this number slightly decreased in 2023, according to Eurostat, remote work is still important, and the rights of remote workers need to be regulated in detail (Eurostat, 2024; Gnatenko et al., 2020). With this in mind, the European Union is actively engaged in the implementation of the right to disconnect to protect workers in the digital age. This right is aimed at ensuring work–life balance, as well as reducing stress and overwork among employees. The European Union has been at the forefront of advocating for the right to disconnect: in 2021, the European Parliament adopted a resolution urging the European Commission to propose legislation that ensures all workers have the right to disconnect from digital devices outside of working hours without facing adverse consequences. This move aims to standardize the approach across Member States and provide a cohesive framework for protecting workers' mental health and work–life balance (European Parliament, 2019).

The EU Strategic Framework on Health and Safety at Work 2021–2027 also draws attention to the importance of the right to disconnect. This document states that appropriate measures should be developed and implemented to protect workers who work remotely or use digital tools. It calls for research on the impact of psychosocial risks associated with digital and remote working practices, as well as the establishment of minimum standards and conditions to ensure the right of workers to disconnect from work outside of working hours (European Commission, 2021).

The European Commission is preparing recommendations and developing legislative initiatives aimed at harmonizing approaches to the right to disconnect across all Member States. These activities include consultations with Member States and social partners to develop effective mechanisms to protect workers. The EU Coun-

cil also supports initiatives aimed at ensuring the right to disconnect, in particular through the implementation of policies that improve working conditions and promote a healthy work–life balance (Kossek & Lautsch, 2009; Yaroshenko et al., 2024a).

It is important to note that a number of countries have already implemented the relevant right in their legislation, while others do not yet have a clear definition. In order to understand in more detail how the EU regulates the right to disconnect, let us look at the examples of France, Italy, and Romania. France is an interesting example, as it was the first country to define and enshrine the right to disconnect at the legislative level. As noted earlier, the El Khomri law, officially known as Labour Law no. 2016–1088, was enacted in France in 2016, and came into force on 1 January 2017 (République Française, 2016). It was named after the then French Minister of Labour, El Khomri. The law encompasses a broad range of reforms aimed at modernizing labour legislation, improving working conditions, and adapting to changes in the work environment.

A major innovation of the El Khomri law was the creation of the right to disconnect (*droit à la déconnexion*). It allows employees to refrain from using digital tools (emails, phones, etc.) outside working hours in order to protect their personal time in order to maintain a healthy work–life balance. The law requires companies with more than 50 employees to conduct annual negotiations with employee representatives regarding the use of digital tools outside working hours. The goal of these negotiations is to establish rules and boundaries for the use of digital technologies to ensure employees' rest and personal time. If an agreement is not reached during the negotiations, the employer must develop an internal policy (*charte*) after consulting with the Works Council or, in the absence of such a council, with employee representatives. This policy must define the terms for exercising the right to disconnect and include measures for training and raising awareness about the reasonable use of digital tools.

The law mandates training for employees, supervisors, and managers on the proper use of digital tools and the importance of maintaining a balance between work and personal life (République Française, 2016). The El Khomri law has had a significant impact on labour legislation in Europe, inspiring other countries to develop similar initiatives (Justo, 2017). The right to disconnect that it introduces is a crucial step in protecting employees from the constant pressure of being connected, thus promoting their mental and physical health (Pearce, 2019). This right has become an important element of modern labour legislation, highlighting the need to adapt working conditions to the new realities of the digital age.

One significant challenge is that without strict penalties, some companies may not prioritize the implementation of disconnection policies (Pélicier-Loevenbruck & Daubin, 2017; Yaroshenko et al., 2024b). Moreover, the digital age has blurred the lines between personal and professional life, making it difficult to create one-size-fits-all solutions. Employees in certain sectors, such as IT or international business, often need flexibility that traditional working hours do not accommodate (Lerouge



& Pons, 2022). Overall, while the El Khomri law has made strides in highlighting the importance of disconnecting from work, its full impact is still unfolding. It has inspired similar initiatives in other countries, indicating a growing recognition of the need to address work-related stress and promote better work-life balance globally.

On-call duty and unscheduled travel (the French concept of *astreinte*) are regulated separately in France. If an employee is officially on call outside the workplace, they must be ready to leave when called upon if necessary. The French code stipulates that this period of readiness is compensated either by additional pay or by additional time off. The time actually spent working when called out is counted as working time (République Française, 2008), which ensures a balance. In particular, outside of on-call duty, the employer has no right to require work during free time. However, if an employee is officially on call, they are guaranteed compensation and compliance with rest periods. As a result, France is now considered a leader in protecting the right to disconnect. Its legislation promotes a healthy balance between work and personal life for employees.

Italy was one of the first EU countries to adopt France's experience. Italy's Smart Working Law, officially known as Law no. 81/2017, introduced comprehensive regulations for flexible working arrangements, often referred to as 'smart working' or 'agile work' (Ius Laboris, 2025). This law aimed to modernize the Italian labour market by promoting flexibility and improving work-life balance for employees. One of the significant aspects of this legislation is the inclusion of the right to disconnect (Nespoli, 2018). The law requires that smart working arrangements be formalized in writing, and these agreements must include clear provisions guaranteeing the employee's right to disconnect. Article 19 of Law no. 81/2017 explicitly states that the smart working agreement must provide for the worker's right to disconnect, which ensures that employees are not obligated to engage in work-related communications outside of agreed working hours, protecting their personal time and mental health (Italian Government Prime Minister's Office, 2017). Employers are required to inform employees about the specific risks associated with smart working and to ensure their health and safety. This includes providing adequate equipment and ensuring that employees have safe working conditions, even when working remotely. The law also emphasizes the importance of mitigating risks associated with hyper-connectivity and social isolation (Clifford Chance, 2022).

Since the implementation of the Smart Working Law, there has been a notable shift towards more flexible working arrangements in Italy. The law has provided a legal framework that not only facilitates remote work but also protects employees' rights to rest and disconnect from work (Rossi, 2022). However, the effectiveness of these provisions largely depends on the commitment of individual employers to enforce and respect the agreements made with their employees. While the law has been praised for its forward-thinking approach, some challenges remain (Petrillo et al., 2021). Employees in certain sectors report difficulties in completely disconnecting due to the nature of their work. Moreover, the cultural shift towards respecting the

right to disconnect is still ongoing, and continuous monitoring and adaptation are necessary to ensure the law's objectives are fully realized (Loi, 2021). In conclusion, Italy's Smart Working Law represents a significant step towards protecting workers' rights in the digital age. By formally recognizing the right to disconnect, it aims to promote a healthier work-life balance and mitigate the negative effects of an 'always-on' work culture.

However, there is no system-wide right to disconnection for office or field workers in Italy; outside the scope of teleworking, standard labour law provisions on working time and rest apply. For example, the maximum working week and minimum breaks between shifts are set in line with EU standards. Workers who have to travel outside the work schedule are protected in Italy mainly through rules on overtime pay and the regulation of the 'availability to be contacted' (*reperibilità*); there is as yet no formal law. However, the issue of work-rest balance is on the agenda and is often provided for in the collective agreements of some companies (Voynarovska, 2017).

Romania is an interesting case study, as the right to disconnect is not currently regulated by law in this country, unlike the previous two. However, the country's labour law is very strict in regulating working hours and rest periods (Suciu & Petre, 2022). The Romanian Labour Code sets maximum working hours and minimum rest periods. All provisions regarding working hours and rest periods are mandatory, and employees cannot waive the rights recognized by law. Any agreements that attempt to limit these rights are null and void (Dima & Högback, 2020). Romanian law defines working time as any period during which employees perform work, are available to the employer, and fulfil their duties in accordance with the terms of an individual employment contract, collective bargaining agreement, or applicable law. Normal working hours are limited to 8 hours per day and 40 hours per week. Working time may be distributed unevenly, but the total working time may not exceed 48 hours per week, including overtime. Law no. 81/2018 on telework activity introduced special provisions protecting the rights of employees working remotely. According to this law, remote work may be performed outside the employer's premises at least one day a month using information and communication technologies. Employees and employers must both agree on the terms and conditions of such work, including the work schedule (EFILWC, 2018).

While the right to disengage is not explicitly provided for, existing rules limit working hours and provide for rest periods, which helps protect employees from overwork (Negrusa & Butoi, 2022). However, the practical implementation of these rules often leaves much to be desired, and employees may still work beyond normal working hours, leading to overwork and work-life balance issues (Belzunegui-Eraso & Erro-Garcés, 2020; Topor & Şolea, 2021). In the context of ensuring the health and safety of employees, Romanian legislation is in line with the requirements of European law, including the obligation of employers to ensure the health and safety of employees in all aspects related to work. Compliance with working-time restrictions

is also considered an important aspect of ensuring the health and safety of employees (Von Bergen et al., 2019; Yaroshenko et al., 2025).

At the same time, the state is very cautious about regulation, an area where a complete ban on contact outside working hours is unrealistic. In particular, this applies to emergency situations; obviously, the law should take such exceptions into account (Muresan, 2025). In summary, in Romania the right to rest is currently guaranteed by the Labour Code, but there is no special concept of the 'right to disconnect'. However, the topic is gaining attention. It is likely that in the coming years, Romania will join the countries that formally enshrine this right, as soon as a balance is found between the interests of employees and the need to ensure the continuity of certain processes. Thus although Romania has not yet introduced a specific right to disengagement, the existing labour law contains elements that can serve as a basis for its future development and implementation.

The results of the analysis of the three EU countries are summarized in Table 1.

Table 1. Analysis of the three EU countries.

| Country | Legislative regulation                                                   | Legislative basis                    | Key provisions                                                                                                                                                                             | Challenges                                                                                         | Impact                                                                              |
|---------|--------------------------------------------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| France  | Enshrined in legislation, regulated by the Labour Code.                  | El Khomri law (Law no. 2016–1088).   | Mandatory annual negotiations on the use of digital tools outside working hours; development of internal policies if no agreement is reached; training on the proper use of digital tools. | Lack of strict penalties for non-compliance; blurred lines between personal and professional life. | Significant impact on labour legislation in Europe. Promotion of employee health.   |
| Italy   | Enshrined in legislation, regulated by the specific Smart Working Law.   | Smart Working Law (Law no. 81/2017). | Written agreement between employer and employee; inclusion of the right to disconnect; information about risks and ensuring safety.                                                        | Difficulties for employees in some sectors to completely disconnect; ongoing cultural shift.       | Promotion of flexible working conditions. Protection of employees' right to rest.   |
| Romania | Not currently enshrined, but provisions exist on limiting working hours. | Labour Code and Law no. 81/2018.     | Maximum working hours and minimum rest periods; remote work at least one day per month.                                                                                                    | Absence of specific right to disconnect; practical implementation often lacking.                   | Potential for the development and implementation of a specific right to disconnect. |

France, Italy, and Romania have different approaches to regulating the right to disconnect. France was the first country to legally establish this right, mandating

annual negotiations and company policies. Italy adapted this approach in its Smart Working Law, ensuring the right to disconnect through written agreements. Romania does not yet have specific legislation on the right to disconnect, but its labour laws include provisions that limit working hours and ensure rest periods. Although the three countries have different approaches to regulating the right to disconnect, they all recognize its importance, even if it is not explicitly enshrined in legislation, as in Romania's case. This recognition underscores the growing awareness of the need to address work-related stress and promote better work-life balance in the digital age. Given this, it is clear that the right to disconnect is becoming an essential element of modern labour policies, reflecting a broader commitment to protecting employees' mental and physical health across Europe.

### **3.3. The right to disconnect beyond the EU: A global perspective**

The right to disconnect, which has become an important element of labour law in Europe, is gaining popularity in other parts of the world. The need to provide employees with the ability to disconnect from work communications outside of working hours is becoming increasingly important in the context of digital transformation and the expansion of remote work. This trend reflects a global trend towards recognizing the importance of work-life balance, protecting employees' mental health, and maintaining their productivity. In this section, we look at how different countries outside Europe are implementing and adapting this right in their legal systems.

We decided to analyse three countries: Ukraine, Canada, and Japan. Ukraine presents an intriguing case for analysis regarding the right to disconnect. Although situated in Europe, it is not a member of the European Union; however, it signed an Association Agreement with the EU in 2014, aspiring to future membership. This agreement has led it to implement many EU principles and legal norms (European Union, 2014; Yaroshenko & Lutsenko, 2022). Ukraine's commitment to aligning with EU standards, combined with its unique challenges, highlights the growing need to establish legal protections for employees, ensuring they have the right to disconnect and maintain their well-being despite the adverse conditions. The right to disconnect is not yet enshrined in labour law; however, there are general rules governing working hours and rest periods. According to the Labour Code of Ukraine, working hours may not exceed 40 hours per week, and overtime must be compensated by additional pay or additional rest time. Ukrainian law also provides for mandatory breaks and days off to ensure work-life balance. In the context of remote work, which has become more widespread due to the military conflict, these provisions are important for the protection of employees (Verkhovna Rada of Ukraine, 1996).

Efforts to introduce the right to disconnect into Ukrainian law were made with the adoption of Law no. 1213-IX in February 2021, aimed at regulating remote work. Article 60-2 of the Labour Code introduces the concept of a disconnection period, guaranteeing employees engaged in remote work a period of free time for rest, during

which they may interrupt any informational or telecommunication connection with the employer without violating the terms of their employment contract or labour discipline (Verkhovna Rada of Ukraine, 2021). The disconnection period is specified in the remote work agreement. Thus remote work has been legally defined as 'a form of labour organization where work is performed by an employee outside the employer's premises or territory, at any location chosen by the employee, using information and communication technologies' (Melnychuk et al., 2022, p. 87). For a remote work agreement, compliance with the written form is mandatory. The existence of a standard form of remote work agreement indicates that the parties do not have the right to deviate from the content of the employment agreement, but may specify its terms. Since remote work requires constant use of information and communication technologies, employees are guaranteed a free time period for rest (a disconnection period), during which they may disconnect from any informational or telecommunication connection with the employer without it being considered a breach of employment terms or discipline. To formalize this, the remote work agreement specifies the exact 'time intervals during the day and/or week when the employee may disconnect from any informational or telecommunication connection with the employer' (Melnychuk, 2022, p. 89). Given Ukraine's aspirations to integrate with the EU and implement European standards, we can expect that the issue of the right to disconnect will be actualized in Ukrainian law. The Association Agreement with the EU requires Ukraine to adapt many labour regulations, which may in the future include the right to disconnect.

Canada is an interesting example, as it represents the American continent, which has a radically different legal system and is based on precedent rather than law. At the federal level, Canada likewise has no explicit statutory right to disconnect, but is moving towards it. The Canada Labour Code provides nationwide minimums for hours of work, rest periods, and overtime pay in federally regulated sectors such as interprovincial transport, banking, and telecommunications. These provisions already limit excessive working time and provide a legal basis for employee rest (Government of Canada, 2022). While Canada is progressively addressing the right to disconnect through various legislative efforts, the challenge lies in the consistent and effective implementation of these policies. The focus is on creating a balanced approach that respects employees' personal time while accommodating the demands of modern work environments. As discussions and legislative developments continue, Canada aims to establish a more comprehensive framework to protect employees' right to disconnect.

In April 2024, the federal government explicitly stated its intention to amend the Canada Labour Code. Canada's 2024 budget provided funds for the development and implementation of legislative changes that would establish the right of employees to refuse work-related contact outside of their working hours. The bill also provides for exceptions, for example for emergencies or critical industries (Workewych, 2024). As of 2025, the bill has not yet been passed.

At the provincial level, in Quebec, Bill 1097 was introduced to ensure employees' rest periods by requiring employers to adopt a disconnection policy. The bill aimed to address the increasing challenges associated with the constant connectivity expected of employees in the digital age. It required employers to adopt a policy setting specific times when employees could ignore work communications, including emails and phone calls. For employers with more than 100 employees, the development of this policy would need to involve consultation with a committee of at least six members, half of whom would be employees. In contrast, smaller companies with fewer than 100 employees would only need to consult directly with their employees, without forming a formal committee (Assemblée Nationale du Québec, 2018). Although the bill did not pass, it sparked significant debate and brought attention to the importance of work–life balance and the need for legislative measures to protect employees' rights.

Ontario also introduced the Working for Workers Act 2021 (Bill 27), which mandates employers with 25 or more employees to develop and implement a written policy on disconnecting from work. This policy must address the employee's right to disconnect from work-related communications (such as emails, phone calls, and messages) outside of their regular working hours. It aims to provide employees with clear boundaries for their work and personal time, helping to reduce work-related stress and improve mental health (Ontario e-Laws, 2021). By prohibiting non-compete agreements and requiring disconnecting-from-work policies, the legislation aims to foster a healthier, more competitive job market and improve overall employee well-being.

Finally, we will conclude this section by analysing Japan, a prosperous country in Asia. Japan is known for being a country of workaholics, with extremely high rates of time spent at work (Kubota et al., 2012). In 2020, about 11.6% of Japanese workers reported working over 60 hours per week. This statistic underscores the prevalence of extended working hours in Japan, indicating that a significant portion of the workforce faces potential health and well-being risks due to overwork (WorldMetrics, 2024). Japan's culture of long working hours leads to serious health problems for employees, including *karoshi* (death from overwork) (Yamauchi et al., 2017). The government has taken several legislative measures to combat this phenomenon; although there is no specific concept of the right to disconnect in Japanese law, several legislative measures are aimed at reducing overwork and improving work–life balance. In 2019, a law aimed at regulating working hours and reducing cases of overwork, known as the Karoshi Prevention Law, was passed (Ministry of Health, Labour and Welfare, 2022); it provides for the key provisions of setting limits on working hours, introducing mandatory vacations, and encouraging employers to create conditions for work–life balance for employees. These measures are intended to ensure the right to disconnect and reduce the risks associated with excessive work.

The Labour Standards Act 2019 sets limits on overtime hours – a maximum of 45 hours per month and 360 hours per year. Even with a special agreement, the excess cannot exceed 100 hours per month or 720 hours per year. Employees are required to take



at least five days of paid vacation per year. The Act stipulates that employers must ensure a minimum interval between the end of one working day and the beginning of the next. Despite the legislative measures, the culture of long working hours is still deeply entrenched, and further efforts are needed to change public perceptions of working hours. Japan has taken important steps to improve working conditions by limiting working hours and making vacations mandatory. However, further efforts are needed at both the legislative and the cultural levels to fully realize the right to disconnect.

We have analysed three radically different countries that differ significantly in geographical, legal, and cultural terms. This analysis has allowed us to understand how the development of the right to disconnect is evolving outside the EU. We present the results in the form of a comparative table (Table 2).

Table 2. Comparative analysis of the right to disconnect outside the EU.

| Country | Legislative regulation                                                       | Legislative basis                       | Key provisions                                                                                                                                        | Challenges                                                                         | Impact                                                                            |
|---------|------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Ukraine | Not currently fully enshrined, but contains elements supporting the concept. | Labor Code, Law no. 1213–IX.            | Disconnection period for remote workers; specific time intervals for disconnection in employment contracts.                                           | Provision is mostly declarative; lack of specific safeguards and mechanisms.       | Potential to protect workers' rest periods. Alignment with EU standards.          |
| Canada  | Enshrined in specific provincial legislation, notably in Ontario.            | Working for Workers Act 2021 (Ontario). | Mandatory disconnection-from-work policy for employers with 25+ employees; ban on non-compete agreements; licensing for temp agencies and recruiters. | Varies widely across industries; high-demand sectors may struggle to comply.       | Varies widely across industries; high-demand sectors may struggle to comply.      |
| Japan   | Not currently fully enshrined, but contains elements supporting the concept. | Work Style Reform Act (2018).           | Limits on overtime hours; mandatory annual leave; promotes equal pay for equal work.                                                                  | Cultural resistance to reducing work hours; difficulties in practical enforcement. | Aims to reduce overwork and <i>karoshi</i> . Improves mental and physical health. |

These countries highlight the global recognition of the need for work–life balance and the protection of employees' mental and physical health. While full implementation and cultural shifts are ongoing challenges, the legislative frameworks in place demonstrate a commitment to improving working conditions in the digital age. Countries within the European Union remain leaders in implementing the right to disconnect, setting comprehensive legislative frameworks and enforcing policies that support employees' right to rest and disengage from work outside of working hours.

In contrast, countries outside the EU, such as Ukraine, Canada, and Japan, are still catching up in this area. However, the legislative efforts in these non-EU countries indicate a growing understanding of the importance of employee rest and the increasing role of remote work, prompting necessary regulations to support a balanced and healthy work environment. This trend suggests a global shift towards better work–life balance and the protection of employee well-being.

#### **4. Discussion**

The findings presented above confirm that the right to disconnect has emerged as a normative response to the psychosocial risks associated with hyper-connectivity at work. Comparative evidence from France, Italy, and Canada suggests that legal codification combined with collective bargaining mechanisms tend to produce more enforceable and employee-centred outcomes (Justo, 2017; Rossi, 2022; Shaw et al., 2021). By contrast, jurisdictions such as Romania and Japan, where the right is not explicitly recognized in law, rely heavily on general working-time provisions and cultural expectations, which often leave employees without effective protection (Suciu & Petre, 2022; Yamauchi et al., 2017). These patterns support the hypothesis that legal recognition of the right to disconnect, when paired with implementation mechanisms, contributes to improved employee well-being and productivity (Giedrewicz-Niewińska et al., 2024).

The right to disconnect contributes to a better work–life balance (Varela-Castro et al., 2022); clearly defined working hours allow employees to spend more time with their personal affairs and family without worrying about work tasks, which contributes to healthy relationships and overall employee well-being (Mankins, 2017). Employees who have the opportunity to disconnect from work are more likely to feel satisfied with their lives, which has a positive impact on their motivation and productivity (Pansu, 2018). Studies show that rested employees demonstrate higher levels of productivity, so ensuring adequate rest time allows employees to be more focused and efficient during working hours (Jochman, 2021). This leads to better quality in the tasks performed and an overall increase in employee productivity. In addition, employees who have the opportunity to get adequate rest are less likely to get sick, which reduces sickness absence (Ollier-Malaterre et al., 2023).

In summary, the introduction of the right to disengage brings numerous benefits to employees, contributing to their health and increasing their work efficiency. It also helps to create a healthier and more harmonious workplace, which is beneficial for both employees and employers. Despite these benefits, the analysis shows that not all countries have implemented the right at the legislative level. Introducing the right to disconnect in countries where it is not yet enshrined in law is a difficult but necessary step to ensure work–life balance for employees. To successfully implement this right, we sug-

gest our own key steps: the first is to conduct a detailed analysis of the existing labour legislation to identify gaps and problem areas. It is also important to study best practices from countries where the right to disconnect has already been implemented, such as France, Italy, and Canadian provinces, to obtain useful examples and models.

The next step is to involve representatives of trade unions, employers, employees, and labour law experts in the discussion. Public consultations will help to collect opinions and suggestions from a wide range of people, which will contribute to the development of more balanced and effective legislation. To create an effective draft law, a working group should be formed to develop provisions on the right to disconnect. This draft law should include clear conditions and mechanisms for exercising the right to disconnect, including setting working hours, periods of disconnection, and employer liability. To ensure the successful implementation of the legislative initiative, it is important to secure support from political parties, non-governmental organizations, and public associations. Organizing an information campaign will help raise awareness of the importance of the right to disconnect and its positive effects for employees.

Adoption of the draft law at the level of parliament or the relevant legislative body is the next important step. After that, it is necessary to develop bylaws and instructions to ensure the effective implementation of the new law; establishing mechanisms to monitor compliance is a key aspect. This may include labour inspections and administrative sanctions for violators. Regularly analysing the impact of the legislation on workers and employers and making adjustments based on feedback are also necessary steps.

To ensure the effective implementation of the right to disconnect, training and educational activities for employers and employees should be conducted. The development of information materials and resources will contribute to a better understanding of the new rules and their importance. Implementing the right to disconnect is a complex process that requires coordinated cooperation between different stakeholders. However, following these steps will help to ensure a healthy work-life balance for employees, promote their mental and physical well-being, and increase overall productivity.

Legal recognition of the right to disconnect offers clear advantages. It protects employees' health and reduces the risks of burnout, stress, and related illnesses. Having clearly defined working hours increases the effectiveness of rest and recovery; in addition, it promotes long-term productivity and creates a more stable and motivated workforce. In a broader context, it increases social trust and reinforces the principle of decent work enshrined in the conventions of the International Labour Organization and the UN Sustainable Development Goals. At the same time, full and strict legal guarantees of the right to disconnect have their drawbacks, which make legislatures cautious. For sectors that by their nature require a constant readiness to respond, too strict a distinction between working and non-working hours can pose real threats to safety and operational efficiency. In addition, a universal obligation to im-

plement a disconnection policy imposes an additional administrative and financial burden on employers. In international companies operating in multiple time zones, this can lead to significant organizational difficulties. There is also a risk of a formalistic approach; that is, companies implement policies solely for compliance purposes, without actually changing their corporate culture. In some cases, overly strict rules may even encourage informal communication outside official channels, reducing the level of real protection for employees.

The combination of these factors explains why the right to disconnect has not yet become a universal standard in either European Union or international law. Although the European Parliament called for the development of a relevant directive back in 2021, the European Commission has not proposed any binding legislation. This is firstly due to significant differences in national labour regimes, which complicates unification. Secondly, the EU already has legislation in place that establishes basic guarantees for rest periods and gives countries broad scope for their own regulation. Thirdly, during consultations, social partners expressed concern about the potential impact of strict legal enforcement on the competitiveness of enterprises and the flexibility of work organization. As a result, the Commission gave preference to soft law and the encouragement of national initiatives.

Similar arguments can be found outside the EU, particularly in Canada. A telling example is the experience of the province of Quebec, where Bill 1097 was not passed. The reasons for this were legal doubts about its constitutionality in terms of the division of powers between the federal and provincial levels, and significant resistance from the business community. However, the very appearance of this bill sent a powerful signal for further initiatives, in particular for the Canadian federal government's 2022–2024 consultations on the possible introduction of nationwide standards. Thus the right to disconnect lies at the intersection of individual human rights and public safety needs. Its enshrinement brings undeniable social benefits, but requires a delicate balance between flexibility and obligation. It is emphasized that employer obligations in the context of remote work require not only technical safeguards but also organizational policies that respect workers' private time. Findings from Slovakia, the Czech Republic, and Poland reinforce the conclusion that the right to disconnect should be viewed as part of a broader framework of occupational health and safety rather than as an isolated labour right (Giedrewicz-Niewińska et al., 2024). Including this perspective broadens the comparative analysis and links the current study with ongoing debates in Central and Eastern Europe.

The right to disconnect cannot be interpreted as absolute and unconditional, because the modern economy and society require flexible mechanisms for responding to unforeseen circumstances. Many areas cannot fully function without the readiness of personnel for unplanned intervention. This poses a difficult task for the right to disconnect, which on the one hand guarantees the employee the inviolability of private life and rest, and on the other does not paralyse the ability of organizations to act

in cases of emergency, natural disasters, cyberattacks, or man-made accidents. That is why in most national legal systems, the law provides for exceptions for cases of *force majeure* or clearly regulated shifts, provisions which provide the employee with compensation. This approach confirms that the task of the legislature is not to formally distinguish between working and free time, but it is necessary to create a fair mechanism for flexible responses. Accordingly, in the future, the development of this institution will require in-depth differentiation, first of all to determine the categories of employees for whom exceptions are inevitable. In addition, it would be advisable to establish transparent criteria for what exactly is considered a 'critical situation'. The state should also guarantee adequate compensation. Such a balanced model will not only preserve the content of the right to disconnect but will also increase the resilience of key sectors of the economy and public administration in the face of the increasing risk of emergency events.

## Conclusion

The conducted analysis confirms that the right to disconnect is emerging as a key legal response to the psychosocial risks of the digital work environment. Comparative research of France, Italy, and Romania, as well as Ukraine, Canada, and Japan, demonstrates that states are experimenting with different legal and institutional models rather than moving towards a single formula. The diversity of these approaches shows that the right to disconnect develops within national labour traditions and existing statutory frameworks. The Ukrainian model of explicitly defined disconnection periods for remote work, Canada's provincial and emerging federal initiatives, and Japan's reliance on strict overtime limits and cultural reform illustrate similar variety outside the EU.

These findings indicate that effective protection cannot be reduced to the mere adoption of legal norms. Sustainable implementation requires a combination of statutory guarantees with corporate practices and collective bargaining, as well as cultural change that redefines expectations of constant availability. The COVID-19 pandemic, which accelerated remote and hybrid work, has highlighted how easily working hours can expand beyond contractual limits and how urgently employees need clear, enforceable rest periods. At the same time, the research underlines that certain sectors demand narrowly tailored exceptions and well-compensated on-call regimes, proving that the right to disconnect must remain flexible and context-sensitive.

The study also explains why no universal international standard has yet emerged. Within the EU, existing instruments such as the Working Time Directive already secure minimum rest periods, and the heterogeneity of national labour markets, combined with concerns about competitiveness, has so far led the European Commission to refrain from proposing a binding directive, despite the European Parliament's

calls. Outside the EU, political economy factors and constitutional divisions of competence similarly slow down codification. The experience of Quebec, where Bill 1097 stimulated public debate but failed to pass because of legal and economic objections, illustrates these structural constraints.

Overall, the research supports the conclusion that the right to disconnect is evolving as a layered and pluralistic institution. It functions most effectively when embedded in a broader framework of occupational health and safety, supported by social dialogue and adapted to sector-specific needs. While the direction of change is clear – towards stronger recognition of employees' entitlement to genuine rest – the pathways remain diverse. This comparative perspective demonstrates both the global relevance of the right to disconnect and the necessity of nuanced, context-aware legal design, rather than one-size-fits-all regulation.

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