

The right to disconnect

In the context of the digital transformation in the world of work, the European Parliament's Employment and Social Affairs Committee has adopted a legislative-initiative report calling on the Commission to propose an EU directive that lays down minimum requirements for the right to disconnect. The practice of remote working through digital tools intensified through the coronavirus lockdown measures has drawn increasing attention to the issues of constant connectivity and the blurring boundaries between working and non-working time. Parliament is expected to vote on this legislative initiative during its January 2021 plenary session.

Background

With the [changing nature of work](#), shifting gender roles and family patterns, the issues of safety and health at work and of work-life balance have been important topics in EU level policy debates for a long time. The [right to disconnect](#) refers to a worker's right to be able to disengage from work and refrain from engaging in work-related electronic communications, such as emails or other messages, during non-work hours. Digital transformation is one of the crucial factors that has been fundamentally changing the nature of work, including making it more [flexible through telework and ICT-based mobile work](#). Telework and ICT-based mobile work make it possible to work anywhere and at any time, and for workers to be reachable outside their working hours. [These practices](#) were already present to differing degrees across Member States, sectors and occupations before the coronavirus crisis. According to a [Eurofound survey](#), in July 2020, nearly half of respondents teleworked at least some of the time, and a third worked exclusively from home due to the coronavirus outbreak and lockdown measures. Excessive teleworking practices can negatively affect people's mental health and work-life balance.

Current legislative framework

There is [currently no European legal framework](#) directly defining and regulating the right to disconnect. The [Working Time Directive](#) refers to a number of rights that indirectly relate to similar issues. In addition, Principle 10 of the [European Pillar of Social Rights](#) calls for a [healthy, safe and well-adapted work environment](#), and for data protection, while Principle 9 for [work-life balance](#). In [half of the Member States](#), the right to disconnect is already part of policy discussion or has already been legislated on. In addition, many [initiatives at company level](#) aim to regulate the possible negative impacts of communication technologies on workers' lives.

European Parliament legislative initiative

On 1 December 2020, the Committee on Employment and Social Affairs adopted a [report](#) calling on the European Commission to adopt a legislative proposal for a directive on the right to disconnect. The report was prepared after broad consultation of experts and stakeholders. It aims to reaffirm the right of no professional solicitation outside working time, with full respect for working time legislation and working time provisions in collective agreements and contractual arrangements. It sets minimum requirements on the use of digital tools for professional purposes outside working hours, which over time aim at creating a culture that avoids out-of-hours contact. It emphasises the important role of social partners in implementing the right to disconnect and of the need for tailor-made solutions meeting companies' specific needs and constraints. (In her [political guidelines](#), Commission President Ursula von der Leyen committed to responding to any Parliament legislative initiative with a legislative act, in full respect of the proportionality, subsidiarity and better law-making principles.)

Legislative-initiative report: [2019/2181 \(INL\)](#); Committee responsible: EMPL; Rapporteur: Alex Agius Saliba (S&D, Malta). For further information see 'Legislative Train Schedule': [The right to disconnect](#).

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