Feature
The Right to Disconnect

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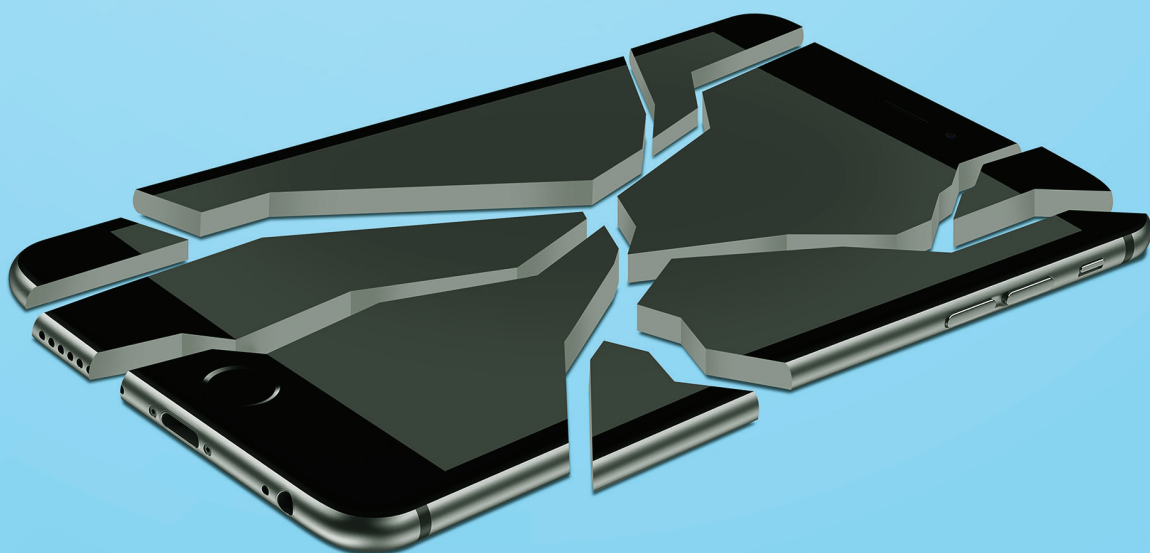
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Constant connectivity harms employees' work-life balance and mental health. Better labor policy and remote-work legislation can help meet the needs of people and organizations.

For some years now, remote and hybrid work have had paradoxical outcomes for knowledge workers' autonomy and work-life balance. Constant connectivity gives them greater control over where and when they work, but it blurs the boundaries between work and life. They may end up spending many more hours than they would have at the office and experience increased stress due to an inability to detach from work. This paradox has become salient since the COVID-19 pandemic, when remote work and total hours worked increased globally, leading to the deterioration of workers' mental health.[1]

A growing number of countries such as Canada, France, and the Netherlands have begun to address the potential downsides of constant connectivity both during and after work hours.[2] What can policy makers do to support people's mental health and work-life balance? What kind of social improvement could stem from responses to these challenges and provide enduring benefits to individual workers and organizations, as well as their dependents, community stakeholders, and society?

Some work-life measures target individuals, while others focus on organizations or populations. At the individual level, "flexibility I-deals," or "idiosyncratic deals," draw on individualized negotiation instead of collective action to determine work-life balance and connectivity for each worker. Such agreements are often the prevailing approach in organizations. But research shows that "I-deals" present potential risks, such as coworker dissatisfaction and team coordination difficulties. They might also undermine equitable flexibility measures, because only the most privileged workers can secure them.

At the organizational level, some companies impose restrictions on work communication to ensure that people disconnect from work. In 2011, Volkswagen's management and union representatives signed a history-making, company-level agreement that blocked access to emails on smartphones between 6:15 p.m. and 7:00 a.m. This practice, however, was limited to employees working in Germany under trade-union-negotiated contracts and did not apply to senior management. Other companies adopted similar practices. For instance, German multinational industrial- and consumer-goods company Henkel declared an "email amnesty" during the week between Christmas and New Year's Eve in 2012, and the French IT company Atos declared its intent in 2011 to become a "zero-email" company by 2014. These approaches give employers and union representatives full decision-making power about when employees disconnect and are usually implemented through software that blocks the transmission of email.

At the national level, governments have proposed legislation on the right to disconnect, which allows workers to avoid responding to work-related communications after work hours. The expected benefits extend from the individual to society. The right to disconnect has the potential to provide workers with a greater sense of control over their work-life balance. It offers people the freedom to turn down work demands without the fear of reprisal. It may also reduce stress by enabling better recovery between shifts and ensuring that

workers who need to disconnect to attend to family matters are not penalized. These benefits may accrue to children and dependent adults, who are the invisible stakeholders in employees' labor conditions. Lastly, the right to disconnect may help to reduce the burden on the health-care system by sustaining employees' mental health.

Several countries, such as France, Spain, Belgium, and Portugal, have adopted right to disconnect legislation. The European Parliament has gone even further by calling for the broad recognition of the right to disconnect as a fundamental right.

France's pioneering 2017 legislation demonstrates how enshrining this right can help overcome the challenges of constant connectivity. Initially, the right to disconnect was limited to employees with *contrat forfait jours*—a fixed, annual number of working days. It was a collective agreement before it evolved into a law that has given employers significant leeway. The French legislation states that organizations have a legal obligation to negotiate with employee representatives to establish "the procedures for the full exercise by the employee of their right to disconnect and the establishment by the company of mechanisms to regulate the use of digital tools, with a view to ensuring respect for rest periods and leaves, as well as personal and family life." The law recognizes that because work demands and contexts vary, the enforcement of this right in organizational policy needs to be organization-specific.

Moreover, it states that organizations with 50 or more employees must negotiate with their union representatives and craft a right-to-disconnect policy detailing how it is implemented and enforced within an organization. This policy must ensure that workers benefit from time away from work—11 hours, with a few exceptions—to rest, take holidays, and contribute to their personal and family life. If an agreement on a formal policy cannot be reached, organizations must then work with union representatives to establish a charter offering internal guidelines and principles about disconnection, as well as training and communication programs to raise awareness about workers' right to disconnect. In sum, the precise content of disconnection policies is mostly subject to organizations' preferences and willingness to perform those policies. Some may impose mandatory restrictions, while others may offer training sessions on the importance of disconnection.

This approach has its limits. While the law enshrines the right to disconnect into company policy, it does not impose sanctions on companies that disregard it. And, when no effective sanctions exist, the impetus for change is low. A 2021 study by cybersecurity firm Kaspersky, analytics company Kantar, and *L'ADN* magazine found that most French employers had not established a right-to-disconnect policy. Consequently, the reluctance to comply with labor law in a country with strong labor unions and employment protections raises questions about the legislation's effectiveness.

Furthermore, such nationwide disconnection legislation is premised on outdated working arrangements, specifically the traditional "9-to-5 schedule." People nowadays commonly work on virtual teams, including international teams across several time zones. Mastercard estimates that 78 million people will work in the global gig economy in 2023, and these workers depend on internet platforms for planning and accessing their next gig. Hybrid, remote, and time-shifted flexible working arrangements have become normalized during the COVID-19 pandemic. Therefore, the current legislation might not effectively address these issues of remote work and hyperconnectivity.

The authors are members of the International Network on Technology, Work, and Family (INTWAF) at the School of Management at the University of Quebec in Montreal:

SABRINA PELLERIN is a doctoral candidate in human resource management at the University of Quebec in Montreal.

ARIANE OLLIER-MALATERRE is a management professor at the University of Quebec in Montreal and the director of INTWAF.

ELLEN ERNST KOSSEK is the Basil S. Turner and University Distinguished Professor at Purdue University's Krannert School of Management.

MARIE-COLOMBE AFOTA is an assistant professor at the School of Industrial Relations at the University of Montreal.

LUC COUSINEAU is a postdoctoral fellow at the University of Quebec in Montreal.

CHARLES-ÉTIENNE LAVOIE is a doctoral candidate in work and organizational psychology at the University of Quebec in Montreal.

EMMANUELLE LEON is an associate professor of human resource management at ESCP Business School, Paris.

BARBARA BEHAM is a professor of organizational psychology and cross-cultural management at Berlin School of Economics and Law.

GABRIELE MORANDIN is a professor of organizational behavior in the department of management of the University of Bologna.

MARCELLO RUSSO is an associate professor of organizational behavior at the University of Bologna and director of the global MBA program at Bologna Business School.

AMEETA JAGA is an associate professor of organizational psychology in the School of Management Studies at the University of Cape Town and a nonresident fellow at the Hutchins Center for African & African American Research at Harvard University.

JICHANG MA is a doctoral candidate in the School of Psychological and Cognitive Sciences, Peking University.

CHANG-QIN LU is a research professor in the School of Psychological and Cognitive Sciences, Peking University.

XAVIER PARENT-ROCHELEAU is an assistant professor of human resource management at HEC Montreal.

Can the right to disconnect become a social innovation and serve as a springboard for positive social development? What can be done to upgrade its usefulness and applicability beyond the individual in today's labor market?

As organizational scholars at the International Network on Technology, Work, and Family (INTWAF), we argue that right-to-disconnect regulations should account for today's workplaces and workers' needs and should benefit society. We call for an effective right to disconnect that would act as a shared safeguard prompting a reformulation of the social value of connectivity and work-life balance. The value created would be distributed to diverse stakeholders, instead of only to organizations or specific groups of employees. Essentially, the next iteration of this right—the right to disconnect 2.0—would provide the benefits of flexible I-deals (accounting for individual needs and preferences), organizational initiatives (tailoring the implementation to the culture and norms of diverse workplaces), and a legal approach (wide coverage for the right) that would promote equity within and across contexts.

Disconnection 2.0

Work-life balance is the ability to efficiently and positively engage in the work and life roles that matter to a person.[3] To structure the debate about the next iteration of the right to disconnect, therefore, we suggest three fundamental principles: ensuring access to such a right, attaining a fit between policy and organizational cultures and prevailing norms, and acknowledging a variety of individual preferences when crafting a disconnection policy.

PRINCIPLE 1: Inclusion | *A right* should be accessible to everyone. But many current laws exclude some employee groups from this right or do not ensure access to it because of occupational constraints. For example, in 2022, the province of Ontario, Canada, passed disconnection legislation stating that employers with 25 or more employees must establish a written policy about disconnection. This excludes workers who are employed with smaller organizations, as well as

workers employed in companies under federal regulation, since the law applies only to province-regulated workplaces.

Another pitfall of relying only on disconnection legislation pertains to policy coverage gaps for workers in the informal economy who are unprotected or less protected by labor and employment laws. This is a prevalent issue in Global South economies, where most people work in the informal sector or in small businesses.

Lower-level managers also face potential exclusion. While they may be included in policies, their job roles usually entail extended availability to their direct reports, which makes disconnection impossible. In Ontario, the right to disconnect must include all employees, but the fact that policies can be designed differently across job type may also foster unequal access.

Evidence shows that lower-level managers are particularly vulnerable to work-life conflict and poor mental health. One explanation is that they occupy contradictory positions: Their jobs have a limited level of formal authority, but they are supervised by higher management. A feasible policy should accommodate their work demands and guarantee them some degree of disconnection. Otherwise, these managers may suffer frustration from having to implement a

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right for their employees while not benefiting from it themselves. Research by an INTWAF member shows that first-line managers experience perceptions of downward inequity—that is, when they perceive that their own working conditions are less generous than or equitable to the conditions they must offer to their nonmanagerial employees. They feel disadvantaged in comparison with the benefits they must provide to their subordinates, such as oversight of and compensation for overtime. Such gaps may lead to managerial turnover and undermine an organization's ability to attract talent.

Moreover, even if they are covered by disconnection legislation, some workers may not be able to reap its benefits. Those in frontline service jobs, such as nurses and other health-care workers, are subject to frequent schedule and shift changes, especially if they are required to be on call and available at any time in case of emergency—and that makes it nearly impossible for them to disconnect without fearing a penalty or experiencing the guilt of knowing that patients are not cared for.

In sum, labor diversity worldwide indicates that the right to disconnect is not universal, nor can it be applied equally or uniformly. This discrepancy calls for two improvements. First, legislative efforts should not exclusively target workers who are formally employed with large organizations. Second, legislation must be complemented with organizational and other collective initiatives to protect this right for all workers.

PRINCIPLE 2: Cultural Fit | A second issue is that the implementation of the right to disconnect may vary widely depending on organizational contexts and cultures. A 2021 report from Eurofound explored a range of disconnection practices enacted by organizations, including hardline practices such as preventing the exchange of email outside working hours. Yet social media and other instant-messaging tools might render irrelevant or insufficient such organizational initiatives to restrict technology. Other practices focus on educating workers and managers about the benefits of disconnection, rather than imposing restrictions. Both approaches, however, can work only if organizations create a culture that supports disconnection, instead of penalizing workers who take advantage of it. The cultural expectations around work and the addictiveness of digital technology tend to complicate the effectiveness of such disconnection legislation.

Cultural expectations and digital addictiveness have combined to establish acceptable norms of extended availability after hours, on weekends, and on vacation. Even remote workers feel the need to compensate for their lack of face time with increased response rates to work messages. When workers perceive that their organization values work-life integration—such as bringing work home—they are less able to detach from work even when they would prefer to.

Yet disconnection policy can be effective only if it is consistent with the prevailing organizational culture and implicit expectations about availability and performance. Otherwise, a critical mass of workers may not comply with the new standards. Therefore, if an organization's norms value long work hours and availability at all times, disconnection policy should be incorporated into a much broader program of organizational change toward sustainable work.[4] While the policy is intended to change organizations' work culture, it may not be able to do so without substantial cultural and mindset shifts.

PRINCIPLE 3: Personal Preference | Lastly, the right to disconnect is subject to personal preference and situation. Workers deliberating about whether to disconnect typically have at least one of the following perspectives in mind.

"I want to disconnect because I can see benefits for me." | If workers can find a personal benefit to disconnecting, they may view the right to disconnect as desirable. A 2019 study by members of INTWAF identified four motivations driving the individual decision to disconnect: improving role performance (e.g., improving one's focus both at work and outside work); establishing a personal digital philosophy (e.g., controlling one's devices instead of being ruled by them); minimizing undesirable social behaviors (e.g., avoiding treating others disrespectfully); and protecting one's priorities (e.g., being available to family members).

Interestingly, this study demonstrated that the desire to disconnect stems from a need not only to gain control over personal time and space but also to regain focus and concentration at work. Thus, disconnecting can be a win-win situation for workers and organizations.

Accordingly, organizational policies restricting expectations about availability and connectivity could give employees space to disconnect. Those policies might also dismantle the stereotype of the ideal worker, who is always available and willing to prioritize work over their personal life. For example, a policy that states it's acceptable or even encouraged not to respond to emails on weekends might foster new norms that reimagine the ideal worker as someone who can take time off without seeming unprofessional or unproductive.

"I've disconnected, but I still think about work." | Some organizations implement the right to disconnect by making emails inaccessible to employees after business hours, so that employees can reestablish boundaries between work and personal life.[5] Evidence shows that reducing communication demands can decrease interruptions of personal time. Nevertheless, simply restricting access to work may not stop employees from experiencing distress if workloads are high and/or if workplaces still expect fast responses as proof that employees are working. The perceived impossibility to detach from work is a problem that is underaddressed in disconnection discussions.

Furthermore, an employee's uncertainty about the way an employer might react to their delays in answering an instant message or an email can lead to feelings of job insecurity. A policy could address this challenge by clearly stating and upholding expectations about employee availability and the management of individual workloads. Organizational support for the right to disconnect would outline expectations about, for example, response rate for every email and for flexibility about work output or performance when workload is unusually high.

"I don't want to be forced to disconnect because I need the flexibility to complete work after hours." | When the right to disconnect becomes a mandate, it undermines employees' agency in choosing to disconnect. Organizations opting for an approach that forces workers to disconnect whether they want to or not—for example, by shutting down email during after-work hours—strip employees of the agency to exercise this right.

What if workers' schedules, for example, do not match the traditional 9-to-5 workday? Or what if they prefer to blend work and life, rather than segment them according to an organization's policy? The incompatibility between legal provisions that push workers to segment work and life and their actual scheduling and boundary management preferences can cause problems for workers and organizations, including lower satisfaction and organizational commitment.[6] Some employees whose optimal times to work do not align with the 9-to-5 workday might find it difficult to comply with mandated disconnection. For example, some parents may need a shorter workday to supervise children and prefer to return to work in the evenings or on weekends.

Balancing childcare and work became particularly challenging during the COVID-19 pandemic, when lockdowns forced schools and day cares to close and forced parents—primarily women, who bear the brunt of childcare and care work in general—to manage, care for, and even teach their children during the workday. As a result, a significant number of women had to quit their jobs in part because of their childcare responsibilities.

These intersections of work and life are helpful when we reconsider what we mean by disconnection. Does it mean imposing IT barriers that make accessing email at night impossible? Is it a blanket policy that applies to all members of an organization, or can it be modified in different ways to meet the diverse needs of a workforce? Since a major goal of right-to-disconnect laws is to allow employees to rest between workdays, the challenge is to establish flexibility without also creating inflexibility. Trusting employees to manage their work time in a way that allows balance and performance—within the framework of organizational guidelines—can be a way to thwart that challenge.

For example, workers could commit to disconnecting a number of hours per week and a number of days per year and schedule those in accordance with their personal preferences. Workers all have moments of the day when they are more focused and productive at work, depending on their level of energy and distractions in

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their environments. Having the latitude to prioritize these focused hours in their work schedule may boost individual productivity and well-being.

"I want to show my employer how devoted I am, but now I can't." | A study by INTWAF members on remote workers during the pandemic found that many felt the need to compensate for their inability to be in the office and signal their commitment by being active on online platforms, such as Microsoft Teams or Slack, and responding promptly to emails, calls, and messages outside regular work hours. While disconnecting might curb the expectation of constant availability, it may cause remote workers to feel confused about how to demonstrate their virtual presence and engagement without unmitigated digital activity. Some employees may want to do so to show their manager that, even remotely, they are putting in the hours and still working effectively. Others may want to manage their supervisors' impressions in a culture where prioritizing work is still mostly expected and rewarded. Others also may do so because they view work dedication as a duty, or because it is more fulfilling to them than other life pursuits.

Executives, high-level managers, and human-resources directors hold the most influence over cultural norms and expectations that are used to measure employee value, contribution, and commitment. If an organization's cultural norms expect constant availability and connectivity and employees are rewarded for adhering to these behaviors, the culture will fail to encourage disconnection. And easily circumnavigable barriers—which remote workers will take advantage of to show their commitment—also undermine the intentions of disconnection

policy. The fact that work cultures must change as well will in turn reinforce the right to disconnect in its legislative form.

The right to disconnect can enhance work-life balance by enabling job recovery, reducing exhaustion and burnout, and limiting boundary blurring. Paradoxically, it also requires motivation from workers to engage in additional self-regulation behaviors, such as changing their habits to account for mandated disconnection in their work. This right may also prompt introspection about their values and practices and expose potential gaps between their values and the ways in which they actually spend their time and energy. The right, therefore, could regrettably transfer the onus of achieving balance and well-being to workers, instead of prompting organizations to address the root causes of connectivity problems, such as overload, absence of boundaries, and expectations for constant availability.

The Future of Disconnecting

Laws and policies to overcome connectivity challenges, protect workers, and guarantee disconnection are essential to the development of sustainable workplaces and societies. At the moment, laws implemented around the world aim to give workers the option of disconnecting after their working hours. Companies covered by the laws must commit to the establishment of disconnection policies, but governments do not intervene in the very content of these policies, and no sanctions on noncompliance exist. As a result, the right to disconnect has shown mixed results, because its implementation varies considerably depending on employers' will. In their current form, disconnection laws are unable to generate significant change in practice on a large scale. A recent survey by Glassdoor showed that French employees continued working during their vacations to keep up with their employers' expectations and remain informed about what was going on at work. This example illustrates how disconnection principles and policies look good on paper but are still a challenge to apply in practice. Therefore, these policies must be implemented in ways that are more inclusive, more accessible, and more attuned to current workplace realities. They must also be nuanced, flexible, and grounded in research.

What does the future look like for the right to disconnect? What can policy makers and organizational leaders do to ensure that it creates value for society and remains in force amid changing work practices? We identify three ways in which the right to disconnect can have more substantive and enduring effects for stakeholders in diverse contexts:

- Offer the possibility to tailor disconnection modalities to organizational culture, strategy, preferred practices, values, and priorities.
- Make sure the right to disconnect is available and granted to all workers while paying attention to the perceived equity of these provisions across occupations.
- Be aware of workers' realities, profiles, needs, and preoccupations about disconnection, and address those elements in organizational policies. Give a voice to employees so that disconnection can be mutually satisfactory.

The right to disconnect, of course, cannot magically fix the problems raised by hyperconnectivity and poor work-life balance. The COVID-19 pandemic lockdowns have prompted workers to question the place of work in their lives. Workers and their union representatives, managers, organizations, researchers, and other members of civil society need to debate how workplaces should change. To facilitate this change, governments will have to work with diverse stakeholders to craft solid yet flexible legislation and enshrine disconnection as a universal and long-term right. For example, in 2021 Canada launched a public consultation and collaborated with experts, unions, NGOs, and employers to collect their recommendations regarding the right to disconnect for gig workers. The committee recommended investigating the legal and social ramifications of this right before legislating it. Such consultation can serve as an example for governments and organizations to include diverse stakeholders and design a right that represents the various marginalized identities that would otherwise be excluded or adversely affected by universal mandates.

More policy innovations need to be pursued to prioritize work-life balance and mental health at work. For example, experts argue that moving toward communication that is asynchronous—that does not happen continuously, in real time, but happens over time, with time lags—rather than disconnecting after the workday might be more useful to address stress and work-life conflict. Right-to-disconnect policies must be adapted to better align with varied occupational settings and tailored to organizations' cultures that state what is valuable and expected from workers.

Moreover, legislation should be considered in conjunction with different countries' political and economic contexts and existing laws. Some countries, like Scotland and Belgium, have pushed the debate further by introducing the four-day workweek, as reducing workload is critical to sustainable careers. A shorter workweek may be the necessary companion of the right to disconnect.

Meanwhile, we must bear in mind that the future holds opportunities to collectively revamp the right to disconnect so that it addresses everyone's needs and is broadly accessible, no matter the job type or personal situation. This debate undoubtedly affects all of us. ∎

Notes

1 See also Pedro Afonso, Miguel Fonseca, and Tomás Teodoro, "Evaluation of Anxiety, Depression and Sleep Quality in Full-Time Teleworkers," *Journal of Public Health*, May 25, 2021.

2 For an overview of the right to disconnect legislation around the globe, see C. W. Von Bergen and Martin S. Bressler, "Work, Non-work Boundaries and the Right to Disconnect," *Journal of Applied Business and Economics*, vol. 2, no. 2, 2019.

3 See Wendy J. Casper et al., "The Jingle-Jangle of Work-Nonwork Balance: A Comprehensive and Meta-analytic Review of Its Meaning and Measurement," *Journal of Applied Psychology*, vol. 103, no. 2, 2018; and Julie Holliday Wayne et al., "In Search of Balance: A Conceptual and Empirical Integration of Multiple Meanings of Work-Family Balance," *Personnel Psychology*, vol. 70, no. 1, 2017.

4 Ariane Ollier-Malaterre et al., "Technology Regulation in the Service of Sustainable Work-Life Balance," in Peter Kruyen, Stéfanie André, and Beatrice van der Heijden, eds., *Maintaining a Healthy, Sustainable Work-Life Balance Throughout the Life Course: An Interdisciplinary Path to a Better Future*, Cheltenham, UK: Edward Elgar New Horizons in Management series, forthcoming.

5 See also Glen E. Kreiner, Elaine C. Hollensbe, and Mathew L. Sheep, "Balancing Borders and Bridges: Negotiating the Work-Home Interface via Boundary Work Tactics," *Academy of Management Journal*, vol. 52, no. 4, 2009; Tammy. D. Allen et al., "Boundary Management and Work-Nonwork Balance while Working from Home," *Applied Psychology*, vol. 70, no. 1, 2021.

6 See also Ellen Ernst Kossek and Brenda A. Lautsch, "Work-Family Boundary Management Styles in Organizations: A Cross-Level Model," *Organizational Psychology Review*, vol. 2, no. 2, 2012; Pascale Peters and Robert Jan Blomme, "Forget about 'The Ideal Worker': A Theoretical Contribution to the Debate on Flexible Workplace Designs, Work/Life Conflict, and Opportunities for Gender Equality," *Business Horizons*, vol. 62, no. 5, 2019.