

Working conditions and sustainable work

Right to disconnect: Implementation and impact at company level



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Executive summary

Introduction

Despite EU legislation regulating working time, occupational health and safety, and work–life balance, data from national and European surveys show that a high proportion of workers who are able to work remotely and flexibly using digital tools work long hours and are subject to health issues linked to work-related stress and burnout. The rise in remote and flexible working during the pandemic and the increasing use of mobile digital tools, making workers more contactable, have accelerated the discussion around whether existing legislation remains fit for purpose to address the risks posed by the ‘always on’ culture in the workplace.

Previous Eurofound research has highlighted the scarcity of information on the implementation and impact of the right to disconnect at company level. Based on a survey of employees and a questionnaire completed by HR managers in four countries (Belgium, France, Italy and Spain), this report sheds light on how the right to disconnect is implemented at company level. Analysing responses from workers in companies with and without a right to disconnect policy, it assesses their experiences of receiving and responding to work-related communications outside contractual working hours; how many additional hours they work and why; and their work–life balance, health and well-being, and overall workplace satisfaction.

Policy context

As of spring 2023, there was no specific legislation at EU level on the right to disconnect. However, a range of existing EU directives contain relevant provisions, most significantly the Working Time Directive (Directive 2003/88/EC). This directive sets limits on working hours and regulates rest periods for all workers. The European Parliament’s resolution of January 2021 (2019/2181 (INL)) called on the European Commission to bring forward legislation specifically on the right to disconnect, while acknowledging the key role played by social partners in negotiating on workplace matters. In 2022, the European cross-industry social partners began negotiations on a possible framework agreement on telework and the right to disconnect, which were ongoing at the time of writing (June 2023).

Key findings

- Over 80% of workers surveyed reported receiving work-related communications outside their contractual working hours during a typical working week. Almost three-quarters reported being contacted by colleagues out of hours every day or on some days; 67% are contacted by line managers. The vast majority (almost 9 out of 10) of respondents responded to such communications, with one in four replying to all calls and messages received out of hours.
- Around 45% of workers surveyed responded that a right to disconnect policy is in place in their company. Of these, 80% consider that the policy applies to them. However, only half of respondents in companies with a right to disconnect policy are aware of actions having been taken to implement it.
- Employees observed that the most common actions taken to support disconnection from work-related digital tools are automatic deletion of emails received during holidays and measures to prevent the delivery of work emails during certain times. Soft measures, such as training and awareness raising, were considered to be less prevalent by employees, whereas employers considered the latter to be among the most crucial actions implemented.
- The following are the most cited reasons for responding to out-of-hours work-related communications: feeling responsible for one’s assignments (82%), wishing to stay ‘on top of things’ (75%), because it is expected (75%), fear of a negative impact if no response is provided (61%) and the expectation of better career progression (50%).
- Almost half of the respondents regularly work more hours than they are contracted for, most frequently to complete tasks that they were unable to finish during contractual working hours (37%). Over one-third of workers work additional hours at the explicit request of managers, and fewer than one-fifth (17%) do so mainly because they are contacted out of hours. Additional hours worked because employees are contacted by managers, colleagues or clients out of hours is the type of overtime for which workers are least likely to be compensated financially.

- Having a right to disconnect does not appear to reduce the likelihood of workers being contacted out of hours or responding to such communication. However, a larger share of respondents from companies without a right to disconnect policy report working additional hours because they are contacted out of hours than respondents from companies with such a policy (19% compared with 14%). In companies with a right to disconnect policy, additional hours are worked mainly based on agreed overtime and workers are more likely to be compensated for working additional hours through pay or time off. This is particularly true with regard to additional hours worked due to being contacted out of hours.
- A larger share of workers in companies with a right to disconnect policy (that they perceive as applying to them) report having a high level of autonomy to determine their working hours, thus providing an indication that having a right to disconnect does not limit desired working time flexibility.
- Satisfaction with work–life balance was generally high among all those surveyed, with 85% of workers indicating that their working hours fitted in with family and other commitments very well (25%) or fairly well (60%). However, workers in companies with a right to disconnect policy reported having a better work–life balance than workers in companies with no such policy (92% compared with 80%).
- Around 45% of respondents felt that being contacted out of hours was detrimental to their work–life balance and their health and well-being, with more women than men reporting this. A larger share of 25- to 39-year-olds are negatively affected, probably because many in this group have young children. Remote workers are also more affected than those working entirely from their employer’s premises. The most commonly reported health issues are headaches (41%), followed by backache (35%), overall fatigue (34%) and anxiety/stress (33%). Health issues tend to be more common amongst workers who are required to work additional hours. A smaller share of workers in companies implementing the right to disconnect report health issues. For example, while 38% of

workers in companies without a right to disconnect report having suffered from stress or anxiety in the 12 months before the survey, the figure was 28% among workers in companies with a right to disconnect.

- Around 8 out of 10 respondents were highly satisfied with their working conditions. More workers with a right to disconnect were very highly satisfied than those without this right (29% compared with 15%).
- Over 70% of workers in companies with a right to disconnect policy consider that its impact has been very or somewhat positive; 26% considered that there has been no impact.

Policy pointers

- The ‘always on’ culture and working additional hours, which often lead to insufficient rest periods, have been shown to be detrimental to work–life balance, health and well-being, and workplace satisfaction. The existing legal *acquis* and its enforcement appear to be insufficient to address these issues.
- Where right to disconnect policies have been put in place, data show that they have a positive effect on work–life balance, health and well-being, and overall job satisfaction. Social partners have a key role to play in negotiating sectoral and company level agreements and policies on the right to disconnect.
- Company-level evidence shows that the implementation of a right to disconnect policy on its own is insufficient to bring about cultural change in the workplace; the policy must be accompanied by awareness raising, training and effective measures to limit out-of-hours connection in ways that are tailored to specific work environments.
- There should be an assessment of – and measures to address – other reasons for over-connection (such as high workloads, lack of training and inefficient work processes), and this should be bolstered by effective monitoring systems.

Introduction

Trend towards more telework and flexible working

The increasing use of information and communication technology (ICT) has made it possible for more workers to perform their tasks any time and anywhere (Eurofound and ILO, 2017). However, the use of smartphones and other digital mobile devices means that workers are contactable and able to perform tasks outside their contractual working hours. The increase in the use of ICT tools, together with a more globalised, knowledge-based and service-centred economy and the increasing participation of women in the workforce, has contributed to a number of trends that have recently been significantly accelerated by the pandemic, including the rise in telework¹ and flexible working. While telework and flexible working have always been interconnected, it took the experience of the COVID-19 pandemic to bring about a cultural shift towards the greater adoption and acceptance of telework – such as home-based and remote work – which is associated with more flexible working time patterns (Eurofound, 2020a, 2020b, 2022a). Prior to the pandemic, in 2019, 11% of EU employees were working from home either usually or sometimes. By 2021, this figure had doubled to 22%, although there were significant differences in rates between Member States, sectors, occupations and groups of workers with different sociodemographic characteristics. Even if the share of those usually working from home (12.3% in 2021) is unlikely to remain at pandemic level, it is clear that a higher rate of teleworking will prevail, particularly considering that the share of jobs that are potentially teleworkable is estimated to be much higher than that of workers currently teleworking (Eurofound, 2022a).

More flexible distribution of working hours

Flexible working arrangements come in many forms, both formal and informal. One of the features of the increasing use of digital tools in the workplace and the rise in remote and flexible working is the possibility for greater leeway for some workers to allocate working hours more flexibly across the working day through flexible start and end times and the ability to take time out of the working day for personal or family reasons. European Working Conditions Telephone Survey (EWCTS) data show that such flexibility is highly valued by workers and can also benefit employers. EWCTS

findings demonstrate that the ability to take an hour or two off to attend to personal matters (and to make up those working hours later) is a feature much appreciated by workers – but not available to all. Data from 2021 show that 37% of men and 29% of women find it very easy to avail themselves of this type of flexibility.

Greater working time flexibility can lead to workers working outside what might be considered ‘normal’ or ‘standard’ working hours and therefore sending and responding to messages outside such hours while still working within their contractual working hours. This report uses the terminology ‘contractual working hours’ to acknowledge this fact. When survey respondents report working additional hours beyond their contractual hours, this therefore takes account of the fact that such hours can be delivered outside ‘normal’ working hours. When the report makes references to responding to contacts outside of working hours, this therefore refers to contractual working hours.

ICT-enabled telework and more flexible working arrangements bring with them both advantages and disadvantages (Eurofound, 2019). During the pandemic, a key advantage of telework was that it enabled companies to maintain operations during lockdowns and therefore retain employees. The ability to telework can also promote the integration of some vulnerable groups of workers, including persons with disabilities. A reduction in commuting time and greater flexibility to determine working hours can also improve work–life balance, although there are differences between men’s and women’s experiences in this regard. Women report a better work–life balance in hybrid (partial telework) arrangements, whereas men’s balance between work and private life tends to be better in full-time telework (Eurofound, 2022a). This reflects persistent differences in the division of caring and household tasks between men and women. During the pandemic, conflicts between work and family commitments were reportedly worsened by the closure of educational institutions during certain phases of COVID-19 restrictions.

However, the constant connectivity made possible by digital tools that enable workers to work remotely and more flexibly also has disadvantages. Data from the European Working Conditions Survey (EWCS) and EWCTS show that a larger share of teleworkers work in their free time and work additional hours (beyond their

¹ The term ‘telework’ is used here to cover a broad range of working arrangements, including the increasingly discussed concept of hybrid work, which refers to partial or occasional telework (Eurofound, 2022a and 2023).

contractual hours) than employees working solely from their employers' premises (Eurofound and ILO, 2017; Eurofound, 2019, 2020a, 2021a, 2022a), although the ability of workers to be contacted out of hours using digital mobile devices is not limited to teleworkers.

Emergence of work-centric culture

In a society where being constantly connected through smart digital devices is common (Chóliz, 2010), an 'always on' workplace culture is increasingly prevalent, and workers can feel that they are required to provide instant responses to communications from managers, colleagues or customers, whether or not this is explicitly requested by their superiors (Challenger, Gray & Christmas, Inc., 2017; BAuA, 2022). A number of reasons have been put forward for the emergence of this 'flexibility paradox'. It is argued that self-exploitation can be driven by workers' feelings of insecurity in a labour market characterised by an increase in 'compound non-standard work' (that is, a mixture of very short-term and/or limited part-time contracts, zero-hour contracts and other forms of casual work; Eurofound, 2020c) and by a decline in workers' negotiating power resulting from a reduction in union density, linked with a more work-oriented culture where dedication to the job can be measured by number of hours worked (Chung, 2022). Running contrary to such observations is the emerging debate post-COVID around 'quiet quitting' (Formica and Sfodera, 2022; The Conversation, 2022) and the arguably enhanced negotiating power of workers in the context of labour shortages in many sectors and occupations (Eurofound, 2021b).

Increase in working hours

While it may be that further data gathering and analysis is required to reflect the pre- and post-pandemic labour market contexts and the impact of the pandemic on workers' behaviour in relation to out-of-hours connection and working additional hours, it is clear from the strong evidence in the data currently available that teleworking and flexibility are linked to an increase in working hours, with its associated negative implications for health and well-being. According to EWCTS data, in 2021, 35% of individuals working from home full time worked more than 41 hours per week (with almost 15% working over 48 hours per week), compared with 27% of those working at their employer's premises (Eurofound, 2022a). A larger share of teleworkers report certain physical and mental health issues, with 60% reporting that they suffer from eye strain and headaches, and 36% reporting that they suffer from anxiety (compared with 42% and 27%, respectively, among non-teleworkers).

The high number of additional hours reported (Eurofound, 2022b) is at least in part related to workers' inability to disconnect from work, as shown in a number

of national studies. For example, in Belgium, a survey carried out in February 2022 found that 64% of workers reported difficulties in disconnecting from work. Two years earlier (prior to the introduction of pandemic restrictions), this figure stood at 58% (Acerta, 2021). The shares of workers reporting that they feel that they are expected to continue to monitor work-related communications and those who actually do so are high. In the same Belgian survey, one in five workers (21%) indicated that they continued to monitor their mailbox during their holidays or after hours, and one in five answered work calls while on holiday (Acerta, 2021). A large-scale survey on working time in Germany found that 22% of workers stated that they were expected to remain available for queries from managers and colleagues outside their working hours (BAuA, 2022). Similarly, up to 24% of Finnish employees said that they were contacted on a daily (4%) or weekly (20%) basis outside working time on matters related to work (Keyriläinen, 2021). Almost twice as many workers in Austria as in Finland (44%) reported making themselves available for their employer at times when they would not usually work (IFES, 2020). In Greece, almost one third (32%) of workers reported that they felt compelled by their employer to remain available outside working hours (Nikos Poulantzas Institute, 2021).

Negative impact on health and well-being

Whether or not the extra work is directly triggered by out-of-hours communication, many surveys indicate that a high share of workers work additional hours remotely, with negative implications for their health and well-being. In a representative French study, 69% of respondents claimed to have worked at least occasionally outside their regular working hours (Ugict-CGT, 2020, 2021). A survey commissioned by the Labour Institute of the Greek General Confederation of Labour in Greece found that among those working remotely during the pandemic 65% reported an increase in working hours. Around 55% indicated that this had been detrimental to their mental health and 52% reported a negative impact on their personal lives (GSEE, 2021). Another online survey found that 52.3% of those employed in the private sector reported that they had worked longer hours than contracted when teleworking without being paid for overtime, while only 5.4% had worked more paid hours (Nikos Poulantzas Institute, 2021). The following data gathered on behalf of the Hellenic Federation of Enterprises highlight the main benefits of teleworking: 79% of respondents recorded a reduction in time spent commuting to work, 40% welcomed having additional time to spend with their family and 40% indicated that they had a better work-life balance. However, 59% reported a potential blurring of boundaries between paid work and personal life, and 29% reported that it was more difficult to balance work and private life (SEV, 2020).

In Ireland, a study by University College Dublin found that, although workers' productivity increased when working from home, their stress levels also rose, and they found it more challenging to disconnect from work. This had an impact on employees' health and well-being. The effects on women's health are particularly stark: 43% reported a deterioration in their mental health and well-being, compared with just a third of men. More women than men reported that their physical health had deteriorated. Workers who indicated a clear and unequivocal preference for returning to the workplace on a full-time basis once all social restrictions were lifted included those who felt obliged to remain always connected to their work outside contractual working hours and those who had experienced impaired mental health and well-being (Geary and Belizon, 2022).

Such findings have contributed to an active debate on whether a specific right to disconnect is needed in the context of the increased use of mobile digital tools for work-related purposes, which enables many workers, and not only teleworkers, to be contacted and to perform work any time and anywhere. Eurofound defines the right to disconnect as the right of workers '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' (Eurofound, 2021c).

Policy context

There is currently no EU legislation specifically addressing the right to disconnect. There are, however, a number of legal texts touching on related issues, including, among others, the Framework Directive on Occupational Safety and Health (Directive 89/391/EEC), the Working Time Directive (Directive 2003/88/EC) and its associated jurisprudence, the Work-Life Balance Directive (Directive (EU) 2019/1158), and the Directive on Transparent and Predictable Working Conditions (Directive (EU) 2019/1152). In addition, European autonomous framework agreements on telework (2002) and digitalisation (2020) concluded by the European cross-industry social partners (BusinessEurope, SGI Europe, the European Trade Union Confederation and SMEUnited) contain relevant provisions to be implemented according to the 'procedures and practices' specific to each Member State (Eurofound, 2021a).

However, despite the presence of these provisions, the challenges linked to ICT-based flexible working highlighted above remain. This could be due to difficulties regarding the enforcement of these provisions or to shortcomings in the current regulatory framework, which was largely devised before enhanced digitalisation made the growth of such working arrangements possible.

As a result of increasing concern about the impact of the 'always on' workplace culture on working hours, and on workers' well-being and work-life balance, in January 2021 the European Parliament passed a resolution on the right to disconnect, calling on the Commission to bring forward an EU directive on the issue (European Parliament, 2021). This resolution, while calling for an EU legislative proposal, recognised the autonomy and central role of social partners in the negotiation, application and enforcement of the right to disconnect. In response, the European Commission stated that any legislative initiative in this area must be subject to consultation with the social partners and called on them 'to find commonly agreed solutions to address the challenges raised by telework, digitalisation and the right to disconnect' (European Commission, 2021, p. 20). In December 2022, the European cross-industry social partners began negotiations on these issues in accordance with the provisions of Article 154 of the Treaty on the Functioning of the European Union. These negotiations were ongoing at the time of writing (June 2023).

About the report

The purpose of this report is to add to the evidence base regarding the implementation and potential impacts of the right to disconnect. Previous Eurofound research sought to provide information on the actions taken in organisations that have reached agreements or implemented policies on the right to disconnect based on case studies (Eurofound, 2020d, 2021a). This work also identified a lack of evidence around the impact of the right to disconnect on individual-level outcomes, including out-of-hours connection, working hours, work-life balance and well-being. To address this gap, Eurofound commissioned a survey of employees in companies with and without a right to disconnect policy in the four countries with the longest-standing experience of legislative provisions in this area: Belgium, France, Italy and Spain. A questionnaire was also circulated by email to human resources (HR) managers. In addition, up-to-date information was gathered on the status of legislation and collective agreements governing the right to disconnect in countries with relevant provisions.

This report starts by presenting details of the situation regarding national provisions on the right to disconnect (as of February 2023) and then sets out the findings of the employee survey and HR managers' questionnaire to assess the impact of company-level policies regarding the right to disconnect on employees' experiences of connection and disconnection, paid and unpaid additional hours, work-life balance, well-being and overall satisfaction with their working conditions.

1 National legislation and collective agreements

In the absence of specific EU regulations requiring the establishment of an explicit right to disconnect, legislation in this area at national level has nonetheless evolved in recent years. This reflects the growing relevance to the policy debate of concerns over the impact of constant connection, and means that any reporting on relevant national provisions inevitably involves shooting at a moving target. The same is true of collective agreements containing provisions on the right to disconnect, which are also evolving. Previous Eurofound reports have delivered status updates, in some cases in the context of broader research regarding legislation on teleworking, flexible working and work–life balance (Eurofound, 2021a, 2022c). This chapter provides a more detailed, up-to-date account of national legislation and provisions on the right to disconnect for workers in the public and private sectors. It also delivers the latest available information on the number or share of collective agreements referring to the right to disconnect in countries with legislation on the issue.

In June 2023, nine Member States had legislation providing a right to disconnect (Belgium, Croatia, France, Greece, Italy, Luxembourg, Portugal, Slovakia and Spain). In addition, Ireland adopted a code of practice in 2021; although it has no formal status in law, the courts can use it when deciding on the merits of a

case. Four Member States (Belgium, France, Italy and Spain) had implemented some relevant provisions prior to the COVID-19 pandemic. Greece, Portugal and Slovakia adopted legislation containing the right to disconnect in 2021, largely as a result of the increase in telework triggered by the pandemic. New legislation in Croatia was passed in 2022 and in Luxembourg in 2023. In both countries, the provisions entered into force in 2023. The legislation in Luxembourg had been under discussion for some time and is therefore included in this report.

Discussion on the inclusion of the right to disconnect in Croatian legislation is more recent and is therefore not included here. It essentially stipulates that employers should not contact employees outside working hours, unless there is an urgent matter; this is required due to the nature of the work; or if such a possibility has been envisaged under the collective agreement or individual employment agreement.

Several key features characterise and distinguish provisions on the right to disconnect in different countries. Most important among these are the scope of their coverage (e.g. the size of the company and the types of workers covered), the approach to their implementation (e.g. direct applicability or through collective agreements), and the presence and nature of sanctions (see Table 1 for a summary of these features for countries with provisions).

Table 1: National legislation containing the right to disconnect applying to public or private sector

Country	Title and date of legislation	Scope of coverage	Implementation	Sanctions
Belgium	Articles 16 and 17 of the Act of 26 March 2018 regarding the strengthening of economic growth and social cohesion, as amended by the law of 3 October 2022, in force from 1 January 2023	All workers in private companies with more than 20 employees	The right to disconnect must be included in company collective agreements or, failing that, a provision in the company's work rules (<i>règlement de travail</i>). This requirement is voided if a relevant national or sectoral collective agreement is in place. Collective agreements or work rules must ensure the right of workers to disconnect outside working hours by setting out the modalities of connection and disconnection.	No explicit sanctions are imposed if no collective agreement or work rules are drafted or submitted. If provisions are part of a sectoral collective agreement, declared joint committee-wide, the employer is obliged to comply. Failure to do so can lead to criminal sanctions. If a company-level collective agreement is breached, sanctions are enforceable through civil proceedings.
	Amendment of 2 December 2021 of Royal Decree of 2 October 1937 on the status of state employees and Circular No. 702 of 20 December, in force from 1 February 2022	All federal state employees	Workers may only be contacted outside contractual working hours for exceptional or unforeseen reasons requiring action that cannot wait until the next working period or if they are on call. Workers who do not respond to such out-of-hours communication cannot be treated less favourably. Annual meetings should be held with a consultative committee to discuss issues of disconnection.	None are stipulated in law.
France	Article L2242-17 of the Labour Code, as amended in 2016, in force from 1 January 2017	By law, all employees in companies with more than 50 workers, but courts and collective agreements indicate applicability to all workers	Employers with more than 50 workers must negotiate agreements with unions that include the right to disconnect. In the absence of an agreement, particularly in companies with more than 11 employees, the employer must draw up a charter, after consulting with the social and economic committee. This charter must define the terms and conditions for exercising the right to disconnect.	There are no provisions in the law, but the employer may be sanctioned if their obligation to negotiate on equality and quality of life at work is not fulfilled. The employer may be penalised with one year's imprisonment and a fine of €3,750. No specific sanctions are in place for the absence of an agreement or charter, but fines can be imposed for employers failing to conduct risk assessments, including assessments of psychosocial risks.
	Decree No. 2016-151 of February 2016 setting up a framework for telework in the public service and the judiciary, in force from 12 February 2016	Teleworkers in the public sector	The decree does not explicitly establish a right to disconnect, but mentions that an administrative act setting up a framework for telework in a public service department must specify 'the time slots during which the agent carrying out his or her telework activities is at the disposal of his or her employer and can be reached'.	No penalties are fixed in the agreement for a failure to negotiate relevant action plans.
Greece	Article 67 of Law 4808/2021 on telework, in force from 1 January 2023	Teleworkers in the private sector	Paragraph 10 of Article 67 of Law 4808/2021 gives employees the right to abstain from working or communicating digitally and therefore to not respond to any form of communication outside working hours and during holidays. It also prohibits the less favourable treatment of employees choosing to do so. Modalities of disconnection must be agreed by social partners at company level or, failing that, in company policy. Methods of disconnection must also be included in individual telework contracts between employers and employees.	The assessment of compliance with the law is under the remit of the labour inspectorate, which can request access to relevant connectivity data and information on working hours.
	Article 18 of Law 4807/OGG 96/A/11.06.2021: 'institutional framework of teleworking, provisions for human resources in the public sector and other urgent regulations', in force from 1 January 2023	All permanent civil servants and fixed-term employees in the public sector able to telework	The article has direct application (without collective bargaining). It regulates the 'teleworker's right to disconnect' at the end of the contractual working day from the information technology and methods of communication used to perform their duties.	No further guidance is yet available regarding penalties.

Country	Title and date of legislation	Scope of coverage	Implementation	Sanctions
Ireland	Code of Practice for Employers and Employees on the Right to Disconnect, implemented from 1 April 2021	All employees	The code is implemented through collective agreements or company policy. It can be used in legal proceedings as admissible evidence, and any provision can be considered in decisions.	Sanctions depend on individual court proceedings.
Italy	Law No. 81/2017 of 22 May 2017 on measures for the protection of non-entrepreneurial self-employment and measures to encourage the flexible articulation of time and place of employment, in force from 6 June 2017	All companies with smart employees with working contracts	Individual agreements between the employer and the smart worker should include the worker's rest time and any technical and organisational measures to ensure the worker's disconnection from technological work equipment (Article 19, para. 1).	None are stipulated in law.
Luxembourg	Amendment of Labour Code introducing a right to disconnect (Articles L.312.9 and L.312.10) in force from 4 July 2023.	All workers who use ICT for work purposes	The law is to be implemented through collective agreements at sectoral or company level. In the absence of a collective bargaining agreement or a subordinate agreement, the specific scheme setting out methods of disconnection should be defined at company level. In companies with fewer than 150 employees, the staff delegation should be informed and consulted on the introduction or modification of a scheme ensuring respect for the right to disconnect outside working hours. In companies with at least 150 employees, there must be a mutual agreement between the employer and the staff delegation on the introduction or modification of the scheme.	A fine of between €251 and €25,000 can be imposed by the Director of the Inspectorate of Labour and Mines.
Portugal	Law No. 83/2021 of 6 December 2021, in force from 1 January 2022	All workers who use ICT for work purposes	The prohibition on employers contacting employees during their rest time is directly applicable.	Any contact made by the employer outside working hours is in principle a breach of this rule and constitutes a serious administrative offence, attracting a penalty of between €612 and €9,690.
Slovakia	Law 76/2021, in force from 1 March 2021	All teleworkers (including occasional teleworkers)	According to Article 52, paragraph 10, of the amended Labour Code, teleworkers have the right not to use work equipment or be connected during their daily rest periods or holidays. The code also prohibits the less favourable treatment of workers who take advantage of this right.	No sanctions are specifically set out in law, but the labour inspectorate can impose fines for breaches of the Labour Code (ranging from €1,000 to €200,000).
Spain	Organic Law 3/2018 of 5 December 2018 on the protection of personal data and the guarantee of digital rights, Article 88.1, in force from 7 December 2018 Royal Decree-Law 28/2020 of 22 September 2020 on telework, in force from 13 October 2020	All workers (but in practice workers who use ICT for the purposes of working remotely)	The law is implemented through collective bargaining. In the absence of a collective agreement, the employer must prepare an internal policy defining the methods for exercising the right to disconnect and setting out guidelines for training and awareness-raising activities for staff. The law states that risk prevention processes should focus on psychosocial and organisational aspects related to the distribution of working time, the limitation of availability and breaks.	The Spanish Data Protection Agency has the authority to impose fines on employers who do not comply with their obligations under the law, and the amount of the fine can range from €70 to €225,018.

Coverage

In seven out of the nine countries covered, existing provisions cover both public and private sector employers and employees. Belgium has separate regulations governing the civil service, and Greece has separate regulations governing civil servants and public sector employees. In some countries, the regulations only apply to teleworkers (Greece and Slovakia) or workers using ICT to carry out their work remotely either permanently or occasionally (Luxembourg, Portugal and Spain). In Spain, the legislation formally applies to all workers, but the law emphasises its particular application to regular or occasional remote workers and home-based teleworkers. The Italian legislation applies to so-called smart workers, who sign a specific contract to work in a hybrid fashion. In principle, company size thresholds apply in Belgium (companies with more than 20 employees) and France, but in the latter the courts and collective agreements have arguably eliminated the 50-employee size threshold (Eurofound, 2022c).

France was the first European country to introduce the right to disconnect, through a provision in its new labour code in 2016 (currently codified under Article L2242-17 of the Labour Code). The right to disconnect came into force on 1 January 2017 and is intended to ensure compliance with regulations for rest periods and holidays, and to promote a balance between work and personal and family life. The law takes account of the positions of the social partners and their 2013 national collective agreement on the issue, as well as taking on board the jurisprudence of the Court of Cassation. This is the highest French court, and since the early 2000s it has emphasised limits to the interference of work with personal life (Chiuffo, 2019). The provisions of the law apply to employees in the private sector (separate regulations are in place for the public sector; see the section ‘Specific provisions for the public sector’).

Inspired by the French law, the legislature in **Belgium** included some provisions favouring the right to disconnect in the Act of 26 March 2018 regarding the strengthening of economic growth and social cohesion (*Loi du 26 mars 2018 relative au renforcement de la croissance économique et de la cohésion sociale*). At the time of its introduction, the responsible minister saw the right to disconnect as an important measure that could help to reduce workload and the number of people suffering from stress, burnout and long-term illnesses (VRT NWS, 2017). The act applied to all companies with more than 50 employees. However, as it did not provide a statutory obligation to ensure the

right to disconnect (see the section ‘Implementation’ below), it was questioned whether its provisions indeed conferred a ‘right’ to disconnect. After the act was introduced, its original provisions were amended to form part of the Labour Deal on 3 October 2022 (published in the Belgian State Gazette on 10 November 2022). The deal entered into force on 20 November 2022. The new provisions apply to companies with 20 or more employees.

In **Italy**, Law No. 81/2017 of 22 May 2017 on measures for the protection of non-entrepreneurial self-employment and measures to encourage the flexible articulation of time and place of employment applies to all companies in the private and public sectors. The law does not explicitly recognise disconnection as a right but provides for its regulation through individual bargaining between the employer and the smart worker. Smart workers hold a specific type of contract and usually split their time between their home and their employer’s premises.

In **Spain**, the right to disconnect was first introduced in Article 88.1 of Organic Law 3/2018 of 5 December 2018 on personal data protection and guarantee of digital rights. The right applies to all workers, although the law states that it particularly covers regular or occasional remote workers and home-based teleworkers. The more recent Royal Decree-Law 28/2020 of 22 September 2020 on remote working completes the legislative approach of Spain to providing the right to disconnect. It defines distance work as work done remotely during at least 30% of working time. The law states that risk prevention measures should be particularly focused on addressing psychosocial and organisational issues related to the distribution of working time, the limitation of availability and breaks.

In **Slovakia**, the right to disconnect was introduced in 2021 as part of the amendment of the Labour Code through Law No. 76/2021 Coll., which entered into force on 1 March 2021. The provisions cover teleworkers (including those teleworking occasionally).

In response to the significant rise in telework triggered by the pandemic, **Greece** passed new legislation containing provisions on telework and the right to disconnect in the private sector, as part of a broader package of legal measures covered by Law 4808/2021.² The law entered into force on 1 January 2023 following Joint Ministerial Decision No. 105583/09.11.2022.³ Separate legislation was passed for the public sector (see the section ‘Specific provisions for the public sector’).

² Law 4808/OGG 101/A/19.06.2021 for the protection of labour, establishing an independent ‘labour inspection’ authority, ratifying Convention 190 of the International Labour Organization for the elimination of violence and harassment, and ratifying Convention 187 of the International Labour Organization for the promotion and protection of the implementation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on the balance between work and private life, other provisions of the Ministry of Labour and Social Affairs and other urgent arrangements.

³ Joint Ministerial Decision No. 105583/09.11.2022 on the provision of remote work through teleworking at the employee’s request.

The legislature in **Portugal** also responded to the increase in telework by adopting Law No. 83/2021 on telework in December 2021. The law, which only applies to workers using ICT for work purposes, entered into force on 1 January 2022.

In **Luxembourg**, the amendment of the Labour Code (through new Articles L.312-9 and L.312-10) introducing a provision relating to the right to disconnect was passed by the Chamber of Deputies in June 2023 and entered into force in July 2023. It builds on case law recognising the right to disconnect (a decision of the Court of Appeal on 2 May 2019) and an opinion issued by the Economic and Social Council recommending the implementation of mechanisms to encourage the recognition of the right to disconnect and its implementation within companies.

Ireland introduced a statutory code of practice for employers and employees on the right to disconnect, along with guidance on remote work, in 2021 (Workplace Relations Commission, 2021). The code applies to all employees. It refers to relevant legislation in force (e.g. on working time) and provides sample policies and sample text for automatic replies and automatic signatures encouraging recipients of emails not to reply outside their contractual working hours.

Implementation

Social partner negotiations at company level play a key role in the implementation of the right to disconnect. They allow the specific modalities of implementation to be adjusted to the requirements of the workplace, provided that a number of key issues (e.g. awareness raising, training and setting out how workers can ensure disconnection) are covered. Such negotiations are required in Belgium (in the private sector), France, Luxembourg and Spain. In all cases, a ‘fall-back’ option is provided should the relevant employer and employee representatives fail to reach an agreement. This usually takes the form of a company policy or charter or a similar instrument, the details of which must be communicated to employees.

In France, the law states that annual negotiations on professional equality between men and women must include provisions on achieving a balance between work and private life, including a right to disconnect. Paragraph 7 of the Labour Code states that the agreement must include the procedures for employees to exercise in full their right to disconnect, and the establishment by the company of mechanisms to regulate the use of digital tools, with a view to ensuring compliance with regulations for rest periods and leave

as well as a balance between work and private and family life. If no agreement is reached, the employer must draw up a charter, after consulting the Social and Economic Committee (if the company has more than 11 employees). This charter defines the procedures for exercising the right to disconnect and provides for the organisation of training and awareness raising on the reasonable use of digital tools for employees and managers.

In Belgium, the fall-back of establishing a company policy in the absence of a social partner agreement was only introduced with the 2022 Labour Deal. As mentioned in the previous section, the Act of 26 March 2018 did not include an obligation to ensure a right to disconnect but simply required employers to consult and negotiate with their workplace health and safety committees about the use of digital communication tools and disconnection from work – at regular intervals and whenever employee representatives request it (Article 16). Chapter 8 of the Labour Deal amends several articles of the 2018 act. Specifically, Article 16 was amended to provide that:

[for] employers who employ 20 or more employees, the modalities of the right to disconnect on the part of the employee and the implementation by the company of mechanisms for regulating the use of digital tools, with a view to respecting rest periods and the balance between private and professional life, must be the subject of a collective bargaining agreement at company level in accordance with the Law of 5 December 1968 on collective bargaining agreements and joint committees, and in the absence of such a collective bargaining agreement, they must be included in the work regulations according to the procedure contained in Articles 11 and 12 of the Law of 8 April 1965 on work regulations.

As is the case in France, these new provisions establish a fall-back, requiring the company’s work rules to stipulate how to exercise the right to disconnect in the absence of a company collective agreement. Article 17 states that these regulations must at least set out:

- practical modalities for the employee to exercise their right to not be available outside their working hours (for example, employees’ automatic email signatures could mention that they are not required to reply immediately, and they could activate an out-of-office reply when they are unavailable)
- guidelines for using digital tools so that employees can benefit from rest periods and leave and that they can maintain a balance between work and private and family life

- training and awareness-raising activities for employees and managers regarding the wise use of digital tools and the risks associated with excessive connection (such as burnout)

Article 17(1) of the 2018 act requires collective bargaining agreements concerning the methods and applications referred to in Articles 16 and 17 to be filed at the Registry of the General Directorate of Collective Labour Relations of the Federal Public Service Employment, Labour and Social Dialogue. In situations where the right to disconnect is implemented through the company's work rules rather than collective agreements, the employer is required to submit a copy to the civil servant designated by the King in accordance with Article 21 of the Law of 8 April 1965 on work regulations. Initially, these formalities were to be completed no later than 1 January 2023. However, since the provisions of the Act of 3 October 2022 only entered into force on 20 November 2022, the decision was taken to postpone this deadline until 1 April 2023 (Service Publique Fédéral Emploi, Travail et Concertation Sociale, 2022).

Should a collective agreement be concluded by a competent (sectoral) joint committee or by the National Labour Council, Article 17(2) of the 2018 act states that the obligation to agree on the modalities of the right to disconnect at company level is no longer valid, provided that the collective agreement covers all the issues listed in Article 17. The act also contains a provision on the implementation of the right to disconnect, to be evaluated by the National Labour Council by 30 June 2024. The National Labour Council is a bipartite body, comprising representatives from trade unions and employer organisations, that advises on labour legislation.

In Italy, the modalities of connection and disconnection are part of individual smart workers' contracts and are therefore negotiated between the worker and their employer. Italy was the second EU country to introduce legislation pertaining to the right to disconnect. The law provides that smart or 'agile' working agreements should include the worker's entitlement to rest time and any technical and organisational measures to ensure their disconnection from the technological tools they use at work (Article 19, paragraph 1). During the pandemic, as part of the health measures implemented to prevent the spread of COVID-19, the requirement to negotiate individual contracts for smart working was suspended and the right to disconnect was automatically applied to all workers working remotely. This temporary exemption was rescinded after 31 December 2022. In 2021, two interconfederal agreements for the public sector and the private sector re-emphasise the right to disconnect within more flexible, agile working arrangements: the Pact for Public Work Innovation and Social Cohesion (*Patto per l'innovazione del lavoro pubblico e la coesione sociale*)

and the National Protocol on Agile Work in the Private Sector (*Protocollo Nazionale sul lavoro in modalità agile nel settore privato*).

In Spain, Article 88.1 of Organic Law 3/2018 contains a generic reference to collective bargaining and states that it should be used to implement the right to disconnect. The right is subject to collective bargaining arrangements or agreements between employers and worker representatives, and it should be implemented with the aim of improving work-life balance. The employer, after consulting with worker representatives, must prepare an internal policy for employees, including those in management positions, defining the modalities for exercising the right to disconnect, and setting out training and awareness-raising activities for staff on the reasonable use of technological tools (as set out in Article 88 of the organic law).

The law in Slovakia stipulates that employees working from home are entitled to refrain from using work equipment (not be logged in or connected) during their daily rest periods or holidays. In addition, employers cannot treat their employees less favourably if they do not respond to communication or complete work tasks during those periods. Specific provisions detailing the implementation of this right can be adopted in internal company policies or regulations.

In Greece, Article 67 of the Law 4808/2021, applying to the private sector, is mainly concerned with setting out the terms and conditions of teleworking for private sector employees. However, paragraph 10 explicitly regulates the right to disconnect, defined as the employee's right to completely abstain from work and, in particular, from communicating digitally, that is, responding to telephone calls, emails or any other form of communication, outside working hours and during holidays. The paragraph also explicitly prohibits discriminating against teleworkers because they exercise the right to disconnect. Any dismissal due to the exercise of this right is considered to be null and void. The technical and organisational means required to ensure disconnection from digital communication tools and other tools facilitating work should be a mandatory part of telework contracts and are agreed between the employer and worker representatives at organisational level. If there is no agreement on these methods between the employer and worker representatives, the employer is required to draft them and communicate them to all employees. Modalities of connection and disconnection must also be included in individual agreements between employers and teleworkers (either at the point of recruitment or when an employment contract is modified to include telework).

The Portuguese legislation does not explicitly mention the phrase 'right to disconnect' (but rather refers to a 'duty of absence of contact'). It states that employers must refrain from contacting any employee, regardless

of their place of work, during rest periods, except in the event of *force majeure*. *Force majeure* is not defined but can be considered to cover inevitable and exceptional situations, often linked to uncontrollable natural phenomena. Similarly, the term ‘contact’ is not defined in the legislation and can therefore cover telephone calls, text messages and other forms of digital communication.

Article L.312-9 of the amended Labour Code in Luxembourg requires the setting-up of a scheme ensuring compliance with the right to disconnect outside working hours.

The scheme must, in particular, set out:

- the practical arrangements and technical measures for disconnecting from digital devices
- awareness-raising and training measures
- arrangements for compensation in the event of exceptional derogations to the right to disconnect

The scheme must be adapted to the specific situations of companies or sectors and be implemented through a collective bargaining agreement or a subordinate agreement at sectoral or company level. In the absence of a sectoral or company-level collective agreement, the methods of implementing the right to disconnect must be defined at company level, in compliance with the relevant legal requirements in terms of information and consultation of the staff delegation (if such a delegation is in place).

- In companies with fewer than 150 employees, the staff delegation should be informed and consulted on the introduction or modification of a scheme safeguarding respect for the right to disconnect outside working hours.
- In companies with at least 150 employees, a mutual agreement must be reached between the employer and the staff delegation on the introduction or modification of the scheme.

The Irish code of practice is to be implemented through collective agreements or company policies. While not having the force of law, in Ireland a code of practice can be used in legal proceedings and its provisions can be taken into account in deliberations on relevant issues. Sanctions depend on individual court proceedings. The Financial Services Union was particularly active in advocating the code of practice and many of the existing company-level policies in this sector.

Sanctions

Although legislation including the right to disconnect at national level generally does not set out specific sanctions, penalties can be applied. Examples of these are as follows.

- Failure to apply higher-level agreements or breaches of company-level agreements can result in criminal or civil sanctions, respectively, in Belgium (in the private sector).
- In France, the employer can be sanctioned if their obligation to negotiate on equality and quality of life at work is not observed.
- Labour inspectorates can impose fines for breaches of labour law in Greece, Luxembourg and Slovakia.
- The Spanish Data Protection Agency can impose fines linked to breaches of the data protection act, which includes the right to disconnect.

In Belgium, although some perceive the new law as strengthening workers’ right to disconnect, others have identified shortcomings. Among these are a lack of specific sanctions and a lack of clarity around the provisions regarding the ‘absence of a collective labour agreement’ at company level. In relation to this, it has been argued that the employer might be seen as having a free choice on whether to make provisions in the company’s work rules rather than negotiating a company collective agreement (Pecinovsky, 2022).

In France, company-level agreements or charters are non-binding and no sanctions are imposed for breaching them. However, the employer may be sanctioned for failing to comply with the obligation to negotiate on the quality of life at work, including the right to disconnect. In this case, the employer may be punished with a year’s imprisonment and a fine of €3,750 (as set out in Articles L.2243-1 and L.2243-2 of the Labour Code). In addition, as part of employers’ general obligations in terms of health and safety at work, it is their duty to implement all means necessary to ensure the protection of their employees’ physical and mental health. The employer is obliged to assess the risks to which employees are exposed within the company, including those caused by the tools provided by the company and their use: a document must therefore include the risks presented by ‘hyperconnection’ to the physical and mental health of employees.

With regard specifically to teleworkers, the arrangements for monitoring working time and regulating employees’ workload and the time slots during which the employer can usually contact the teleworker must be specified.

Every employee is required to take care of their health and that of their colleagues, in accordance with their training and capabilities (as provided for by Article L.4122-1 of the Labour Code). This obligation means, in particular, that employees must not bring harm to their colleagues and must obey safety instructions. If employees abuse digital tools by repeatedly sending emails during their holidays or rest periods or those of their colleagues, the company must call the employees concerned to order and ensure the contractual provisions that it has itself introduced are respected. These provisions concern both managers and the employees themselves. Depending on the seriousness of the violations committed (the frequency and content of the messages, and the urgency of the situation), warnings or even heavier sanctions may be imposed.

In terms of penalties, the Spanish Data Protection Agency has the authority to impose fines on employers that do not comply with their obligations under the 2018 act, and the amount of the fine can range from €70 to €750 for minor infringements and reach up to €225,018 for more serious infringements. The agency is responsible for monitoring compliance with the law, and investigating and imposing fines for breaches of the law, but employers are also responsible for ensuring compliance with the law and can face civil and administrative liability for non-compliance.

In Slovakia, as the law is directly applicable, implementation through collective agreements or specific company policies is not necessary, and company policies can only detail or enhance the provisions in the law. No specific penalties for non-compliance are mentioned in the law. However, the National Labour Inspectorate is entitled to fine an employer that violates labour law. The amount of the fine depends on the degree and severity of the violation of the regulations and can range from €1,000 to €200,000.

Paragraph 12 of Article 67 of the Greek law on telework pertains to the monitoring of the provisions of the legislation by the labour inspectorate. In particular, it states that the inspectorate and other relevant authorities should be given access to metadata and data on communication between the company and the employee, through private or employer-owned communication devices, the internet and other modes of digital data transmission. Such access is to be considered necessary to verify workers' compliance with working hours while performing telework, and labour legislation in general, while ensuring business confidentiality as well as the confidentiality of the employee's personal data.

As the law makes it a duty of the employer to abstain from contacting workers during their rest time in Portugal, it has direct applicability. If the employers are challenged in court, proof of any contact made by them is in principle a breach of this duty and constitutes a serious administrative offence (Pinto Ramos, 2022). Serious offences are subject to the application of fines of between €612 and €9,690.

The amended Labour Code in Luxembourg provides for the delayed entry into force of Article L.312-10 regarding the sanctions applicable in the event of infringement of the obligation to implement a right to disconnect scheme. This article would only enter into force three years after the date on which the law is published in the official gazette. For companies covered by collective bargaining agreements or subordinate agreements, Article L.312-10 would enter into force three years after the date on which the law is published in the official gazette.

If employers breach the obligation to implement a right to disconnect scheme, they would be liable to incur an administrative fine of between €251 and €25,000, imposed by the Director of the Inspectorate of Labour and Mines (as set out in Article L.312-10 of the amended Labour Code).

Specific provisions for the public sector

In the French public sector, a decree was introduced in February 2016 providing a framework for telework in the public sector (Decree No. 2016-151⁴). It does not explicitly establish a right to disconnect but mentions that the administrative act setting up the framework must specify 'the time slots during which the agent carrying out his or her telework activities is at the disposal of his or her employer and can be reached'. A subsequent circular of March 2017 emphasises the importance of public administrations respecting the right to disconnect (*Circulaire du 31 mars 2017 relative à l'application des règles en matière de temps de travail dans les trois versants de la fonction publique*). In July 2021, public services and public service trade unions signed a framework agreement on telework that established the right of workers to ask to telework and focuses on their right to disconnect (*Accord relatif à la mise en œuvre du télétravail dans la fonction publique*). The agreement makes the case that it is more important to define and guarantee the effectiveness of the right to disconnect for teleworkers, as they are more reliant on the use of digital tools than employees working at their employer's premises. It stipulates that the modalities of

4 Decree No. 2016-151 of February 2016 setting up a framework for telework in the public sector and the judiciary.

implementing the right to disconnect must be negotiated as part of local social dialogue and suggests that an action plan should be adopted including, among other things, the:

- procedures (content, duration and target audience) for training in the proper use of digital tools
- practical arrangements for disconnecting from the company network
- practical arrangements for disconnecting from digital tools
- methods for adapting the workload of employees in the organisation to their working time
- monitoring procedures

No penalties for failure to negotiate relevant action plans are set out in the agreement.

Separate specific provisions have applied to Belgium's approximately 65,000 federal public sector workers since 1 February 2022 (implemented through the Amendment of 2 December 2021 of the Royal Decree of 2 October 1937 on the status of state employees (*Arrêté royal du 2 décembre 2021 modifiant l'arrêté royal du 2 octobre 1937 portant le statut des agents de l'Etat*) and Circular No. 702 of 20 December (Circulaire n°702 du 20 décembre 2021)). The royal decree provides that federal civil servants can only be contacted outside normal working hours in exceptional circumstances and cannot be treated less favourably for exercising their right to disconnect. The decree also stipulates that in order to ensure compliance with regulations for rest periods, annual leave and public holidays, and to preserve the balance between workers' professional and private lives, managers should organise, at least once a year, a consultation within the relevant consultative committee on disconnection from work and the use of digital means of communication.

In the public sector in Greece, the right to disconnect is provided for by Law 4807/2021⁵ on the principles governing teleworking, which entered into force on 1 January 2023. The provisions therein apply to permanent civil servants and to public sector employees with an employment relationship under private law of indefinite or fixed duration. This includes those employed under a salaried mandate contract, and seconded teachers who carry out administrative work, as long as the nature of their duties allows them to telework. The scope of application excludes (a) supervisors and (b) other educational staff and trainers in all structures at every level of education and training. Article 18 of the law provides that outside their contractual working time the teleworker has the right to disconnect from the ICT tools they use to perform their

duties without fear of less favourable treatment. By January 2023, no further circulars and/or ministerial decisions had been adopted to provide additional information on specific provisions, such as the implementation of the right to disconnect or penalties for its violation.

Collective agreements

Previous Eurofound research has examined the existence and evolution of collective agreements containing provisions on the right to disconnect (Eurofound, 2021a, 2022c). Additional information gathering for this report confirms the findings of these reports that the existence of national legislation on the right to disconnect has an impact on the number of sectoral and company-level collective agreements addressing the issue. Collective agreements exist not only in countries with relevant legislation but also – often at company level – in countries without such legislation (Eurofound, 2021a). Countries with such legislation, particularly where the right to disconnect is implemented explicitly through collective bargaining, have higher numbers of negotiated provisions seeking to regulate the methods of connection and disconnection and associated measures such as awareness raising and training. This section examines the available evidence on developments in sectoral and company-level collective bargaining focusing on or including the right to disconnect.

The new legislation in Belgium requires the reporting and registration of collective agreements and works agreements regulating the right to disconnect. However, as the deadline for such reporting was postponed from January to April 2023, available evidence on the presence and nature of such agreements (and the share of companies adopting company-level collective agreements or works agreements) remains limited beyond the more high-profile examples, such as the agreements at De Lijn, KBC, Lidl and Solvay (Eurofound, 2021a).

In France, the Ministry of Labour, Employment and Economic Inclusion carries out an annual assessment of collective bargaining (*Bilan annuel de la négociation collective*). According to its annual report for 2021, 1,550 company agreements deal specifically with the right to disconnect and the use of digital tools. This represents 25% of company agreements signed on working conditions. In addition, telework agreements (67% of company agreements signed on working conditions) also regularly contain clauses on the right to disconnect (Ministère du Travail, du Plein emploi et de l'Insertion, 2022). Dares (2022a, 2022b) has

5 Law 4807/OGG 96/A/11.06.2021: 'Institutional framework of teleworking, provisions for human resources in the public sector and other urgent regulations'.

analysed a large sample of company agreements on telework: 922 agreements and amendments on telework, signed and filed between 1 January 2021 and 30 June 2021, were identified. A representative sample (in terms of the type of text, type of signatory, type of signatory unit, size of company and sector of activity) of 151 texts was extracted and analysed. Clauses relating to risk prevention and ensuring the physical and psychological health of teleworkers, including reminders of the importance of ensuring disconnection, were found in 77% of the texts in the sample. The *Liaisons sociales* published a collective agreement dossier that analyses some 20 company agreements on telework (*Liaisons sociales Quotidien*, 2022). The analysis reiterates that a company agreement on telework must define the periods during which the employee must be contactable (as stated in Article L.1222-9 of the Labour Code). It found that the issue of telework agreements is most often dealt with jointly with the issue of the right to disconnect and indeed that these agreements often refer back to existing agreements and charters on the right to disconnect that predate telework agreements. This demonstrates the prominence of the issue even prior to the pandemic; it has only grown more prominent with the rise in telework. In terms of national collective agreements, Dares (2022c) finds that the right to disconnect was mentioned in around 17% of sectoral agreements.

In Spain, the Ministry of Labour and Social Economy reports that in 2020–2022 there were 27 sectoral agreements containing clauses on the right to disconnect (equating to 12% of all sectoral agreements). Ten of the most important sectoral collective agreements included right to disconnect clauses (such as those for the chemical industry and the wholesale and retail sectors), covering 798,001 workers in 2023. At company level, over the same period, most agreements including clauses regarding the right to disconnect were found in the following sectors: manufacturing (21.4%), retail (12.9%), information technology (6.3%), banking and insurance (4.5%), and facilities management (3.1%) (*Ministerio de Trabajo y Economía Social*, 2023). Overall, around 5% of company-level agreements contained such clauses. A number of recent studies in Spain have focused on the recognition of and impact of the right to disconnect. These point to systematic non-compliance (EFE, 2022) and persistent problems with over-connection where implementation and enforcement are lacking. Cópulo and Palau (2022) studied the implementation of the right in the region of Catalonia, finding that 95% of workers respond to work-related messages outside their working hours.

The National Council for Economics and Labour's archive of collective agreements in Italy provides information on private sector company collective agreements.⁶ It reports that more than 40 such agreements containing clauses on the right to disconnect were signed in 2021–2022 alone. In July 2018, Avogaro (2018) reported that 20 sectoral collective agreements and 30 company-level agreements on the issue were signed between 2017 and 2018.

Although in Greece the laws containing provisions on the right to disconnect in the public and private sectors only entered into force in January 2023, the number of company-level agreements that contain such provisions is increasing. A recent collective agreement in the banking sector (signed on 31 May 2022, with a two-year duration (2022–2024)) dedicates two paragraphs to the right to disconnect. It states, among other things, that the possibility of disconnecting will be ensured by providing the employee with specific solutions that will enforce their technical disconnection from all forms of digital communication, for example by providing them with the ability to disable the sending/receiving of emails and mute notifications for any digital collaboration tool. In Portugal, the 2022 report on the content of collective agreements had not yet been published at the time of writing in 2023, and therefore the impact of the legislation remains unclear.

As mentioned above, sectoral and company-level collective agreements including the right to disconnect are not unique to countries that have passed legislation on the issue, but they appear to be more widespread in these countries (Eurofound, 2020d, 2021a). Surveying workers in companies with and without a right to disconnect policy, this study aimed to assess their experiences of receiving and responding to work-related communications outside contractual working hours; how many additional hours they work and the reasons they work beyond their contractual working hours; and their work–life balance, health and well-being, and overall workplace satisfaction. To achieve this, the survey of employees focused on countries with legislation on the right to disconnect, which is largely implemented through social dialogue at sectoral and company levels. The following chapters of this report set out the findings of this survey and summarise the results of the questionnaire sent by email to HR managers.

⁶ <https://www.cnel.it/Archivio-Contratti/OLD-Contrattazione-decentralizzata-settore-privato/Accordi-e-protocolli-aziendali-di-gruppo>

2 Implementation of the right to disconnect at company level

Introduction

Existing research demonstrates the impact of the increasing geographical and temporal flexibility of work in terms of its positive and negative aspects for workers and employers (Eurofound, 2019, 2020a, 2020b, 2022a). Among policymakers there is a desire to maximise the benefits of flexible working while minimising its disadvantages. The implementation of the right to disconnect as a potential approach to curbing the risks of constant connection to work is being discussed at EU level and beyond. Previous Eurofound research and the information gathered as part of this project demonstrate that countries with legislative provisions on the right to disconnect tend to have a higher number of sectoral or company-level agreements and policies addressing the issue of connection to and disconnection from work than countries without legislation. Evidence from research on the methods of implementation – and particularly the impact of enforcing the right to disconnect at company level – is scarce, with the exception of a few studies (Pansu, 2018; Eurofound, 2021a; Cópulo and Palau, 2022).

As a follow-up to case studies on the implementation of the right to disconnect at company level, Eurofound commissioned a survey of employees in companies with and without a right to disconnect policy in four countries: Belgium, France, Italy and Spain. This survey aimed to gather further information on the implementation of the right to disconnect at company level and to assess whether the presence of a right to disconnect policy has an impact on workers being contacted outside contractual working hours, their performance of additional (paid and unpaid) working hours, and their perceptions of their well-being and work-life balance. A questionnaire was also disseminated by email to HR managers.

This chapter briefly explains the approach to and methodology of the survey before elaborating on the prevalence and implementation of the right to disconnect at company level. It also looks at employees' perceptions of other actions taken by companies to limit the performance of additional working hours not linked to any type of on-call or stand-by arrangements, whether or not an explicit right to disconnect is in place

(implemented through, for example, regular discussions on workload, and training to ensure workers are able to perform their tasks effectively and efficiently).

Chapter 3 assesses workers' experiences of out-of-hours connection, hours worked, well-being, work-life balance and satisfaction with working conditions in companies with and without a right to disconnect policy.

Methodology

Employee survey

The findings in this report are based on a computer-assisted web interview non-probability panel survey of employees in companies with and without a right to disconnect policy in Belgium, France, Italy and Spain.⁷ These four countries were selected because they were the first to legislate a right to disconnect. In all four countries, the implementation of the right to disconnect largely relies on social partner (or employer and employee) agreements. Together with the evidence around the increase in the number of collective agreements including provisions on connection and disconnection in countries with such legislation, these four countries were the most likely to yield as balanced a sample as possible of respondents in companies with and without relevant policies. The survey was carried out prior to the change in the Belgian legislation, which means that it reflects the situation under the 2018 legislation mentioned in the previous chapter.

The employee survey was carried out in December 2022. In addition, a questionnaire was circulated by email to employers in the four countries, with 13 responses received (out of 4,391 employers contacted: two each in Belgium and Spain, four in Italy and five in France). Six of these companies had a right to disconnect policy in place at the time the survey took place (the HR survey was open from July to December 2022). The low response rate among HR representatives can be explained by a variety of factors.

- In addition to outreach through LinkedIn, commercial lists of HR managers were used, which contained some outdated information.

7 The Spanish law is also directly applicable to workers taking related legal action.

- Managers were contacted through email, with a large share of those emails being automatically rejected as a result of email filters.
- Due to budget limitations, telephone follow-ups, which could have contributed to boosting the sample, were not possible.
- There was a very low level of interest from managers themselves.

Due to this low response rate, the results of the HR managers’ survey are only briefly summarised in Chapter 3 of this report.

To minimise the potential biases stemming from the use of a non-probabilistic sample (for example, economic self-selection), the computer-assisted web interview survey used a quota-based sample. Hard quotas in relation to age, gender and sector were set based on the data on aggregate employment derived from the publicly available Eurostat EU Labour Force Survey. Additional selection criteria for sectors included the potential for workers to be able to work remotely with digital tools and the inclusion of a right to disconnect in sectoral agreements. These were implemented to increase the probability of finding a balance of respondents from companies with and without a right to disconnect policy. The sectors included were accommodation and food service activities; administrative and support service activities; arts, entertainment and recreation; education; electricity, gas, steam and air conditioning supply; financial and insurance activities; information and communication; other service activities; professional, scientific and technical activities; real estate activities; wholesale and retail; and repair of motor vehicles and motorcycles.

After the fieldwork was completed, the data were screened and weighted according to a weight trimming methodology, so that the estimates produced were as close as possible to population figures with respect to age, gender and sector. A total of 2,000 observations were made as intended. Following data cleaning, a total of 1,634 observations were used for this report. Table 2 provides the sample breakdown by country.

Table 2: Number of observations per country

Country	Number of observations
Belgium	421
France	400
Italy	382
Spain	431

Source: Authors’ calculations, based on the Right to disconnect survey 2022

As a considerable number of respondents were routed away from answering some of the questions posed, the number of respondents for these variables is lower than the total sample. When disaggregated by the sociodemographic variables of interest, the sample sizes for certain segments are often lower than the advisable cut-off points. Therefore, the report does not analyse all variables, as the sample size does not allow for this level of disaggregation.

The findings of the report must therefore be interpreted in the light of the methodological limitations stemming from using an online, non-probabilistic sample based on a subset of economic sectors in the four countries included in the survey. In addition, while the survey used for this report is the most up-to-date empirical attempt to capture the effects of right to disconnect policies, it provides only a snapshot at a single point in time based on a list of variables selected to capture company- and worker-level characteristics.

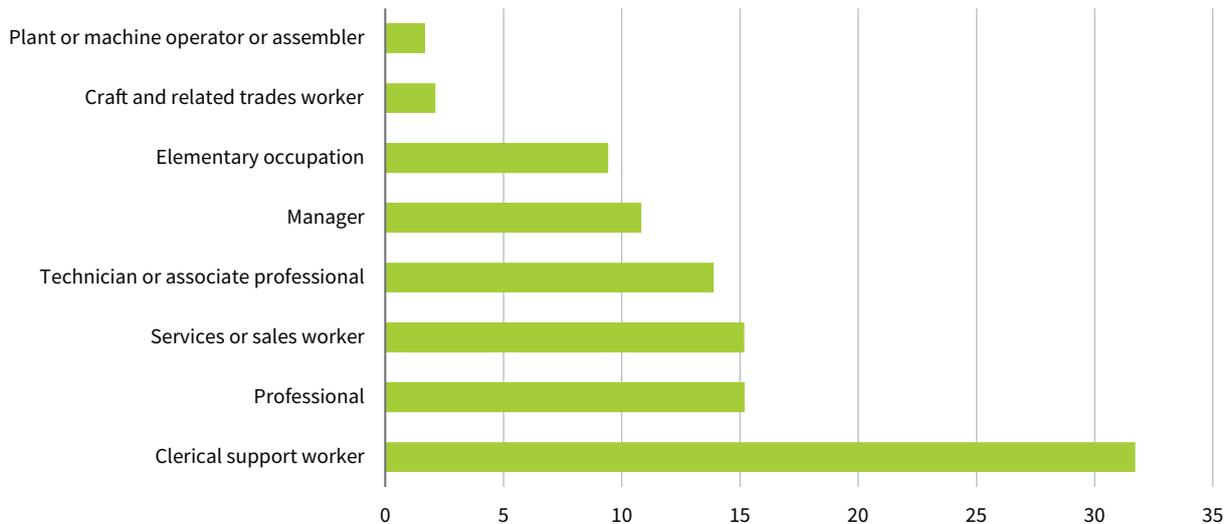
Characteristics of respondents

This section provides a brief overview of some of the key characteristics of the respondents to the employee panel survey. Across the four countries, around 80% of respondents were employed on a contract of unlimited duration. A further 20% were either on a fixed-term contract or employed by a temporary work agency. The share of respondents on fixed-term contracts was somewhat greater in Italy (25%). A number of respondents indicating that they were self-employed or had no employment contract were filtered out in the process of data cleaning.

Around 80% of respondents indicated that they worked full time, with slightly higher figures in France and Spain (around 83%) and a smaller share in Italy (76%). Most respondents were in the 25–54 age bracket, with only approximately 16% of respondents between the ages of 55 and 64 and around 5% aged 16–25. Respondents were relatively gender balanced, with 51% of respondents being women. For the purposes of the analysis, the sectors were divided into knowledge-intensive and less knowledge-intensive sectors using the Eurostat methodology for the allocation of sectors (Eurostat, 2023).⁸ Just over 60% of respondents worked in less knowledge-intensive sectors.

In the analysis, more granular sectoral breakdowns are only provided where the number of available observations for a variable allows a reliable assessment and differences between disaggregated sectors are of interest. The breakdown of the sample by occupation is shown in Figure 1.

⁸ The electricity, gas, steam and air conditioning supply sector was excluded from the analysis, entailing the removal of 32 observations.

Figure 1: Occupational profile of the survey sample (%)

Source: Authors' calculations, based on the Right to disconnect survey 2022

The share of respondents with more than 10 years' service with their current employer was high at just under 40%. Only 13% of respondents had been with their company for less than a year.

The targeting of the survey to sectors where the use of digital tools is more likely meant that fewer than a third of respondents (32%) indicated that they were not able to work remotely, with 43% stating that they were able to do all or most of their work remotely and the remainder able to perform some of their tasks away from their employer's premises.

Reflecting the findings from other Eurofound research, a larger share of workers with higher levels of education were able to work remotely most or all of the time: close to 50% of workers with bachelor's degrees, compared with 38% of those with a secondary or vocational education (Eurofound, 2022a). In addition, a larger share of workers in knowledge-intensive sectors than those in less knowledge-intensive sectors reported remote working (76% compared with 62%). More managers and technicians and associate professionals than other occupational categories were able to perform all or most of their tasks remotely using digital tools (around 55%), followed by clerical support workers (48%). The lowest share of remote working (for all or most tasks) was reported by services and sales workers (28%). More men than women indicated that they could do most or all of their work remotely (48% compared with 40%). During the pandemic, the share of respondents performing all of their work remotely more

than doubled, increasing from 17% to 38%. The higher than average share of workers who reported having teleworked during the pandemic is driven by the selection of sectors included in the survey.

Prevalence and implementation of the right to disconnect

This section assesses the prevalence of right to disconnect policies, as reported by respondents to the survey, and the nature of the implementation of the right to disconnect. When discussing the share of respondents in companies with and without a right to disconnect policy, it should be recalled that sectors where remote working is more prevalent were targeted for this research and the significance of a right to disconnect policy could therefore be considered greater. This will probably have led to a larger share of workers reporting having a right to disconnect than would be the case if all sectors of the economy in the countries covered were examined.

Prevalence of right to disconnect policies at company level

The survey achieved a relatively balanced sample of respondents in companies with and without a right to disconnect policy. While 56% of respondents indicated that no right to disconnect policy was in place in their company in December 2022, 44% stated that such a policy had been formulated.⁹ The greatest prevalence of

⁹ Respondents were asked 'Do you know if there is a right to disconnect policy in your company?', with possible answers 'Yes, definitely', 'Yes, I think so', 'No, I don't think so' and 'No, definitely not'. The reported findings cluster the four categories into two.

respondents reporting that they have a right to disconnect is found in France (54%), followed by Belgium (45%), Spain (42%) and Italy (36%). These country-level differences could be indicative of the length of time relevant legislation has been in place at national level. In Italy, the limitation of the scope of application of the legislation to smart workers and the inclusion of methods of connection and disconnection in individual employment contracts are additional factors that explain the smaller share of respondents whose company has a right to disconnect policy.

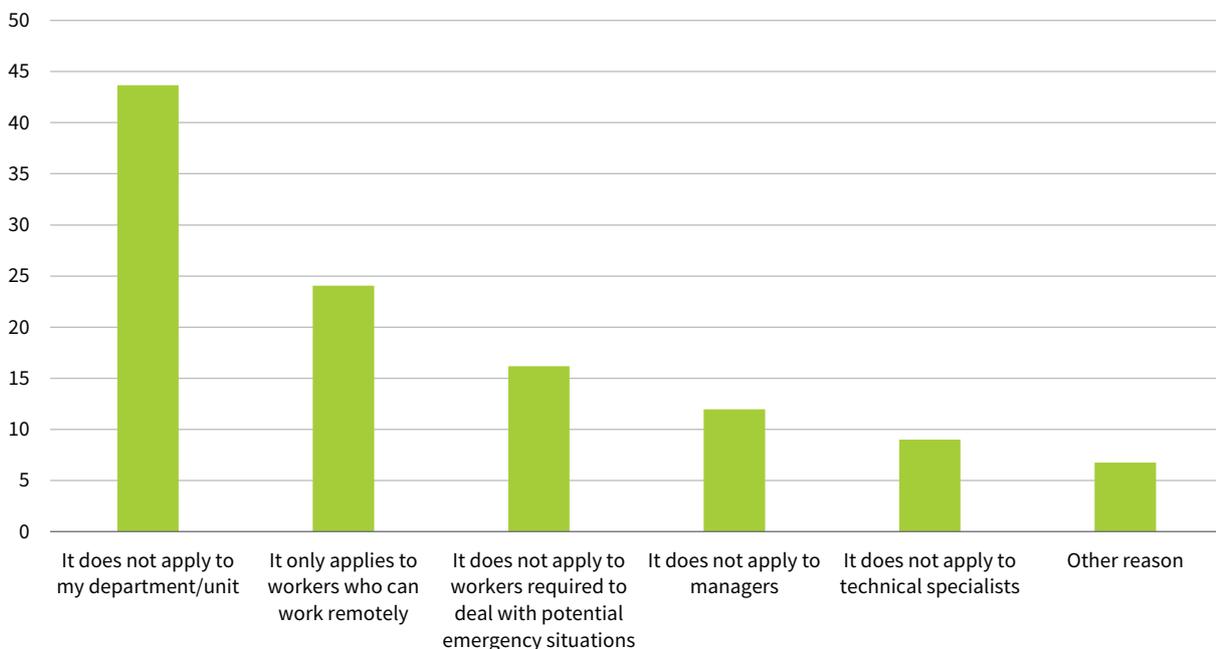
Looking at sectors, 49% of respondents working in knowledge-intensive services indicated that their company had a right to disconnect policy and 51% indicated that their company did not have one; 41% of respondents working in less knowledge-intensive services indicated that their company had a right to disconnect policy as opposed to 59% who said that their company does not have such a policy. This is linked to the type of sectors that are included in the knowledge-intensive services aggregation, for example information and communication, financial and insurance services, and professional, scientific and technical activities. In these sectors, between 50% and 60% of respondents reported working in a company with a right to disconnect policy. In terms of occupational profiles, a larger share of managers,

technicians and associate professionals, and clerical support workers reported that they worked in a company with a right to disconnect policy.

Previous company case studies carried out by Eurofound indicate that the scope of application of right to disconnect policies can vary, with some excluding managers and high-level experts, and others only covering those working remotely at least some of the time (Eurofound, 2021a). This finding was confirmed by the survey. Among those respondents in companies where a policy was present, 80% reported that its provisions applied to them, whereas one-fifth considered that they were not covered.

The main reason provided for considering that the policy does not apply is that the policy does not apply to the respondent’s department (44%) (see Figure 2). Almost a quarter of respondents indicated that the policy only applies to workers who can work remotely. There could be a degree of overlap between these two categories. Some 16% of respondents stated that workers who must deal with potential emergency situations are excluded, while only 12% and 9%, indicated that the right to disconnect does not apply to managers and technical specialists, respectively.

Figure 2: Reasons for the right to disconnect not applying to respondents (%)



Source: Authors’ calculations, based on the Right to disconnect survey 2022

Arguably, the existence of a policy is not sufficient by itself to influence company culture in a situation where a climate that gives a sense that constant connection is expected or rewarded has been cultivated, or to raise awareness among workers of the risks that over-connection poses to health and well-being. Concrete actions must be taken and monitored, and workers have to be (made) aware of these actions and participate in them where appropriate. This is confirmed by the finding that only 50% of workers in companies with right to disconnect policies are aware of actions having been taken to implement the right to disconnect in their company.

Respondents were therefore asked to specify which implemented actions they were aware of and which of these actions they had participated in.

Implementation of the right to disconnect

Provisions on the right to disconnect at company level take different forms and can be included in company agreements or other joint (or indeed unilateral) texts. Differences are also evident in terms of focus (such as the right to disconnect, telework, work-life balance, gender equality, health and safety, or other), scope, signatories involved and coverage (Eurofound, 2021a). The specific nature (for example, company collective agreement, works agreement, or jointly or unilaterally developed policy), focus and signatories of the company texts implementing the right to disconnect were not investigated as part of the employee survey, but their coverage was assessed by asking respondents whether the policy applied to them (see the previous section).

In general, the right to disconnect is implemented through either 'hard' or 'soft' approaches to disconnection. A review of the literature that analyses the types of instruments used by companies to implement the right to disconnect, and that is largely based on case studies rather than survey data, indicates that soft approaches are more common (Eurofound, 2021a). Soft approaches tend to focus on awareness raising, training, agreeing on hours of availability and the management of out-of-hours communication. Awareness raising and training largely focus on the risk that over-connection poses to health and work-life balance. By comparison, hard approaches tend to involve the severing of connections between message delivery systems and digital mobile devices, and automatic deletion of messages received during a

worker's annual leave, with a reminder delivered to the sender to recontact the worker following their return to work (Eurofound, 2021a).

The survey investigated the extent to which different approaches to the implementation of the right to disconnect and methods of connection and disconnection are present at company level. Based on the literature and previous findings by Eurofound, respondents could select from different options for actions that might be taken and measures to ensure disconnection and limit over-connection included in the European cross-industry social partners' agreement on digitalisation (BusinessEurope et al, 2020).

The survey responses do not support previous findings in the literature that soft approaches are more common in implementing the right to disconnect. As Table 3 shows, the two most common measures identified by respondents are automatic deletion of email messages received during holidays, with a message delivered to the sender to recontact the recipient following their return, and stopping work email delivery during certain times. This could be due to the increasing prevalence of technical tools that allow for the management of emails (for example, delayed sending and automatic out-of-office messaging) and the greater visibility of these types of measures to employees. Raising awareness of the right to disconnect policy is also relatively common. The setting of a so-called communication corridor (times outside which making contact should be avoided, unless an emergency situation arises) was also reported by 1 in 4 respondents. This is often combined with the management of out-of-hours connection through the delivery of standardised messages to indicate that employees are not required to respond to communication outside their working hours, as indicated by employees aware of such actions having been taken. The two least common measures reported in relation to the right to disconnect are training for managers and training for employees. These actions are identified by 19% and 12% of employees, respectively.

Table 3 also shows that the most common action in which respondents reported their participation is the automatic deletion of email messages received during holidays, followed by stopping work email delivery during certain times and prohibition of contact with colleagues outside working hours. Furthermore, only around 1 in 10 respondents reported having participated in training related to the right to disconnect for either managers or employees.

Table 3: Actions taken to implement the right to disconnect and measures respondents have participated in (%)

Action	Action implemented	Respondent participated in action
Automatically deleting email messages received during holidays	40	42
Stopping work email delivery during certain times	32	24
Raising awareness of the right to disconnect policy	25	17
Setting up an email/communication corridor	25	21
Managing out-of-hours connection	21	18
Prohibiting contact with colleagues outside working hours	21	23
Providing training for managers	19	11
Providing training for employees	12	11

Note: Response percentages refer to those who indicated that a right to disconnect exists in their company and who were aware of actions implemented in relation to the right to disconnect.

Source: Authors' calculations, based on the Right to disconnect survey 2022

Key findings: Prevalence and implementation of the right to disconnect

- Around 56% of respondents indicated that no right to disconnect policy was present, with 44% declaring the existence of such a policy in their company. Where it was present, around 80% of respondents stated that the policy applied to them. The reasons most commonly given for why the policy did not apply were that it was limited to specific departments and to those able to perform at least some of their work remotely.
- Only half of respondents in companies with a right to disconnect policy were aware of actions having been taken to implement it.
- The most common actions reported by employees in relation to the right to disconnect were the automatic deletion of emails received during holidays and measures to stop the delivery of work email during certain times. These were also the actions that the majority of respondents reported that they had participated in. In contrast, soft measures such as training and awareness raising were less commonly reported.

Actions taken to limit the number of additional hours worked

As mentioned in the introduction, the right to disconnect is defined as a worker's right to be able to disengage from work and refrain from responding to work-related electronic communications, such as emails, calls or other messages, during non-working hours. A European Parliament resolution of January 2021 defines 'disconnect' as 'not to engage in work-related activities or communications by means of digital tools, directly or indirectly, outside working time' (European Parliament, 2021, Article 2). Although the emphasis is on disengaging from work-related communication using digital tools, reference is also made to refraining from 'work' or 'work-related activities'. This arguably emphasises workers' need not to engage in work-related activities outside contractual working hours, irrespective of whether they are directly linked to being contacted electronically. In discussing additional working hours, it is clearly important to distinguish between additional hours performed in the context of contractually agreed overtime, which is paid and can attract an overtime premium; stand-by or on-call hours, whose status with regard to working

time regulation is governed by case law linked to the European Working Time Directive; occasional requested overtime (paid or compensated through time off); and additional hours that may or may not be compensated and are not agreed but are performed usually because a worker is unable to complete their work during their contractual working hours or because they are contacted out of hours.

The Working Time Directive sets limits on weekly working hours and makes provisions for required rest time. The policy emphasis is therefore on ensuring that such limits are respected and that any additional hours performed outside contractual hours (including agreed contractual overtime) are compensated either financially or through time off.

Respondents were asked whether their company took any action to limit the number of hours workers might be required to work outside the contractual hours set (or any agreed overtime). The rationale for asking this question was twofold. On the one hand, it allowed employees working in companies without a right to disconnect policy to indicate whether any actions had been taken to discourage constant connection and thus limit the number of, often unpaid, additional hours worked. On the other hand, it took into account the

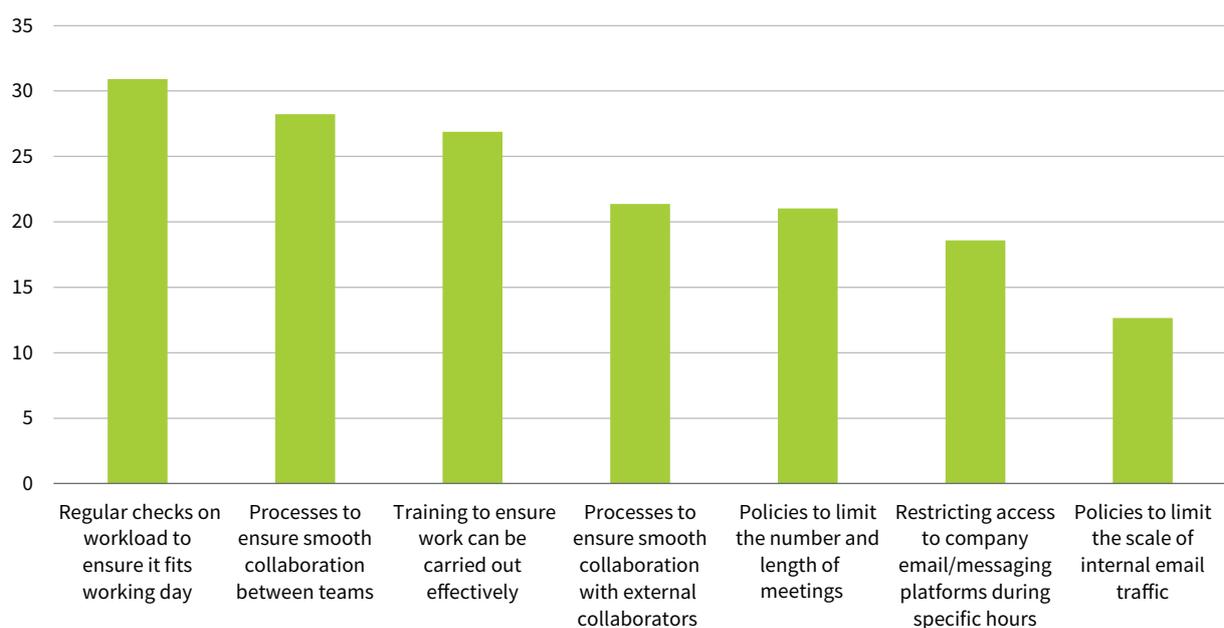
finding that right to disconnect policies rarely specifically mention the importance of ensuring that workloads are commensurate with working hours in order to prevent workers feeling the need to stay connected to perform additional work beyond their contractual working hours (Eurofound, 2021a). The question also made it possible to assess whether companies with a right to disconnect policy tend to pay more attention to other factors contributing to over-connection.

Around 60% of respondents indicated that no specific actions had been taken in their company to limit the performance of additional hours outside contractual hours. The highest share of respondents reporting that such actions had been taken was found in Belgium (46%), with workers in Italy reporting the lowest incidence (32%). More young workers than older workers agreed that their company was active in this area (69% of 16- to 24-year-olds compared with 34% of 55- to 64-year-olds). The probability of reporting the presence of such measures decreases with age. More women than men indicated the absence of such measures (64% compared with 56%). A larger share of employers in less knowledge-intensive sectors than those in knowledge-intensive sectors implement such activities (41% compared with 38%). More than half of workers able to do all or most of their tasks from home reported that actions had been implemented in this area, while only 30% of those unable to work from home indicated that this was the case, probably reflecting the greater requirement for such measures when work can be performed any time and from anywhere.

Over 55% of workers indicating the presence of a right to disconnect policy in their company also reported that actions were in place to limit working hours. This was the case for only 28% of workers in companies without a right to disconnect policy. Around 45% of workers in companies with a right to disconnect policy reported no specific measures to limit additional working hours. This rose to 72% for those without a right to disconnect policy. These findings indicate a potential link between awareness of the requirement to address the risks of constant connection and an understanding of its correlation with workload or work demands that may encourage workers to remain connected beyond their contractual working hours.

Respondents who noted that their company had implemented some actions to limit additional hours worked were prompted to indicate what specific measures had been taken. Among the listed actions, three main measures appear to be rather evenly applied across companies and were mentioned by close to a third of respondents: regular checks on workload to ensure it is compatible with the standard working hours (31%), establishing processes to ensure smooth collaboration between teams (28%) and organising training to ensure work can be carried out effectively and efficiently (27%) (see Figure 3). In addition, about a fifth of companies were implementing processes to ensure efficient collaboration with external contractors and collaborators and policies to limit the number and length of meetings (21%). Other policies implemented involve restricting access to the company email or

Figure 3: Actions implemented to limit the number of hours workers have to work in addition to their contracted working hours (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

messaging system to certain times of the day (19%), and reducing internal email traffic (13%).

Among the four countries, a larger share of respondents in Spain reported the presence of regular workload checks and training to limit additional hours worked. Actions to ensure smooth collaboration between teams and with external collaborators were most common in Belgium and France. More workers in France reported efforts to limit the length of meetings. Restrictions on access to company communication systems, and policies to limit the number and length of meetings, were least common in Belgium, where only 15% and 16% of respondents, respectively, identified the existence of these actions.

Looking at the distribution of activities reported by age group, a larger share of young workers (aged 16–24) than older workers (aged 55–64) reported that action had been taken to restrict access to company emails outside office hours and policies had been implemented to limit internal email traffic. Older workers were more likely to report regular checks on workload, training activities and processes to ensure smooth collaboration between teams. These are also the actions most often reported as having been implemented by prime age workers (aged 25–54).

Gender differences are generally not very large (1–3 percentage points). However, two types of actions stand out: policies to limit internal email traffic and the restriction of access to company emails during specific hours. In both cases, more men than women (differences of 6 and 7 percentage points, respectively)

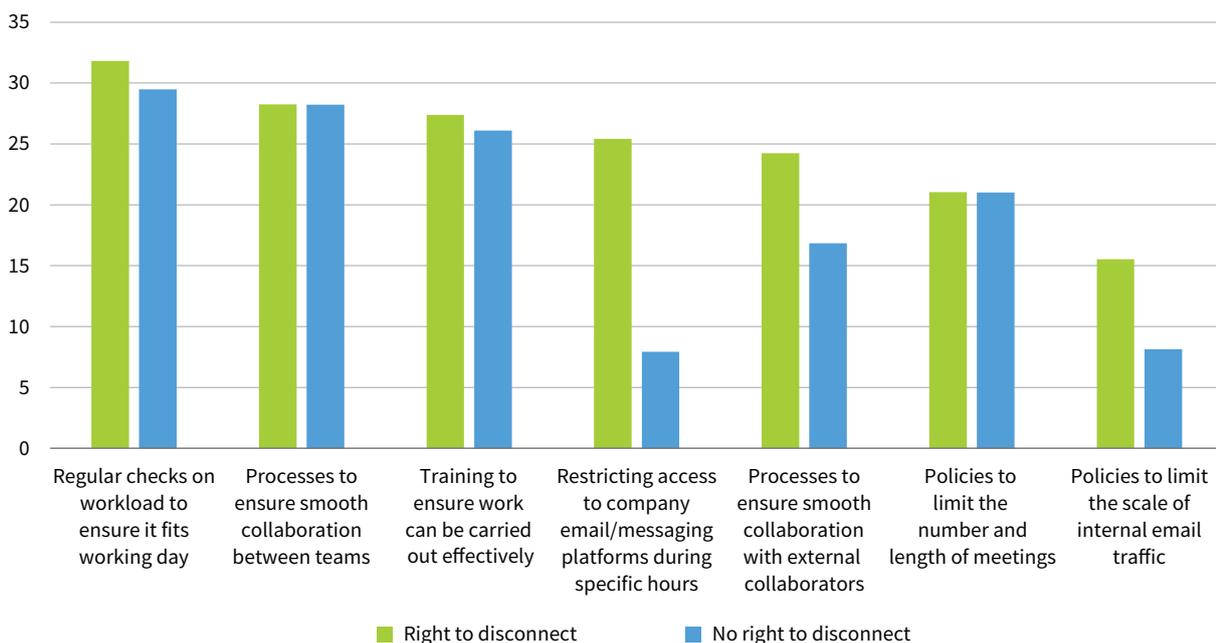
reported that such actions had been taken in their workplaces.

Differences between sector aggregates are more pronounced: 35% of workers in less knowledge-intensive services reported regular checks on workload compared with 24% of workers in knowledge-intensive services. In contrast, a larger share of workers in knowledge-intensive services reported the implementation of policies to limit the number and length of meetings (by 10 percentage points), processes to ensure smooth collaboration with external contractors (by 8 percentage points) and training measures (by 5 percentage points).

While more managers than workers in other occupational groups stated that their companies implemented processes to ensure smooth collaboration between teams (40%), only 20% of professionals shared that same opinion. A larger share of technicians and associate professionals stated that regular checks on workload were implemented in their companies (39%), and a larger share of professionals stated that their company organised training to ensure work is carried out effectively and efficiently (38%). More technicians and associate professionals reported the existence of policies that restrict access to emails during certain hours.

A larger share of respondents who could not perform any of their tasks remotely than those who could complete tasks remotely reported regular workload checks (40%). However, training measures, processes enabling smooth collaboration with external contractors, policies to limit internal email traffic, and

Figure 4: Actions implemented to limit the number of hours workers have to work in addition to their contracted working hours (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

the restriction of access to company communication systems are more common among respondents able to do all or most of their work from home.

As Figure 4 shows, the largest differences between companies with and without a right to disconnect policy with respect to actions implemented to limit the number of working hours appear in relation to the restriction of access to company emails, the establishment of processes to ensure smooth

collaboration with external contractors and the existence of policies to limit internal email traffic. The higher prevalence of access restrictions in companies that have a right to disconnect policy confirms that ‘hard’ measures are indeed used to ensure disengagement from work, and could indicate that respondents conflate measures aimed at reducing the need to work additional hours with measures specifically targeted at the right to disconnect.

Key findings: Actions to limit additional working hours

- Around 40% of respondents stated that their companies took measures to limit the number of additional hours workers need to work beyond their contractually agreed working hours. Such measures were more commonly reported by workers able to work remotely than by those who are not. A larger share of workers in companies with a right to disconnect policy than those in companies without such a policy report the implementation of these types of measures (55% compared to 28%).
- More young people than older people reported the existence of such measures, while fewer women than men did so.
- Approaches include performing regular checks to ensure workload is commensurate with working hours (reported by 31% of respondents), implementing processes to ensure smooth collaboration between teams (28%) and conducting training to ensure workers can perform their work effectively (27%).
- A much larger share of companies with a right to disconnect policy than companies without such a policy restrict access to company email and messaging systems during specific hours, although this could be due to respondents conflating actions directly linked to the right to disconnect policy with measures to limit the number of additional hours worked.

3 Impact of the right to disconnect at company level

This chapter assesses the extent of over-connection to work in companies and the reasons for its occurrence, as well as the impact of being contacted outside contractual working hours on working time. It assesses the impact of being contacted outside contractual working hours and of performing out-of-hours work on workers' health in terms of the prevalence of a number of common health conditions and the number of sick days reported. In addition, it examines the work-life balance of workers and their overall satisfaction with working conditions. Using survey data, the situation of workers in companies with and without a right to disconnect policy is compared in order to evaluate the links between having such a policy in place and work organisation, working time and other self-reported indicators of job quality.

An 'always on' culture?: Patterns of and reasons for out-of-hours communication

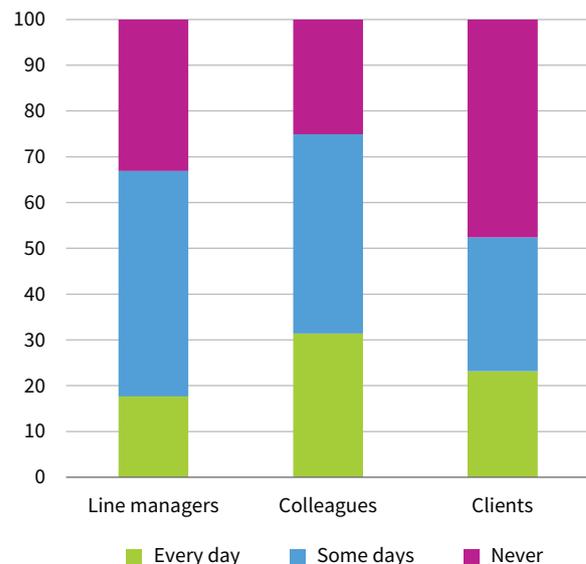
At the core of the debate on the right to disconnect is the desire to reduce the actual or perceived requirement for workers to remain connected to work-related telephone, email and other communication systems and to carry out work outside their contractual working hours. As indicated in the Introduction, research at national level shows that many workers feel that they should remain connected outside their contractual working hours, and many are contacted during this time (Eurofound, 2022b).

To contribute to this evidence base, survey respondents were asked about the frequency and patterns of out-of-hours communication received (for example, in terms of who contacts them and by what means) – and to what extent they respond to this communication – and the impact this has on their working time, well-being and work-life balance.

Frequency and patterns of out-of-hours communication

More than 80% of respondents indicate that during a typical working week they are contacted about work-related issues outside their contractual working hours. As shown in Figure 5, workers are most frequently contacted by colleagues (31% every day and 43% some days), followed by line managers (18% every day and 49% some days). Contact from clients is less common, but still frequent (23% every day and 29% some days).

Figure 5: Frequency of communication for work-related reasons in a typical week (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

A larger share of workers in Italy and Spain are contacted by their line managers and colleagues outside contractual working hours either every day or on some days. Workers in Italy are the most frequently contacted by line managers and colleagues every day (20% and 42%, respectively).

A larger share of men report being contacted outside working hours, in particular by their line managers. Almost three-quarters of male employees are contacted either every day or on some days by their line managers, compared with 61% of women, and 77% of men are contacted by colleagues compared with 73% of women.

Looking at the data broken down by age, the youngest age group (aged 16–24) is most frequently contacted by line managers and clients outside working hours. A more granular look reveals that 82% are contacted every day or on some days outside working hours by line managers, 77% by colleagues and 66% by clients. The high share of young workers in this situation is potentially linked to the weaker labour market position of this age group and the more fragmented and precarious employment that young people experience relative to other labour market groups (Orfao et al, 2021). The age group that is the most frequently contacted by colleagues outside standard working

hours is the 25–39 years cohort. The level of out-of-hours contact from line managers decreases with the age of the worker, with 66% of the 55–64 age group reporting being contacted.

An analysis of the data by level of education shows that a higher level of education is associated with being contacted more often by managers, colleagues or clients outside contractual working hours. For example, 31% of respondents with secondary education reported never being contacted by colleagues outside working hours, 10 percentage points more than those who are educated to master's level or higher. At the same time, a larger share of respondents with an education level equivalent to a bachelor's degree or higher reported being contacted some days by managers, colleagues or clients.

The data reveal that the sector in which the respondent's company operates can play a role in the frequency of communication for work-related reasons outside working hours. A larger share of workers in knowledge-intensive sectors than in less knowledge-intensive sectors are contacted by line managers, colleagues and clients (70% compared with 65%, 79% compared with 72% and 55% compared with 51%, respectively). The highest share of workers contacted by line managers can be found among those in the ICT sector, followed by those in the accommodation and food services sector and those in the finance and insurance sector.

In terms of their role at work, the data show that larger shares of managers and professionals than workers in other occupational groups are contacted for work-related reasons outside working hours, specifically by line managers (81% and 70%, respectively). On the other hand, only 57% of workers in elementary occupations are contacted by line managers outside working hours.

The data also indicate that there is variation in the frequency with which individuals are contacted for work-related reasons outside working hours, based on their ability to perform their work remotely. Generally – and unsurprisingly – a higher percentage of those who cannot perform any of their tasks remotely report never being contacted by managers, clients or colleagues outside working hours. The opposite is true for those who can perform most or all of their tasks remotely. One in five workers in this group report being contacted by their line manager every day, and one in three are contacted outside working hours by colleagues every day.

Differences also emerge with regard to contact with managers, colleagues and clients and whether or not agreed overtime is paid. In general, a larger share of those with agreed paid overtime report being contacted

outside their working hours every day, which could be linked to their working of overtime hours.

The most common means of contacting workers out of hours is by work email¹⁰ (58%), followed by work phone (44%), private phone (33%) and video calling platforms (22%).

Responding to out-of-hours communication

Share and characteristics of those responding to out-of-hours communication

In order to assess how much communication leads to action on the part of the worker and therefore arguably the performance of (paid or unpaid) working time, respondents were asked about their response to calls and messages they receive outside their working hours. Almost 9 in 10 respondents say that they take some form of action because of being contacted (Table 4). Close to one in four respondents (23%) indicate that they respond to all calls or messages, while almost 4 in 10 (38%) say that they take most calls or reply to most messages and close to 3 in 10 (28%) respond to some calls or messages.

More respondents in France (27%) and Belgium (24%) than in Spain and Italy respond to all communication and requests for work outside standard working hours. Spain has the lowest proportion of such responses (19%).

When looking at the data by age, the youngest group (aged 16–24) has the highest percentage of respondents who reply to all or most calls or messages outside working hours (70%), while the oldest group (aged 60–64) has the lowest share (58%). This could relate to the greater pressure people at the start of their career feel to remain available to work and their desire to show strong commitment in order to advance, but could also be linked to the greater use of smartphones by younger workers and their generally higher level of connectedness.

Similar percentages of men and women respond to all or most calls or messages they receive outside working hours (61% and 60%, respectively) and to none (11% and 12%, respectively). There are also small differences between sectors in the levels of response. At a more granular level, the accommodation sector has the highest percentage of respondents who respond to all calls or messages outside working hours (72%), while those in the professional, scientific and technical activities sector are least likely to respond to messages outside working hours (53%).

When analysing the data by job role, a larger share of managers than workers in other occupational groups respond to all or most work-related communication out

¹⁰ This includes emails that arrive out of hours that do not require an immediate response.

of hours (74%), with the share among professionals also high (66%).

More respondents able to perform all or most of their tasks remotely respond to all calls or messages outside working hours than those who cannot work remotely or

can do fewer of their tasks remotely. This is probably influenced by their access to mobile digital tools. The majority of workers (57%) who are paid for overtime respond to messages received outside working hours, which may be linked to the additional hours they work.

Table 4: Share of workers responding to communication outside working hours and feeling obliged to do so (%)

Variable	Responding to out-of-hours communication				Feeling obliged to respond
	All	Most	Some	None	
Total	23	38	28	11	57
Age					
16–24	26	44	26	3	72
25–39	22	41	24	12	60
40–54	24	34	30	12	54
55–64	22	36	30	12	54
Gender					
Men	22	39	28	11	58
Women	24	36	27	12	57
Education level					
Secondary/vocational and below	23	38	26	13	57
Bachelor's degree and above	23	38	29	10	58
Sector					
Less knowledge intensive	23	36	28	13	56
Knowledge intensive	23	40	27	10	59
Occupation					
Manager	33	41	21	5	67
Professional	25	41	27	8	62
Technician or associate professional	20	42	28	10	58
Clerical support worker	20	31	32	17	51
Services or sales worker	25	34	29	13	57
Elementary occupation	23	46	22	10	57
Working remotely					
All of my tasks	34	28	19	18	57
Most of my tasks	17	52	24	6	61
Some of my tasks	20	38	35	6	60
None of my tasks	25	29	29	17	51
Working time arrangements					
Fixed by employer	23	28	28	13	57
Partly determined by yourself	20	30	30	9	56
Fully determined by yourself	34	41	19	6	61
Right to disconnect policy					
Yes	23	44	23	10	60
No	23	32	31	14	55

Note: Percentages for plant and machine operators and assemblers and for craft and related trades workers are not reported due to the small number of observations.

Source: Authors' calculations, based on the Right to disconnect survey 2022

Reasons for responding

The reasons attributed to constant connection or over-connection are much debated, the most notable being company culture, pressure from managers (Challenger, Gray & Christmas, Inc., 2017; Nikos Poulantzas Institute, 2021), the expectation of a positive impact on pay and career progression (Hassler et al, 2014), incompatibility between workload and working hours (Pangert et al, 2017), self-exploitation (Chung, 2022) and a broader societal emphasis on constant connection to social media and other media (De-Sola Gutiérrez et al, 2016).

The survey sought to assess the reasons why workers remain connected outside working hours by asking respondents who stated they replied to out-of-hours communication whether they felt obliged to respond and to give their reason for doing so, choosing from a list of possible reasons.

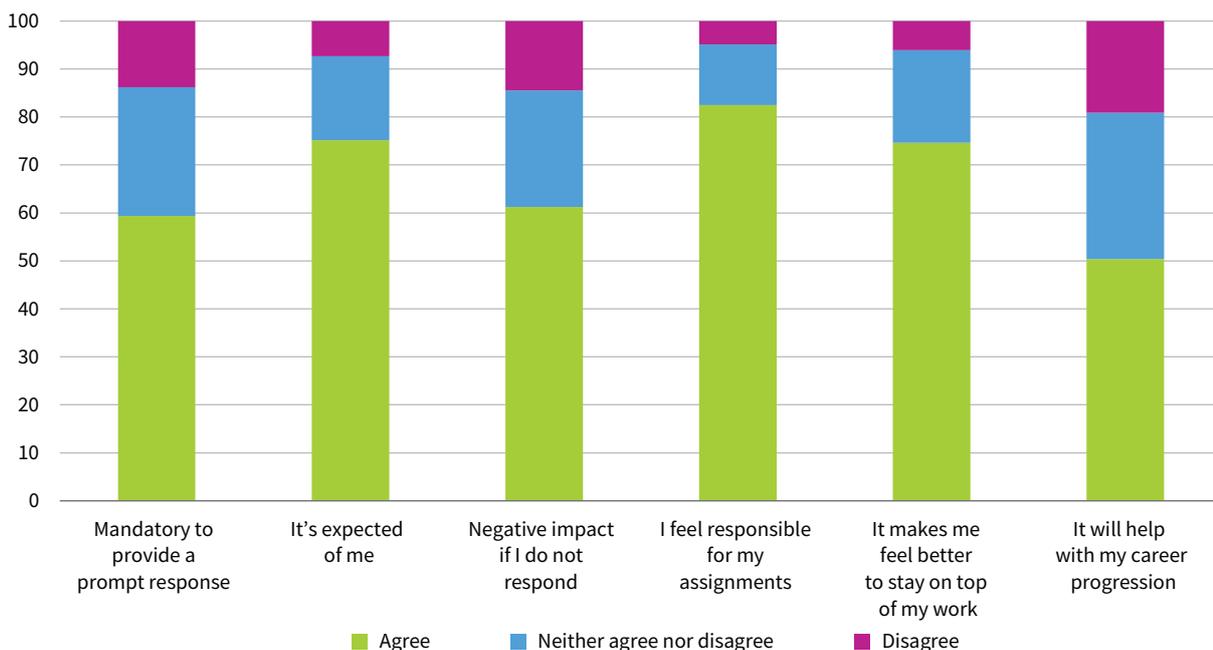
When asked whether they felt obliged to respond to such communication, 57% of respondents answered in the affirmative (see Table 4). A larger share of workers in Italy than in Belgium, France and Spain indicated this (63%) and the lowest share was found among workers in Spain (52%). More young people than older people feel obliged to respond. No significant difference is recorded between men and women or between more and less educated workers. A larger share of workers in knowledge-intensive sectors than in less knowledge-intensive sectors feel obliged to respond to out-of-hours communication (59% compared with 56%).

The same is the case for managers and professionals compared with other occupational groups. Being able to work remotely also increases the likelihood of workers feeling an obligation to respond to out-of-hours communication (around 60% of those able to work remotely compared with 51% of those working solely from the employer’s premises felt obliged to respond), which can be linked to the accessibility of mobile digital tools to perform work. The share of those who feel obliged to respond among respondents who are paid for overtime is 65%, 30 percentage points higher than among those who are not paid for overtime. This could, of course, be linked to being paid for their additional hours of connection.

Respondents were also provided with a number of possible reasons to explain why they answer calls and respond to messages outside their contractual working hours, to gain a better understanding of their need to remain constantly connected to their workplace.

The reasons most frequently cited are that they feel responsible for their assignments (82% agree, 13% neither agree nor disagree and 5% disagree), that providing immediate responses makes them feel better, as they are able ‘to stay on top of things’ (75% agree, 19% neither agree nor disagree and 6% disagree) and that it is expected of them (75% agree, 18% neither agree nor disagree and 7% disagree) (see Figure 6). In addition, 61% fear a negative consequence if they do not respond and 59% state that it is mandatory to provide a prompt response. Furthermore, 50% believe

Figure 6: Reasons for responding to out-of-hours calls or messages (%)



Note: Percentages for plant and machine operators and assemblers and for craft and related trades workers are not reported due to the small number of observations.

Source: Authors’ calculations, based on the Right to disconnect survey 2022

that constant connection and the willingness to respond to communication outside contractual working hours will assist with their career progression. More women than men indicate that they feel responsible for their assignments and that it makes them feel better to stay on top of their work, whereas a larger share of men perceive that it is mandatory to provide a prompt response.

When it comes to comparisons between countries, the largest difference in the figures for reasons for answering calls and messages outside contracted hours pertains to whether it is perceived to be mandatory to respond or not. In this regard, 67% of respondents in Spain and 66% of respondents in France agreed that it is mandatory to respond, compared with 52% in Italy and 53% in Belgium.

A sociodemographic analysis shows that a larger share of older respondents than younger respondents indicate that they feel responsible for their assignments (92% compared with 66% among 16- to 24-year-olds) and that it makes them feel better to stay on top of their work (81% compared with 72% among 16- to 24-year-olds). More young workers than older workers assert that staying connected outside working hours will help with their career progression (61% compared with 41% among 55- to 64-year-olds). More workers in managerial or professional roles than workers in other occupational groups agree that they ‘feel responsible for their assignments’.

Lastly, the survey results show that respondents who are able to perform all/most of their work remotely are more likely to agree with the statements ‘It is mandatory to

provide a prompt response’, ‘There will be a negative impact if I don’t respond’ and ‘It will help with my career progression’ (see Figure 7). A larger share of workers unable to work remotely indicate that it is expected of them, they feel responsible for their assignments and it makes them feel better to stay on top of their work (in some sectors, even if unable to work remotely, workers can still be contacted out of hours via digital tools, for instance to schedule additional shifts etc.).

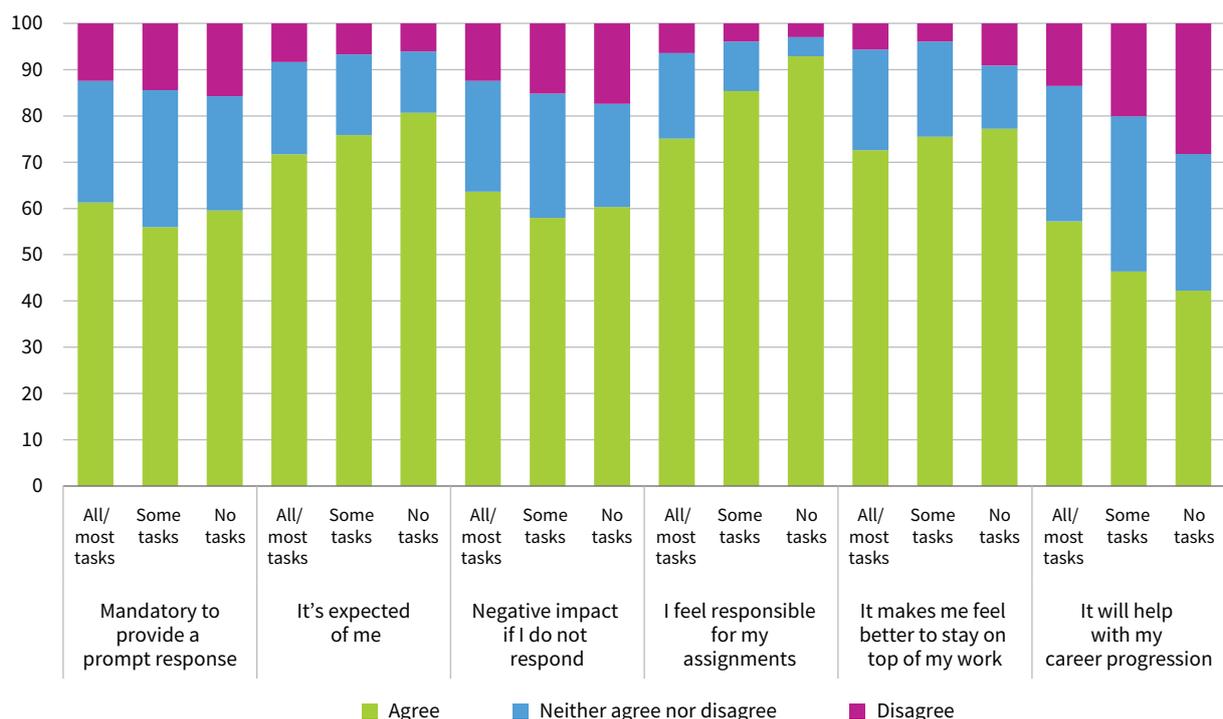
The right to disconnect and out-of-hours communication

The survey then assessed whether having a right to disconnect policy in place in a company cuts down on out-of-hours communication, changes workers’ rates of responding and has an impact on their reasons for responding.

At first glance, it appears as if a larger share of respondents in companies with a right to disconnect policy are contacted out of hours. However, more of these workers work in companies where tasks can be performed remotely, which increases the likelihood of them being contacted. When all other related factors (sociodemographic and work-related variables) are controlled for, there is little difference between companies with and without a right to disconnect policy in relation to the likelihood of workers being contacted out of hours.

A slightly higher proportion of respondents who believe that there is a right to disconnect policy in their

Figure 7: Reasons for responding to out-of-hours calls or messages, by ability to work remotely (%)



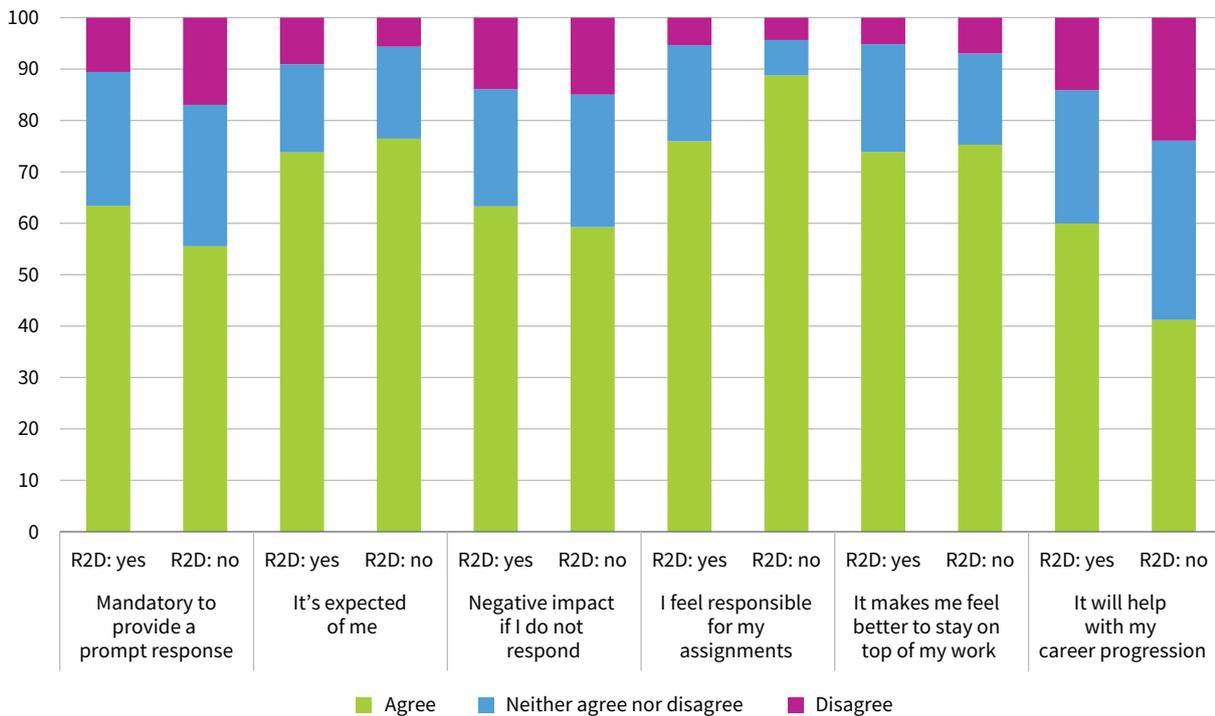
Source: Authors’ calculations, based on the Right to disconnect survey 2022

establishment say that they respond to out-of-hours communication because they think that it is mandatory for them to provide a response, because there may be a negative impact if they do not respond and because responding may help with their career progression. A smaller share of respondents in establishments with a right to disconnect policy respond because they feel that it is expected of them and because they feel responsible for their assignments (see Figure 8). A regression analysis that takes account of differences between the types of companies and respondents covered by a right to

disconnect policy eliminates some of these differences, showing that once all other factors are controlled for there are no real differences in the levels of – and reasons for – out-of-hours communication between companies with and without a right to disconnect policy.

The next section looks at the frequency of, patterns of and reasons for working additional hours, including the extent to which these are linked to out-of-hours connection. It also assesses whether the right to disconnect has implications for additional hours worked as a result of being contacted.

Figure 8: Reasons for responding to out-of-hours calls or messages, by presence of a right to disconnect policy (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

Key findings: Work-related out-of-hours connection

- Over 80% of respondents receive work-related communication outside their contractual working hours during a typical working week. Almost three-quarters reported being contacted by colleagues every day or on some days, 67% are contacted by line managers and just over half are contacted by clients. Larger shares of men, young workers, managers, professionals, workers in knowledge-intensive sectors and workers able to work remotely are contacted out of hours. Most of this communication is by email.
- Almost 9 in 10 respondents take some action as a result of being contacted, with one in four responding to all calls and messages received out of hours. More young workers, managers and workers able to work remotely respond to all or most communication.
- Reasons for responding to work-related communication outside working hours are manifold and complex. The following reasons were most frequently provided: feeling responsible for one's assignments (82%), feeling better because of staying 'on top of things' (75%), because it is expected (75%), fear of a negative impact if no response is provided (61%) and the expectation of better career progression (50%). Larger shares of women, older workers and managers indicate that they feel responsible for their assignments, while younger workers state their expectation of better career progression. More remote workers indicate that they feel it is mandatory to respond and fear a negative impact if they do not.
- Having a right to disconnect in the workplace does not appear to be associated with workers being contacted out of hours or the likelihood of their responding to such communication.

Working hours

Being contacted outside contractual working hours can lead to additional working time (paid or unpaid), although the time spent responding to such communication may not be recorded as working hours in all cases. In 2019, the Court of Justice of the European Union ruled that Member States must require employers to set up ‘an objective, reliable and accessible system enabling the duration of time worked each day by each worker to be measured’ (CJEU, 2019). According to the Commission’s most recent report on the implementation of the Working Time Directive, ‘in most Member States, employers are obliged to monitor and register working time, but five have no such obligation or do not define it clearly: Belgium, Denmark, Cyprus, Malta and Sweden’ (European Commission, 2023, p. 4). Depending on the nature of systems to monitor the working hours of remote workers, there could be concerns regarding privacy and therefore monitoring working hours could be more challenging (Eurofound, 2021a).

Remaining connected out of hours is not the only reason that workers work additional hours. This can, of course, be related to regular agreed overtime and overtime performed at the explicit request of a manager.¹¹ However, it can also arise from a poor match between workload and working hours. These issues can doubtless also be interlinked.

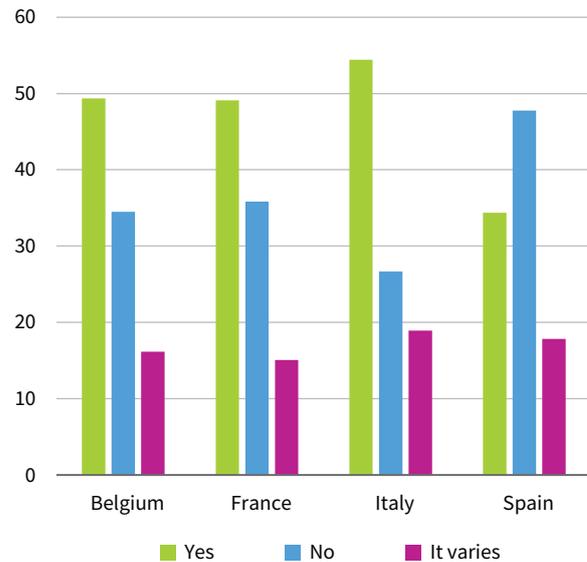
The survey sought to shed light to these issues, firstly by establishing the share and characteristics of workers performing additional hours and their reasons for doing so.

Working additional hours

Patterns of additional hours

Respondents were asked whether they worked hours in addition to their contractual hours in any given week (whether paid or unpaid). Around 47% of workers indicate that this is the case, with 36% saying that they do not work any additional hours and 7% stating that this varies week on week. Given the high share of workers able to work remotely in the sample, this echoes the findings of the EWCTS, which shows that more teleworkers work long hours than workers entirely based at their employer’s premises (Eurofound, 2022a). The share of respondents working additional hours in any given week is highest in Italy, with Spain having the lowest share (see Figure 9), again mirroring the findings of the EWCTS.

Figure 9: Share of workers who work and do not work additional hours, by country (%)



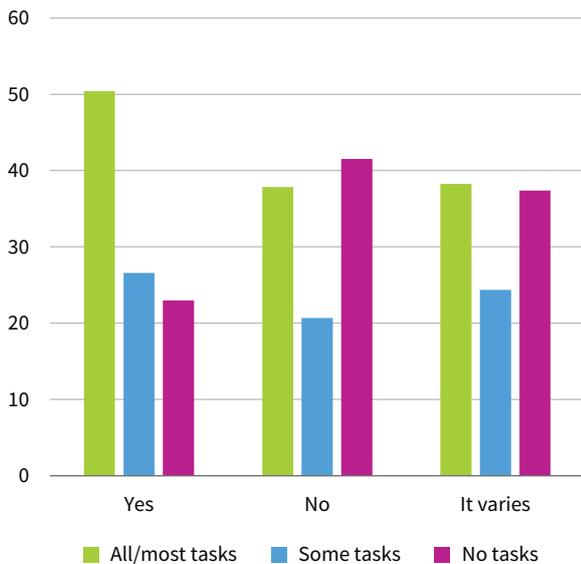
Source: Authors’ calculations, based on the Right to disconnect survey 2022

A larger share of young workers than older workers report working additional hours (58% and 51% among 16- to 24-year-olds and 25- to 39-year-olds, respectively, compared with 44% and 40% among 40- to 54-year-olds and 55- to 64-year olds, respectively). More older workers state that working additional hours varied from week to week (22% compared with 11% among 16- to 24-year-olds). A larger share of men than women report working additional hours (50% and 43%, respectively). Women experience more variation week on week than men (18% compared with 16%). Half of workers in knowledge-intensive sectors report working overtime regularly, compared with 45% of those in less knowledge-intensive sectors. However, a larger share of the latter state that the demand to work additional hours varies week on week. Workers with higher levels of qualifications more often report working additional hours (51% of those with bachelor’s degrees or above compared with 42% of those without tertiary education) but encounter less variation week on week. Managers are most likely to work additional hours (72%), while those in elementary occupations have the lowest shares of individuals doing so. The number of regular additional hours worked is higher among those who are able to perform their work remotely.

¹¹ Eurofound defines overtime as work performed by an employee in excess of the contractual hours of work that have been officially requested and approved by management. It is work that is not part of an employee’s regular scheduled working week and for which an employee may be compensated (Eurofound, 2022d). For the purposes of this report, this work is categorised as ‘regular agreed overtime’, although ‘overtime performed at the explicit request of a manager’ may be less formalised from the perspective of attracting contractually agreed overtime rates.

When it comes to the average number of additional hours worked by respondents per week, the mean value is 6.4 hours and the median value is 5 hours, for full-time employees. By comparison, part-time employees report working 6.2 additional hours on average and the median value is 5 hours.

Figure 10: Share of workers who work and do not work additional hours, by ability to perform tasks remotely (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

Generally, the performance of additional hours is more common among workers who can complete all or most of their tasks remotely, confirming the data available from the EWCS (Eurofound, 2017) and EWCTS (Eurofound, 2022c). As Figure 10 shows, half of those who work additional hours in any given week can perform all or most of their tasks remotely.

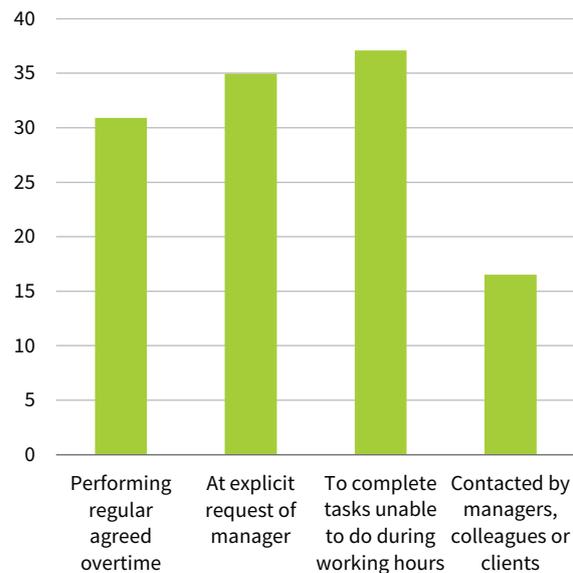
Reasons for working additional hours

Respondents were provided with a list of possible reasons as to why they work additional hours, and an option to provide an open personal response. These reasons are varied and complex, with respondents offering a range of different explanations.

A significant proportion of respondents (37%) indicate that they feel compelled to work additional hours in order to complete tasks that they are unable to complete during their standard working hours, even if they are not specifically requested to do so (see Figure 11).

Another common reason, mentioned by 35% of respondents, is that they perform additional work at the explicit request of a manager, and 31% indicate that they work regular agreed overtime. Fewer than one-fifth of respondents (17%) report that they perform additional work because they are contacted by managers, colleagues or clients, making this the least reported reason for performing additional hours.

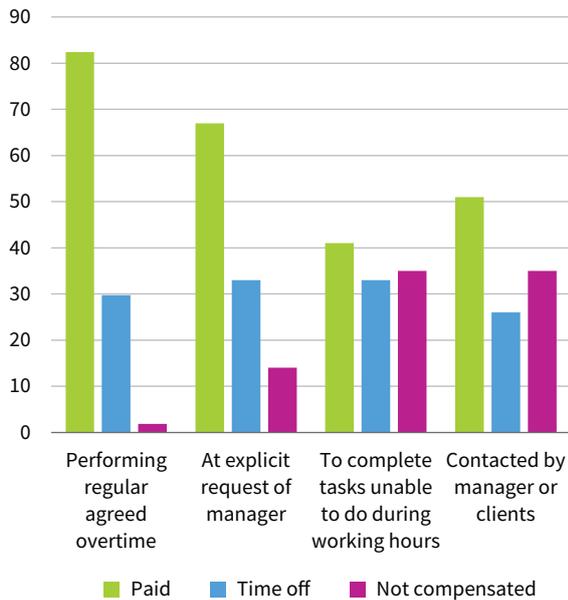
Figure 11: Share of workers who work additional hours, by reason (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

Looking at whether and how workers are compensated for additional time worked, several interesting aspects are worth noting. First, 82% of those who declare that they work regular agreed overtime say that this is paid (see Figure 12). Around 30% of respondents in this category report that regular agreed overtime is compensated through time off, while 2% say that overtime is not compensated at all. Of those who work overtime at the explicit request of their manager, 67% are paid, while 33% are compensated through time off. In contrast, 35% of those who use overtime to complete tasks that cannot be completed during working hours or are contacted by managers or clients outside working hours are not compensated for additional time.

Figure 12: Share of workers who work additional hours, by reason and type of compensation (%)



Source: Authors' calculations, based on the *Right to disconnect survey 2022*

In terms of sociodemographic differences, there are several noteworthy aspects. A larger share of young people aged 16–24 than other age groups work additional hours at the request of a manager (47%), while a much smaller proportion work fewer additional hours as a result of being contacted by colleagues, managers or clients (12%) (Table 5). More employees in the 40–54 age bracket work additional hours in order to complete tasks that they cannot finish during working hours (40%), while individuals aged 55–64 are less likely to work additional hours due to regular agreed overtime arrangements (21%) or at the request of a manager (29%) but a higher share work additional hours as a result of being contacted by colleagues, managers or clients (21%).

There are no large differences between the genders in terms of reasons for working additional hours. However, somewhat more men than women work additional hours because of regular agreed overtime (33% compared with 29%) or at the request of a manager (38% compared with 31%). On the other hand, more women than men work additional hours because of being contacted by colleagues, managers or clients (18% compared with 15%).

In terms of education level, a larger share of respondents with secondary education or below work additional hours because of regular agreed overtime (34%) than those with a higher level of education; the larger share of workers in this category is driven by

those with vocational education. In contrast, a larger share of those educated to bachelor's degree level or above than those with a lower level of education report working additional hours at the explicit request of a manager, because they are unable to complete tasks in regular working hours, or because they are contacted by managers, colleagues or clients. There is an 11-percentage-point difference between the share of workers with a bachelor's degree and above and those with secondary education who declare that they work additional hours because they are unable to complete tasks during their regular working time.

A larger share of workers in knowledge-intensive sectors than in less knowledge-intensive sectors work additional hours because they are unable to complete tasks during regular working hours, at the explicit request of a manager or because they are contacted out of hours. More managers and professionals and, interestingly, those in elementary occupations, work additional hours because they are contacted by managers, colleagues or clients than workers in other occupational groups. A larger share of managers and other professionals work beyond contractual hours because they are unable to complete their tasks during regular working hours.

Table 6 reports the results of logistic regression modelling estimating the association between reasons for working additional hours and a set of independent variables. The regression results largely confirm the findings from the analysis presented above. Workers working in establishments with a right to disconnect policy are more likely to work additional hours because of regularly agreed overtime and less likely to do so because they are contacted by managers or clients. This indicates that the right to disconnect does moderate the amount of overtime done because of informal requests outside regular hours. Furthermore, differences emerge associated with sociodemographic characteristics. Women are less likely to work additional hours at the explicit request of a manager. Older workers and more highly educated workers are less likely to work additional hours because of regularly agreed overtime. In contrast, workers on temporary contracts are more likely to work additional hours at the explicit request of the manager, while the opposite is the case for those who have the autonomy to set their working time. However, workers enjoying a high degree of autonomy in setting their working time are also more likely to report working overtime because they are unable to complete tasks during working hours and because they are contacted by managers or clients. This reflects the findings of the EWCTS (Eurofound, 2022e), and indicates that a potential cost of enjoying a high degree of autonomy is an expectation of always being available.

Table 5: Share of workers who work additional hours by demographic and employment characteristics (%)

Variable	Regular agreed overtime	At the explicit request of manager	Unable to complete tasks in regular hours	Contacted by manager, colleague or client
Total	31	35	37	17
Age				
16–24	39	47	32	12
25–39	36	36	34	19
40–54	29	35	40	14
55–64	21	29	41	21
Gender				
Men	33	38	37	15
Women	29	31	37	18
Education level				
Secondary/vocational and below	34	32	31	15
Bachelor's degree and above	28	37	42	18
Sector				
Less knowledge intensive	31	33	35	15
Knowledge intensive	31	39	40	19
Occupation				
Manager	33	31	44	20
Professional	26	33	45	21
Technician or associate professional	25	43	43	14
Clerical support worker	33	34	37	14
Services or sales worker	35	34	25	16
Elementary occupation	34	35	21	19
Working remotely				
All of my tasks	36	35	36	12
Most of my tasks	31	39	40	16
Some of my tasks	29	34	43	20
None of my tasks	29	31	29	17
Working time arrangements				
Fixed by employer	33	37	33	15
Partly determined by yourself	27	31	44	18
Fully determined by yourself	26	24	43	25

Note: Percentages for plant and machine operators and assemblers and for craft and related trades workers not reported due to the small number of observations.

Source: Authors' calculations, based on the Right to disconnect survey 2022

Table 6 also shows that certain types of earnings are associated with overtime. While those who receive commission are more likely to do overtime at the explicit request of the manager, those who do weekend work report doing so because of regularly agreed

overtime and because they are contacted by managers, colleagues or clients. Workers who can perform some of their tasks remotely are more likely to work additional hours to complete tasks they cannot do during working hours.

Table 6: Results of logistic regression models for reasons for additional hours

Variable	Regular agreed overtime	Explicit request of manager	Complete tasks unable to do during working hours	Contacted by manager, colleagues or client
Right to disconnect	+			-
Gender: women		-		
Age: 55–64	-			
Education: bachelor's degree and above	-			
Contract duration: temporary		+		
Occupation: manager			+	
Working time: determined by yourself		-	+	+
Contract type: full time			+	+
Earnings				
Fixed salary				+
Commission		+		
Extra payments for overtime	+			
Extra payments for weekend work	+			+
Remote work: some tasks			+	
Sector: knowledge-intensive services				+

Notes: '+' indicates a significant positive association and '-' indicates a significant negative association. Empty cells indicate non-significant associations. For full details of the models, please see the annex.

Source: Authors' calculations, based on the Right to disconnect survey 2022

Autonomy to set working hours

One of the trends that has accompanied the increase in telework and hybrid work using digital tools is the potential for (and actual experience of) greater flexibility in the organisation of working time. It has been found that having the flexibility to adapt one's working hours is generally good for the well-being of workers and can promote a healthy balance between their personal and working lives. Research has found that those with lower levels of flexibility report a substantially poorer work–life balance, higher risk to health and well-being because of work, and a greater prevalence of exhaustion, both emotional and physical, than those with more flexible working arrangements (Eurofound, 2018). One indicator of working time flexibility is the ease with which an individual can take an hour or two off to attend to a personal matter. According to EWCTS data, access to this flexibility was very gendered in 2021: 37% of men were able to take such time off very easily, while just 29% of women could do so (Eurofound, 2022a).

Greater working time flexibility is often requested by workers to allow for better reconciliation between work and private life, even though there is some evidence to show that this enhanced flexibility can lead to longer working hours and self-exploitation (Chung, 2022; Eurofound, 2022b). One of the criticisms sometimes levied against the right to disconnect is that it could undermine the flexibility valued by workers. Against this

context, the survey therefore sought to investigate how respondents' working hours are set. An analysis was performed to study how access to greater flexibility affects workers' perceptions of work–life balance, among other things. The data were then used to analyse how the presence of a right to disconnect policy affects workers' autonomy to set their own working hours.

The majority of survey respondents indicated that their working hours were determined by their employer (67%). Over a quarter of respondents (28%) stated that they had some autonomy in setting their working patterns, with only 5% claiming that they had full control over their hours of work.

Patterns of working hours during the pandemic

A feature of working hours during the pandemic that was assessed through the lens of the presence or absence of a right to disconnect policy is the likelihood of workers having changed their working patterns during the pandemic (for example, by taking breaks during the day and continuing to work in the evening). Overall, 35% of respondents affirmed having made changes to their working patterns. Such changes are reported more by workers in Spain (47%) and less by workers in Belgium and France (28% and 30%, respectively). The share of workers reporting changed working patterns during the pandemic declines with age. Furthermore, there are only minor overall

differences between genders. However, a larger share of men than women report changing working patterns to deal with an increase in workload (38% compared with 34%), whereas women more often do so to accommodate caring responsibilities (40% compared with 35%). The data confirm previous findings on the gendered distribution of telework (Eurofound, 2022a). Larger shares of workers with higher levels of education, managers, technicians and associate professionals, workers in knowledge-intensive sectors and workers able to perform at least some of their tasks remotely were able to take advantage of greater flexibility in their working hours (37% compared with 32%) during the pandemic.

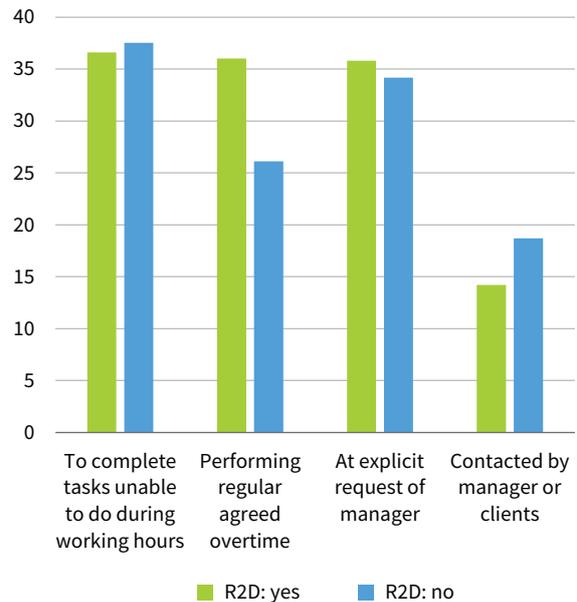
Association between the right to disconnect and working additional hours

Compensation for additional hours and the right to disconnect

When looking at the data according to whether or not a company has a right to disconnect policy, some differences emerge, as shown in Figure 13. A larger share of respondents in companies without a right to disconnect policy indicate that they work additional hours because they are contacted out of hours than those in companies with such a policy (19% compared with 14%). A larger percentage of respondents work additional hours due to regular agreed overtime in a company with a right to disconnect policy (36%) than in a company without one (26%). Furthermore, a larger share of respondents in companies with a right to disconnect policy are paid for additional hours worked and receive time off in lieu for such hours than those in companies without a policy. Unpaid additional hours are significantly more common in companies without a right to disconnect policy.

Figure 14 presents data on the reasons for working additional hours, on the type of compensation for these additional hours and on whether the company has a right to disconnect policy. The first finding worth noting is that the only dimension on which no major differences exist based on the presence of a right to disconnect policy is when the performance of overtime hours is contractually agreed. This makes sense given that the conditions for regular agreed overtime,

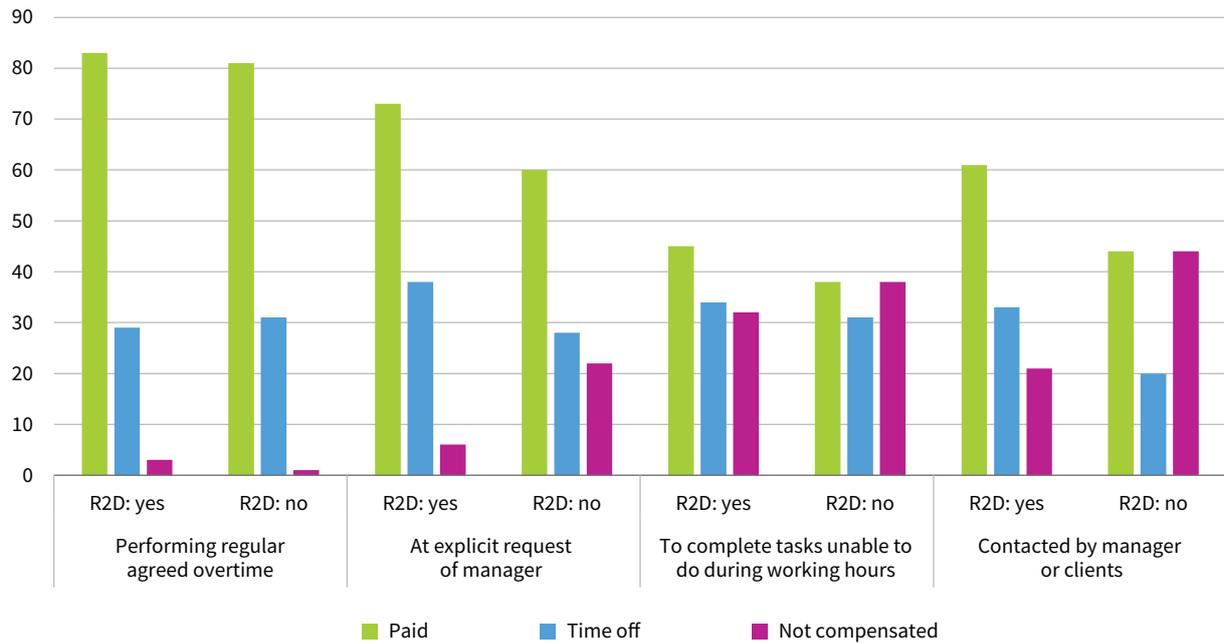
Figure 13: Reasons for working additional hours, by existence of a right to disconnect policy (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

including pay, are usually stipulated in the employment contract and that legal or collective limits are set on the amount of overtime an employee can work during a specific period. However, differences emerge across all other dimensions. As Figure 14 demonstrates, a larger share of employees working in companies with a right to disconnect policy are paid or given time off for overtime worked at the explicit request of the manager, to complete tasks that cannot be completed during working hours, or due to being contacted by managers or clients outside working hours. The largest difference between workers in companies with and without a right to disconnect policy is with respect to performing overtime when contacted by managers or clients: 61% of those in establishments with a right to disconnect policy report that this work is paid, compared with 44% of employees in establishments without a right to disconnect policy. This type of overtime is also the least likely to be compensated.

Figure 14: Share of workers who work additional hours, by reason and type of compensation (%)

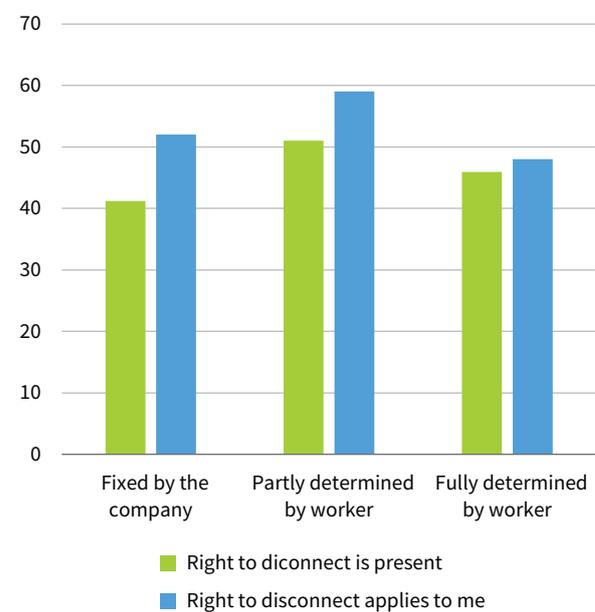


Source: Authors' calculations, based on the Right to disconnect survey 2022

Autonomy to decide working hours and the right to disconnect

While respondents in companies with and without a right to disconnect policy report little difference in workers' autonomy in setting their own working hours, a larger share of workers in companies without a right to disconnect policy indicate that working hours are entirely determined by the employer. However, among respondents who explicitly indicate that the right to disconnect applies to them, a larger share of workers (59%) report that working arrangements are partly determined by themselves (see Figure 15). These findings seem to indicate that the existence of a right to disconnect policy does not limit the scale of workers' autonomy to set their own working hours, but may in fact contribute to it. This also seems to be confirmed by workers' experiences of changing working patterns during the pandemic and associated lockdown measures.

Figure 15: Workers' autonomy to set their own working time, by existence of a right to disconnect policy and whether the right to disconnect applies to them (%)

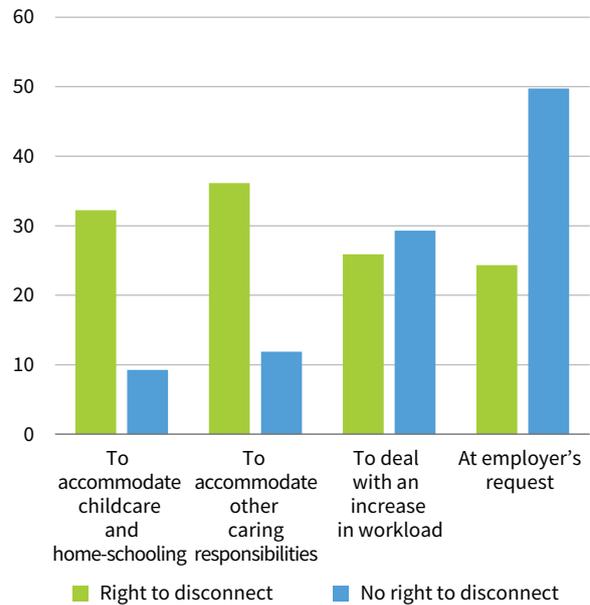


Source: Authors' calculations, based on the Right to disconnect survey 2022

Patterns of working hours during the pandemic and the right to disconnect

The use of such flexibility during the pandemic is reported by a larger share of respondents in companies with a right to disconnect policy than those without (41% compared with 30%), and this was mainly used to fulfil caring responsibilities, including childcare, and conduct home schooling. In contrast, the share of respondents in companies without a right to disconnect policy indicating that they changed their working pattern at the request of their employer during the pandemic is 26 percentage points higher than in companies with a right to disconnect policy. Furthermore, 29% of respondents in companies without the right to disconnect policy indicate that they changed their working patterns to deal with increased workload, although the difference from workers in companies with a right to disconnect policy is not substantial (see Figure 16).

Figure 16: Reasons for changing working time patterns, by presence of a right to disconnect (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

Key findings: Working hours

- Almost half of respondents work hours in addition to their contractual hours on a regular basis, and 7% indicated that whether or not additional hours are performed varies week on week. Larger shares of the following work additional hours: young workers (58%), men (50%), more highly qualified workers and workers in knowledge-intensive sectors (both around 50%), and workers able to perform most or all of their tasks remotely (54%). The highest share of additional hours was reported in Italy, while the lowest was seen in Spain.
- Workers' need to complete tasks they were unable to perform during their contractual working hours was the reason most frequently given for working additional hours (37%). Over a third of workers perform additional hours at the explicit request of managers and 30% work regular agreed overtime. Fewer than one-fifth (17%) listed being contacted out of hours as the main reason for working outside contractual hours. Half of workers are compensated financially for these hours, whereas around 80% declared being paid for regular agreed overtime. Hours performed because work could not be completed during working hours are least likely to be compensated.
- A larger share of respondents in companies without a right to disconnect policy reported working additional hours because they are contacted out of hours (19% compared with 14% in companies with a right to disconnect policy). In companies with a right to disconnect policy, additional hours are mainly likely to be worked based on agreed overtime, and all additional hours (irrespective of the reason for working them) are more likely to be compensated with additional pay or time off. The differences regarding being paid for additional hours are particularly large in companies with and without a right to disconnect policy in relation to additional hours worked due to being contacted out of hours.
- A larger share of workers in companies with a right to disconnect policy who indicated that this right applies to them reported greater autonomy over determining their own working hours, thus indicating that having a right to disconnect does not limit desired flexibility of working time (59% of respondents indicating the right to disconnect applies to them stated that their working time was partly determined by themselves, compared to 51% of respondents without a right to disconnect). The possibility of adjusting working patterns during the pandemic was reported by a larger share of workers in companies that implement a right to disconnect policy.

Work–life balance

Eurofound data from the EWCS (2015) and EWCTS (2021) highlight the paradox that despite working additional hours and in their free time, a larger share of teleworkers than workers at the employer’s premises report having a good work–life balance. There is a positive association between work–life balance and telework frequency for men, while women are best able to balance work and family life if they telework occasionally (Eurofound, 2022a). To gain further insight, the survey carried out for this study also asked respondents about the fit between their work and private life and assessed the impact of working remotely, as well as the existence of a right to disconnect policy, on perceived work–life balance.

Fit between working hours and family/social commitments

When asked how well their working hours fit with family or other commitments outside work, a large proportion of respondents state that they fit ‘fairly well’ (60%) or ‘very well’ (25%). In contrast, 12% note that their working hours do not fit very well with family and other commitments, while 3% state that their working hours do not fit at all well with their life outside work.

The survey results show that there is a consistent level of satisfaction or dissatisfaction with the fit between working hours and family or social commitments across different age groups and genders. The exception is 16- to 24-year-olds, a larger share of whom say that the fit between working hours and private life works very well or fairly well (94%, compared with around 85% for the other age groups). Few differences are found between workers with different levels of education.

In terms of sector aggregations, respondents in knowledge-intensive sectors find it easier to reconcile work and private life than those in less knowledge-intensive sectors (89%, compared with 83%). The worst fit is reported by workers in the accommodation and food services sector and the real estate sector (with around 20% of workers indicating a bad fit). Workers in professional, scientific and technical activities report the best ratings for work–life balance (90% state that they can balance work and private life very well or fairly well).

Some differences emerge between job roles, with professionals providing the most positive assessments (90%) and service and sales workers finding it hardest to balance the requirements of work and private life (77%).

As indicated in the EWCS and EWCTS findings, this survey shows a positive link between reported work–life balance and remote working. Respondents who can perform only a few tasks remotely (18%) or none at all (22%) are less likely to consider that there is a good fit between their working hours and private commitments. Around 94% of workers who can complete all of their tasks remotely indicate that work and private life fit very of fairly well, dropping to 91% of among those who can do most of their tasks remotely and 82% for workers able to do some of their tasks away from their employer’s premises. Similarly, larger shares of workers fully or partly able to determine their own working hours are satisfied with their work–life balance (95% and 91%, respectively) than those whose working hours are entirely determined by their employers (82%).

Association between the right to disconnect and work–life balance

The data suggest that a larger share of employees who report having a right to disconnect policy in place at their company tend to have a good work–life balance. As many as 92% of respondents who indicate that their company has a right to disconnect policy report that their working hours are very well or fairly well aligned with their private life. The same is true of 80% of respondents without a right to disconnect. Negative perceptions of work–life balance are more prevalent among respondents without a right to disconnect, with over twice as many workers reporting that their working hours fit ‘not very well’ with their social commitments (20% compared with 8% of those with a right to disconnect).

The positive association between the right to disconnect and work–life balance is also confirmed by regression analyses (see Table A2 in the Annex). After controlling for a set of sociodemographic and work-related covariates, the probability of having a good fit between work and personal responsibilities is 9% higher for workers in establishments with a right to disconnect policy.

Key findings: Work–life balance

- Some 85% of respondents indicate a very or fairly good fit between their work and personal commitments. The highest levels of satisfaction with this fit are expressed by young workers (16–24 years old), professionals, workers in knowledge-intensive sectors and workers able to work remotely (over 90% for those able to do all or most of their work remotely).
- Workers with a right to disconnect policy in place report having a better work–life balance (92%, compared with 80% among those without a right to disconnect policy).

Health and well-being

One of the key goals of the survey was to assess whether the implementation of a right to disconnect policy has a positive impact on workers' health and well-being by contributing to a reduction in over-connection and in the working of additional hours. This was assessed in two ways. First, respondents were asked to indicate the perceived impact of being contacted out of hours on a range of factors affecting work-life balance and well-being. Second, they were asked if they had experienced any common health conditions (list provided) in the 12 months before the survey. To go beyond perceptions, data were also requested on the number of sick days taken over the same period. Given the pandemic context, respondents were specifically asked how many of these sick days were linked to COVID-19.

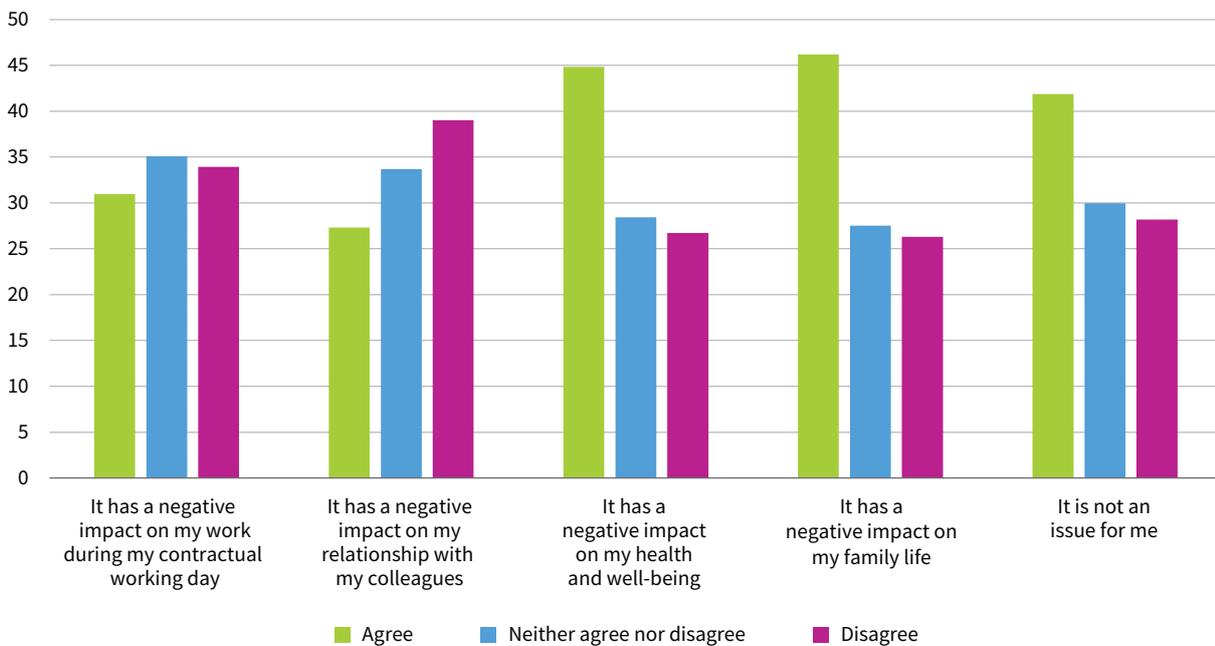
Impact of over-connection on health and well-being

Being contacted outside working hours has implications for respondents' work-life balance, health and well-being, and performance at work during contractual working hours. A negative impact on family life is most frequently mentioned as an implication of being contacted outside working hours (46% of respondents reported this), followed by a negative impact on health and well-being (45%) – see Figure 17.

Just 27% report that relationships with colleagues are negatively affected. A majority disagree that there is a negative impact on relationships with colleagues, and the greatest share of respondents neither agree nor disagree that being contacted out of hours has an impact on their day-to-day work. Around 42% of respondents indicate that being contacted out of hours is not an issue for them. A larger share of men than women report that this is not an issue, whereas more women than men indicate that out-of-hours contact is detrimental to their health and well-being (48% of women compared with 42% of men) and family life (48% compared with 45%), which probably results from the greater share of caring and household responsibilities carried out by women. Over half of respondents aged 25–39 report that out-of-hours communication had negative implications for their work-life balance and their health and well-being. More than half of managers, craft and related trades workers, and technical and associate professionals report negative implications for their well-being and work-life balance.

All negative implications were mentioned by a larger share of workers able to perform tasks remotely, with over half of those able to do all or most of their work from home indicating a negative impact on health, well-being and work-life balance.

Figure 17: Perceived impact of over-connection on health and well-being (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

Prevalence of common health issues and number of sick days

All respondents were asked whether they had experienced any common health issues in the 12 months before the survey. The most commonly reported health issues are headaches (41% of respondents), followed by backache (35%), overall fatigue (34%) and anxiety/stress (33%) – see Figure 18.

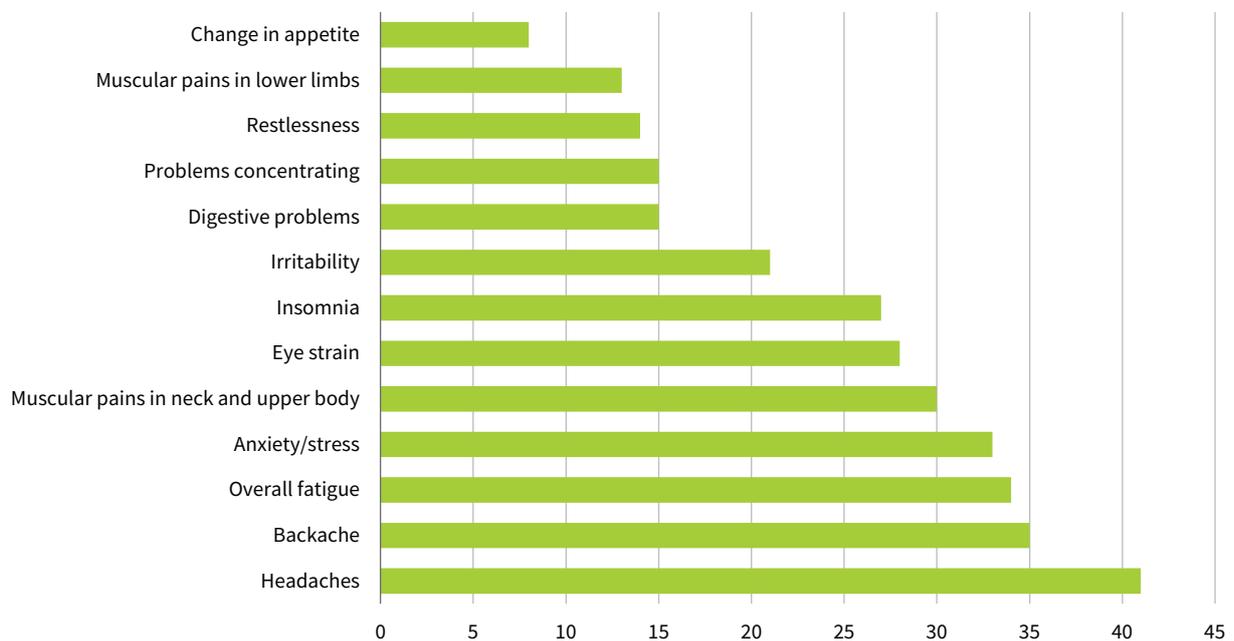
More men than women report experiencing these health issues. Particularly larger shares of men report suffering from pain in the neck, shoulders and upper body (18 percentage points more than women); overall fatigue and anxiety/stress (+15%); headaches (+12%); and insomnia (+11%). A larger share of workers in the 40–54 age group report suffering from most conditions, with the exceptions of muscular pain in the lower limbs (most commonly reported by 55- to 64-year-olds), anxiety/stress (most common among 25- to 39-year-olds), a change in appetite (much more frequently reported by 16- to 24-year-olds) and restlessness (also most commonly reported among the youngest age bracket).

In terms of occupations, more sales workers suffer from backache, muscular pains in the upper body, anxiety/stress, headaches and overall fatigue. Furthermore, workers required to work additional hours report poorer health outcomes across all dimensions.

Ability to perform tasks remotely

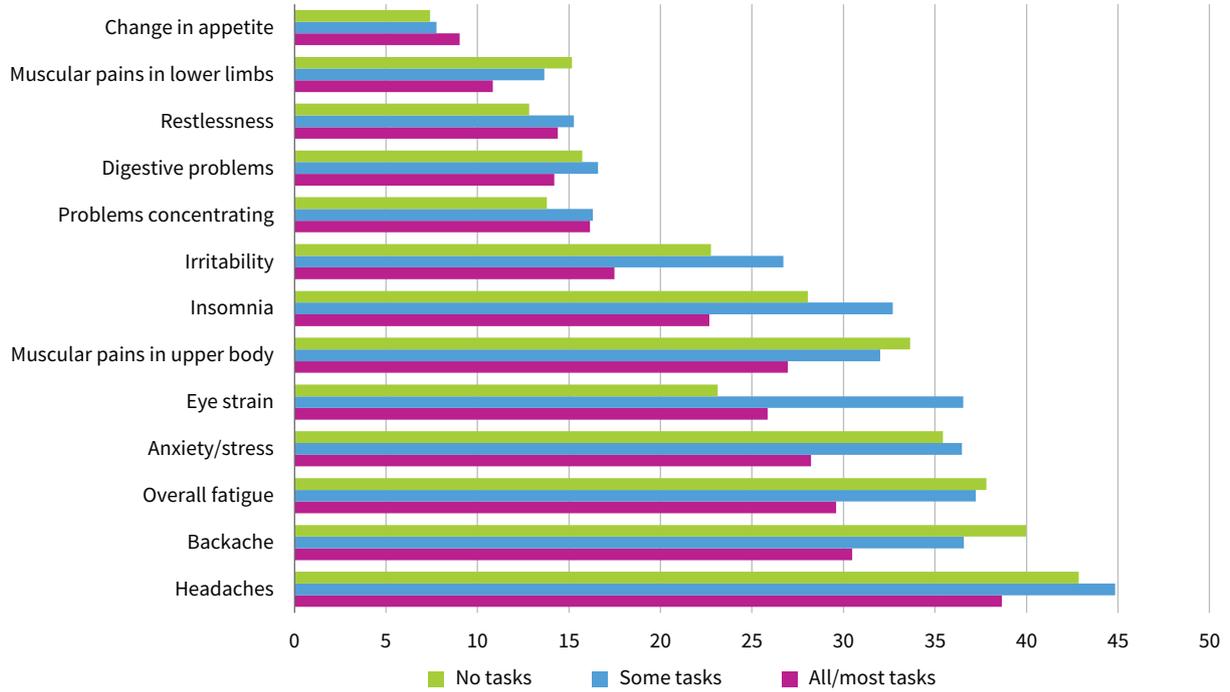
Figure 19 further disaggregates the share of respondents who reported experiencing health issues in the 12 months before the survey, by their ability to perform tasks remotely. The only conditions reported by a larger share of respondents not able to work from home are muscular pains in the upper body and lower limbs, backache and overall fatigue. All other conditions are more common among workers able to do at least some of their tasks remotely. Workers able to do some of their tasks from home are more likely to report these issues (except for a change in appetite) than workers who can do all or most of their tasks remotely.

Figure 18: Common health issues experienced in the 12 months before the survey (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

Figure 19: Common health issues experienced in the 12 months before the survey, by workers' ability to perform tasks remotely (%)



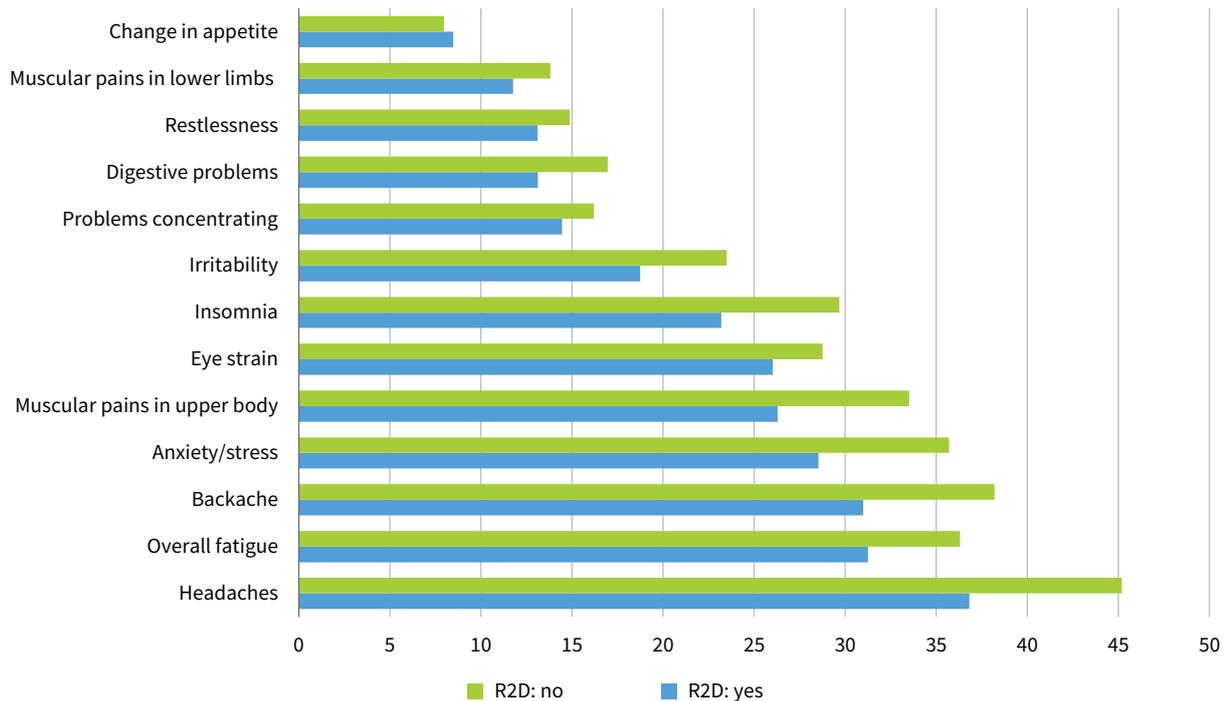
Source: Authors' calculations, based on the Right to disconnect survey 2022

Prevalence of health issues and number of sick days and the right to disconnect

When assessing the frequency with which different health issues are reported by respondents in companies with and without a right to disconnect policy, it

becomes apparent that all health issues (except a change in appetite) are reported by a smaller share of workers in companies where a right to disconnect policy is present (see Figure 20). Differences are most apparent in relation to reported experience of headaches,

Figure 20: Common health issues experienced in the 12 months before the survey, by existence of a right to disconnect policy (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

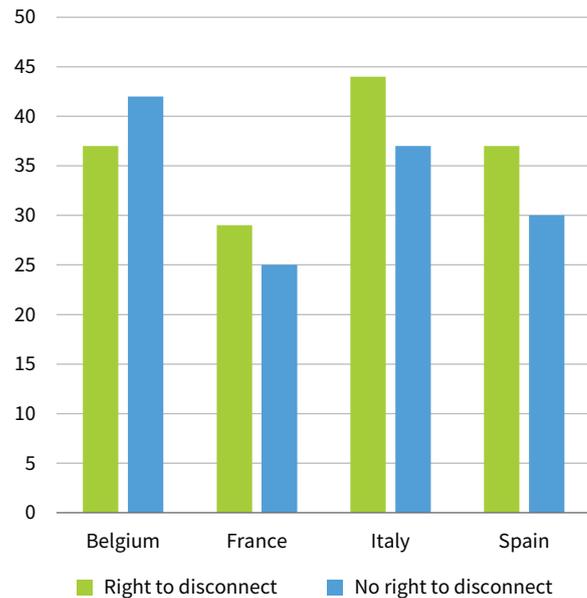
muscular pains in the upper body, backache, and stress and anxiety.

Sick leave and COVID-19

The survey also asked respondents if they went on sick leave in the 12 months before the survey and whether this was due to COVID-19. More than one in three respondents (35%) reported having taken sick days in the year before the survey. Some 40% of respondents in Belgium and Spain took sick days in the year before the survey, 13 percentage points more than in France.

No clear patterns emerged in the share of respondents who reported having taken sick days between companies with and without the right to disconnect. Whereas in Belgium a larger share of respondents working in companies without a right to disconnect reported having taken sick days in the year before the survey, the opposite is the case in France, Italy and Spain (see Figure 21). The average number of sick days taken by respondents was 11.3, while the median value was 5. The large difference between the mean and median values indicates that the former is driven by a few extreme values, with 13 respondents reporting having taken 60 days of sick leave or more in the year before the survey. Of those who took sick leave, 46% had to take all of it (19%), most of it (12%) or some of it (15%) due to a COVID-19 infection.

Figure 21: Share of respondents who took sick days in the year before the survey, by country (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

Key findings: Health and well-being

- Around 45% of respondents indicate that being contacted out of hours has negative implications for their work–life balance and health and well-being. However, 42% of respondents also indicate that this is not an issue for them. A larger share of women indicate such issues (48% compared with 42% of men). The most negatively affected group is 25- to 39-year-olds, probably due to responsibilities for caring for young children. Remote workers are also more affected than those performing their work entirely from their employer's premises.
- The most commonly reported health issue is headaches (41% of respondents), followed by backache (35%), overall fatigue (34%) and anxiety/stress (33%). The only conditions reported by a larger share of respondents not able to work from home are muscular pains in the upper and lower limbs, backache and overall fatigue. All other conditions are more common among workers able to do at least some of their tasks remotely.
- All health issues are reported by a smaller share of workers in companies where a right to disconnect policy is present. Differences are most apparent in relation to reported experience of headaches, muscular pains in the upper body, backache, and stress and anxiety. No clear patterns emerge in relation to sick days taken.

Satisfaction with working conditions

Assessing satisfaction with working conditions

The factors discussed previously are likely to contribute to overall satisfaction with working conditions. To obtain an overview of levels of satisfaction among different groups of workers and the association between the right to disconnect and levels of staff satisfaction, respondents were asked to rate their satisfaction on a scale from ‘very low’ to ‘very high’.

Overall, levels of satisfaction with working conditions are high among respondents, with around 80% reporting ‘very high’ (21%) or ‘somewhat high’ (58%) levels of satisfaction. Only 4% indicate ‘very low’ levels of satisfaction. Levels of satisfaction with working conditions do not seem to vary greatly between the different age groups, with more young workers indicating higher levels of satisfaction. However, there are some gender variations, with a larger share of men being very satisfied with their working conditions (24% compared with 18% of women), and women being somewhat more dissatisfied (19% compared with 14% of men reporting somewhat low satisfaction).

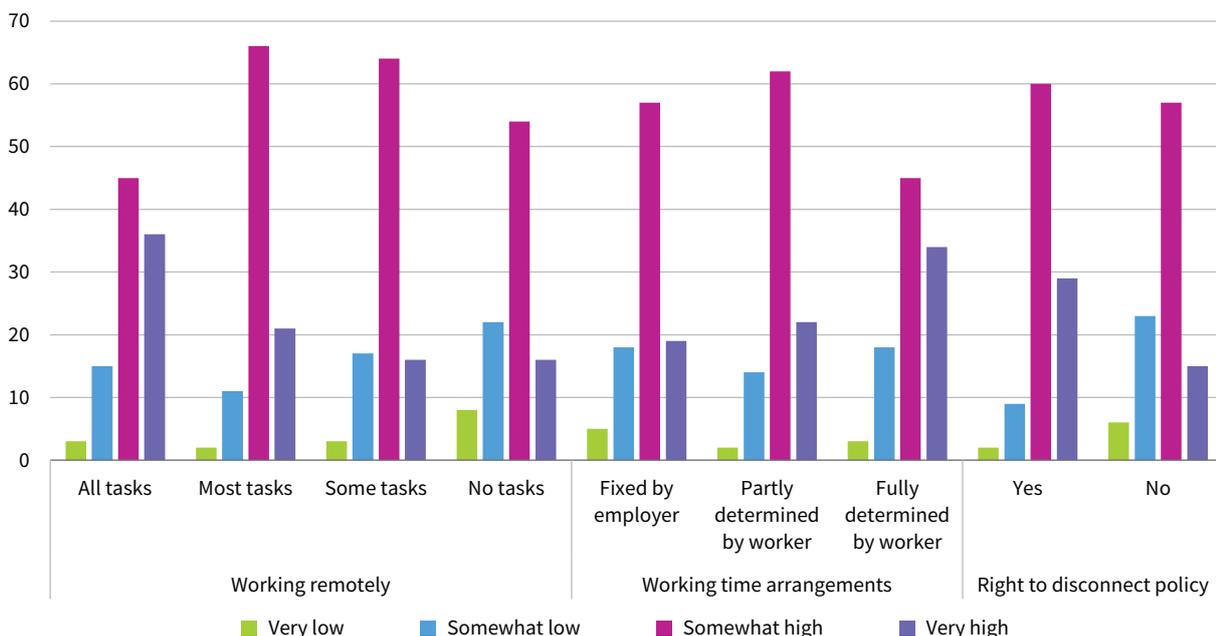
There are some notable differences according to level of education, with levels of satisfaction increasing with the level of education. Fewer than 75% of respondents with vocational or secondary education or a lower level of education report high or very high levels of satisfaction, compared with 83% among those with bachelor’s

degrees or a higher level of education. Similarly, workers in knowledge-intensive sectors also tend to be more satisfied with their working conditions. In terms of sector, the financial and insurance sector has the highest percentage of respondents with ‘very high’ satisfaction ratings (33%), followed closely by the real estate sector, at 31%. Respondents in the ICT sector represent the highest percentage of ‘somewhat high’ satisfaction ratings (65%), although, interestingly, this is also the sector with the highest share of workers with very low levels of satisfaction (9%).

When analysing the data by job role, managers represent the highest percentage of ‘very high’ satisfaction ratings (30%), while clerical support workers and sales staff have the lowest percentage (18%). Meanwhile, craft and related trades workers represent the highest percentage of ‘very low’ satisfaction (17%), with elementary occupations having the highest level of ‘very low’ and ‘somewhat low’ ratings (31%).

In terms of flexibility regarding the geographical location of work, those indicating that they can do all of their tasks from home report the highest share of ‘very high’ levels of satisfaction with working conditions (see Figure 22). Respondents who can do none of their tasks from home had the highest share of low levels of satisfaction with working conditions. Taking those whose satisfaction rating is ‘very high’ or ‘somewhat high’ together, those who can do some or most of their tasks from home have higher levels of satisfaction than those who can do all of their tasks from home (a combined 87% and 80%, respectively), showing the

Figure 22: Workers’ satisfaction with working conditions, by workers’ ability to work remotely and autonomy to set their own working time, and presence of a right to disconnect policy (%)



Source: Authors’ calculations, based on the Right to disconnect survey 2022

importance of some degree of social connection and interaction in the workplace.

Similarly, having full flexibility in determining working arrangements did not lead to the highest levels of ‘somewhat high’ and ‘very high’ satisfaction with working conditions. The highest share of these ratings combined is reported by those partly able to determine their own working time arrangements (84%). However, when solely looking at respondents reporting ‘very high’ levels of satisfaction with working conditions, a larger share of those able to fully determine their working hours give this score (34%). Very low levels of satisfaction with working conditions were most common among those whose working hours were fully determined by their employer.

Association between the right to disconnect and satisfaction with working conditions

Respondents who consider that a right to disconnect policy exists in their company tend to be more satisfied with their working conditions. Specifically, 29% of respondents with a right to disconnect have a very high level of satisfaction as regards their working conditions, compared with 15% of respondents without a right to disconnect. Furthermore, the proportion of respondents with somewhat low satisfaction levels is more than twice as high among respondents in companies reportedly without a right to disconnect policy (23% compared with 9%), and in the case of very low levels of satisfaction the proportion is three times higher (6% compared with 2%). Similar findings hold among those who specifically indicate that the right to disconnect applies to them.

These results also hold in a regression analysis. Holding all other variables constant, having a right to disconnect is associated with a small (0.8-percentage point) increase in satisfaction with working conditions.

The right to disconnect: Overall assessment

Having a right to disconnect in the workplace does not appear to have any bearing on whether workers are contacted out of hours or the likelihood of their responding to such communication. However, in companies with a right to disconnect policy, a smaller share of workers report working additional hours because they are contacted by managers, colleagues or clients. Where additional hours are worked, they are more likely to be compensated financially or through time in lieu.

Similarly, the findings of the survey indicate that there is a (statistically significant) link between the presence of a right to disconnect policy at company level and improved work–life balance, better health outcomes and greater workplace satisfaction. A larger share of workers in companies with a right to disconnect policy, and who indicated that it applies to them, report greater autonomy over determining their own working hours, indicating that having a right to disconnect does not limit desired autonomy over working time.

Together with findings on the likelihood of companies implementing other actions to limit additional hours worked, this paints a picture of a situation in which companies where the right to disconnect is present implement more actions relating to working time issues. These companies therefore have a greater awareness of the need to limit out-of-hours connection and associated unpaid working hours, which can affect workers’ health and well-being and their work–life balance.

The following sections briefly summarise survey findings on workers’ own perceptions of the impact of the implementation of a right to disconnect policy at company level, and whether having this right in place

Key findings: Satisfaction with working conditions

- Around 8 out of 10 workers indicate high levels of satisfaction with working conditions. Larger shares of men, young workers, more highly educated workers, workers in knowledge-intensive sectors, managers, workers able to do most or all of their tasks remotely and workers with high autonomy over determining working arrangements are highly satisfied with their working conditions. When aggregating ‘very high’ and ‘high’ levels of satisfaction, those able to do all their tasks remotely scored lower than those able to do most or some of their tasks remotely, demonstrating the continued importance of workplace social connections.
- A larger share of workers with a right to disconnect are satisfied with their working conditions compared to workers without this right. Very high levels of satisfaction are twice as likely to be declared by workers with a right to disconnect, and very low levels of satisfaction are reported by three times as many workers without a right to disconnect.

Summary of the results of the responses to the human resources questionnaire

The HR questionnaire received 13 responses from 6 companies with and 7 companies without a right to disconnect policy. Half of the right to disconnect policies in companies that had them were company policies devised solely by management, with the other three based on company agreements.

The following actions were mentioned among those taken to ensure the implementation of a right to disconnect policy: raising awareness of the policy itself ($N = 5$), providing training for managers on both the risk of constant connection and the benefits of disconnecting from work ($N = 3$), establishing an email/communication corridor outside which workers are not required to answer messages ($N = 3$), and providing training for employees on the risks of constant connection and the benefits of disconnecting from work ($N = 2$).

The HR managers' assessment of the extent to which workers receive communication outside their contractual working hours is well below that reported by workers. Only one HR manager considered that more than a quarter of staff would receive such communication, with others pointing to far smaller numbers of employees affected. The majority of HR managers (9) stated that 'some' communication was responded to outside working hours, with the remainder arguing that employees did not respond to such communication until the following working day. Having said that, evidence from the employers' responses indicates that 8 of the 13 responding companies do not have systems in place to monitor out-of-hours communication traffic. Of the three companies whose HR representatives indicated that they had systems in place that could in principle monitor this traffic, only one company did so.

Of the 13 HR managers who responded to the survey, 8 said that their company implemented actions to limit the number of hours worked by employees outside their contractual working hours. Four of them stated that they institute regular checks on workload to ensure it is commensurate with working hours, four that they organise training to ensure work can be performed effectively and efficiently, and four that they put in place policies to limit the number and length of meetings. In two companies, smooth collaboration between teams is supported and a limit on internal email traffic is implemented.

Among the companies currently without a right to disconnect policy, HR managers in four of them considered that formulating such a policy in future would benefit the company. Two of these respondents indicated that they were currently working on or planning to implement actions to enhance employees' right to disconnect.

assisted them in navigating the challenges of the pandemic in terms of managing conflicting requirements of work and caring responsibilities in the context of the closure of schools and care services. It also considers the views of employees in companies without a right to disconnect policy regarding the potential need to implement additional measures to enable disconnection and limit additional hours worked.

Workers' and employers' perceptions of the impact of implementing the right to disconnect

Respondents were asked to rate the impact of implementing a right to disconnect policy at company level. Overall, 72% of respondents considered the impact to be either very positive (28%) or somewhat positive (44%). A quarter of respondents argued that it has no impact (26%), and 3% found the impact to be somewhat negative (none found it to be negative). The largest share of respondents rating the impact of the policy as very or somewhat positive was in Spain (76%), followed by France (74%), Italy (70%) and Belgium (69%).

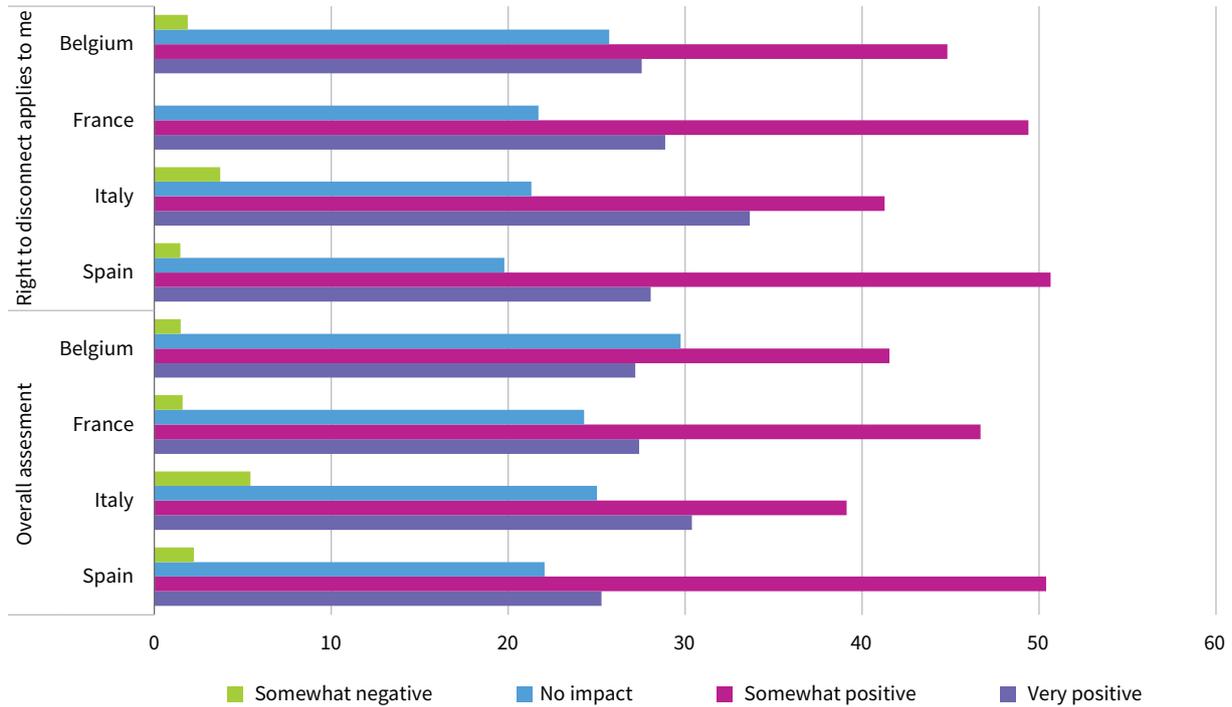
A larger share of men than women made a positive assessment of the right to disconnect policy, although a larger share of women than men provided a 'very positive' rating (31% compared with 25%).

Three-quarters of men and 68% of women considered the impact to be either 'very' or 'somewhat' positive. Differences in assessments between age groups were relatively minor. Three-quarters of managers and clerical support workers perceived a positive impact, while fewer than half of craft and related trades workers saw positive implications of the presence of a right to disconnect policy at company level.

A positive assessment was given by workers able to perform all or most of their work from home, with half of the former indicating that the impact of the right to disconnect had been 'very positive'.

In general, differences between respondents who work in an establishment with a right to disconnect policy and those who say that the right to disconnect applies to them are relatively small (see Figure 23). However, the share of those who reported that the right to disconnect has a 'somewhat positive' or 'positive' impact in the workplace is 4 percentage points higher among the group for which the right to disconnect applies. At the same time, the share of those who perceived no impacts of the right to disconnect is equal between the two groups (25%).

Figure 23: Overall assessment of the impact of the right to disconnect and the impact of the right to disconnect on those to whom it applies, by country (%)

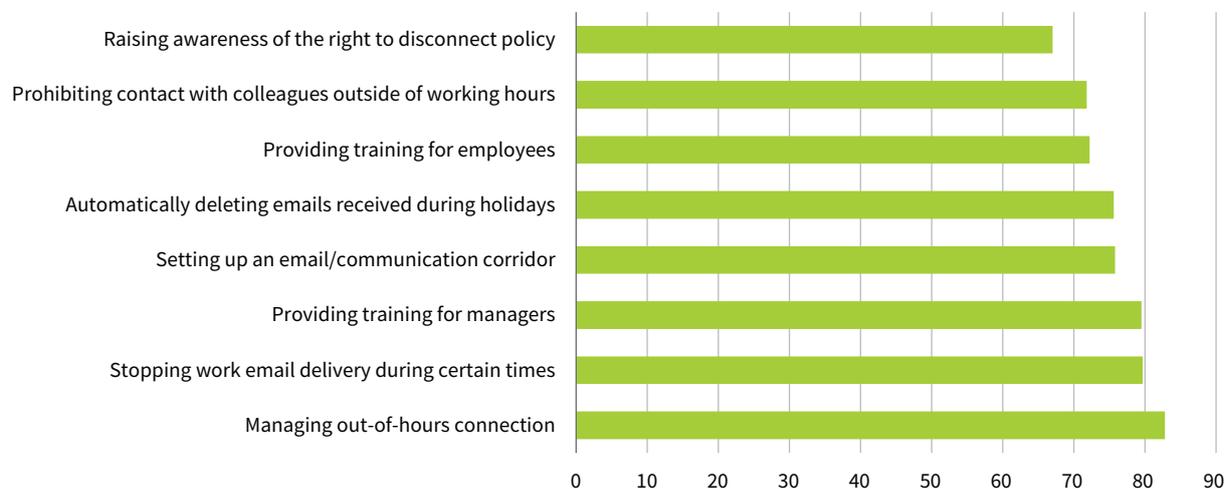


Source: Authors' calculations, based on the Right to disconnect survey 2022

In order to assess whether some approaches to the implementation of the right to disconnect are viewed more positively, the information was further disaggregated by type of measure. This demonstrates that around 80% of respondents indicated that actions to manage out-of-hours connection, stopping work email delivery during certain times and training for managers have a positive or somewhat positive impact (see Figure 24). Just over 75% of respondents gave a

similarly positive assessment of the automatic deletion of emails during holiday periods and the establishment of communication corridors. The least positive assessment was of awareness-raising activities, although 67% of respondents still considered the impact of such actions to be positive. This suggests that the 'harder' disconnection measures and training for managers are considered by employees to have the most positive impact.

Figure 24: Actions taken to implement the right to disconnect (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

Among HR managers in companies with a right to disconnect policy, although respondents do not believe it to have a negative impact, two respondents said that they did not know if it has and another two considered that it has had no impact, with only two indicating that it has had a positive impact.

Right to disconnect during the pandemic

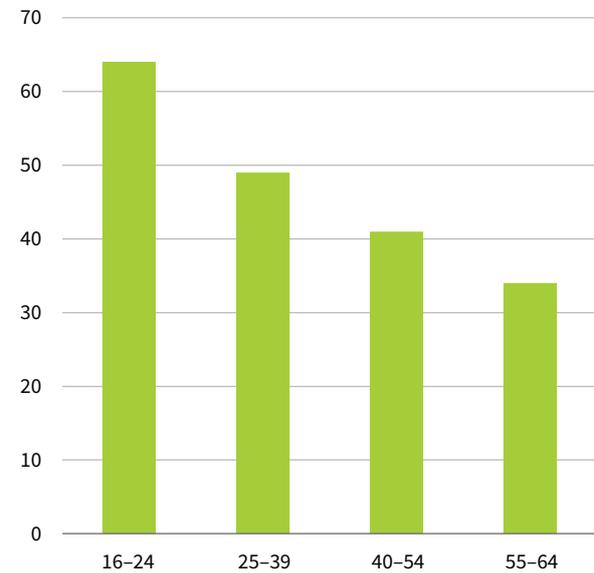
Given the expansion of teleworking during the pandemic, and evidence around the impact of teleworking on working hours and its associated impacts on health and well-being, and on the challenges of managing work and family commitments during school closures, respondents were asked whether the existence of a right to disconnect policy in their company had helped them to deal with the negative impact of the pandemic. Similarly, they were asked to rate whether having a right to disconnect policy in place had helped their company to adapt more quickly to the challenges arising from the pandemic. Close to 55% of respondents considered that their company having a right to disconnect policy had indeed helped them to deal with the changes in work arrangements in the context of the increase in remote working during the pandemic. Just over half thought that having a right to disconnect in place had helped their company to adjust more quickly. This could be because issues around the challenges of working more flexibly with digital tools had already been tackled in these companies prior to the pandemic.

Perceived need for measures to enable disconnection in the absence of a right to disconnect

Over 40% of respondents indicating the absence of a right to disconnect policy argue that more measures are needed to enable them to disconnect from work outside their contractual working hours. This figure is highest in

Italy (50%), followed by France (45%), Spain (44%) and Belgium (33%). A larger share of younger workers (see Figure 25) and those able to work remotely feel that there is a need for additional actions. More women than men consider that more actions are needed (44% compared with 42%). The same is true of workers in knowledge-intensive sectors (46% compared with 41% of those in less knowledge-intensive sectors). More than half of managers, technicians and associate professionals, and craft and related trades workers would like to see more actions to help them to disconnect from work.

Figure 25: Share of workers believing that more actions are needed to enable disconnection, by age group (%)



Source: Authors' calculations, based on the Right to disconnect survey 2022

4 | Conclusions

The increasing use of digital mobile devices and the trend – accelerated during the pandemic – towards more remote and flexible working have brought with them advantages and some disadvantages. One of the key disadvantages relates to the risks arising from over-connection, which can lead to the performance of additional working hours and insufficient rest periods. These can impinge not just on work–life balance but also on overall job satisfaction and health and well-being. The findings of the survey carried out for this study confirm that the ‘always on’ working culture is not so much a risk as a reality and that it does contribute to overtime that is often unpaid, echoing the findings of other studies. They also demonstrate that being contacted out of hours is not the only reason, or indeed the most important reason, for working additional hours.

The survey findings provide the first quantitative evidence available of positive associations between company policies on the right to disconnect and work–life balance, health and well-being, and overall

job satisfaction. However, the presence of such policies alone is clearly insufficient: they must be combined with awareness raising, effective implementation measures, ongoing joint monitoring and review by management and employee representatives, as well as measures to tackle the causes of over-connection.

Having a right to disconnect in law contributes to increasing the share of sectors and organisations implementing corresponding policies, as demonstrated in countries that have introduced such provisions. As is the case with the provisions of the Working Time Directive and its implementation at national level, effective enforcement actions are required if the challenges outlined in this report are to be addressed. As provisions on the right to disconnect are relatively new in many countries, and legislation at Member State level is evolving, the continued monitoring of the implementation, impact and enforcement of such regulations will continue to be important, particularly in relation to any new measures that may be agreed at EU level.

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Annex: Results of statistical analyses

Table A1: Exponentiated coefficients from logistic regression models examining the reasons for doing overtime

Variable	Model 1	Model 2	Model 3	Model 4
	Regular agreed overtime	Explicit request of manager	Complete tasks unable to do during working hours	Contacted by manager or clients
Right to disconnect	1.615** (0.265)	0.901 (0.142)	0.818 (0.126)	0.650* (0.130)
Gender (ref: men)				
Women	0.803 (0.125)	0.739* (0.113)	1.150 (0.169)	1.178 (0.226)
Age (ref: 25–39)				
16–24	0.891 (0.301)	1.690 (0.546)	1.499 (0.520)	0.842 (0.393)
40–54	0.687* (0.122)	0.999 (0.180)	1.076 (0.187)	0.697 (0.153)
55–64	0.468** (0.122)	0.641 (0.162)	1.100 (0.255)	1.154 (0.313)
Education (ref: secondary and below)				
Bachelor's degree and above	0.706* (0.115)	1.274 (0.203)	1.180 (0.186)	1.229 (0.257)
Contract duration (ref: permanent)				
Temporary	0.777 (0.188)	2.015** (0.463)	0.761 (0.182)	0.858 (0.254)
Tenure (ref: 5–10 years)				
Less than 1 year	1.278 (0.360)	0.877 (0.254)	0.804 (0.227)	0.898 (0.322)
1 to 5 years	0.993 (0.211)	0.982 (0.212)	0.800 (0.167)	1.122 (0.286)
More than 10 years	0.969 (0.215)	1.378 (0.291)	1.065 (0.216)	0.803 (0.209)
Occupation (ref: clerical support workers and services and sales workers)				
Managers and professionals	0.758 (0.129)	0.928 (0.156)	1.460* (0.237)	1.211 (0.260)
Craft and related trades workers, plant and machine operators and assemblers, and elementary occupations	0.837 (0.227)	1.375 (0.348)	0.925 (0.252)	1.099 (0.346)
Working time arrangements (ref: fixed by the company)				
Fully/partly determined by yourself	0.742 (0.124)	0.604** (0.0968)	1.767*** (0.266)	1.489* (0.294)
Contract type (ref: part time)				
Full time	0.787 (0.183)	1.190 (0.265)	2.133** (0.544)	0.747 (0.199)
Earnings (ref: no, for each category below)				
Fixed salary/wage	1.088 (0.225)	1.451 (0.303)	1.361 (0.283)	2.041* (0.635)
Commission	1.337 (0.282)	1.748** (0.366)	0.917 (0.198)	1.097 (0.301)
Extra payments for overtime	1.951*** (0.302)	1.293 (0.200)	0.832 (0.128)	1.095 (0.217)
Extra payments for weekend work	1.510* (0.297)	1.463 (0.285)	1.229 (0.241)	2.122*** (0.476)

Variable	Model 1	Model 2	Model 3	Model 4
	Regular agreed overtime	Explicit request of manager	Complete tasks unable to do during working hours	Contacted by manager or clients
Remote work (ref: no tasks)				
All/most tasks	1.175 (0.239)	1.338 (0.265)	1.426 (0.277)	0.809 (0.197)
Some tasks	0.963 (0.212)	1.255 (0.264)	1.572* (0.324)	1.250 (0.305)
Sector (ref: less knowledge-intensive services)				
Knowledge-intensive services	1.134 (0.185)	1.153 (0.183)	1.016 (0.158)	1.483* (0.297)
Country (ref: Belgium)				
France	1.211 (0.261)	1.213 (0.249)	0.858 (0.169)	1.370 (0.342)
Italy	1.708* (0.357)	1.547* (0.313)	0.669* (0.133)	0.831 (0.214)
Spain	1.387 (0.314)	0.920 (0.200)	0.986 (0.203)	0.818 (0.234)
Observations	947	947	947	947
Pseudo R²	0.076	0.055	0.063	0.061

Notes: * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. Values in parentheses are standard errors. ref, reference.

Table A2: Exponentiated coefficients for models examining the associations between the right to disconnect, work–life balance and satisfaction with working conditions

Variable	Model 5	Model 6
	Satisfaction with working conditions	Work–life balance
Right to disconnect	0.790*** (0.110)	2.293*** (0.425)
Gender (ref: men)		
Women	-0.236* (0.110)	0.992 (0.165)
Age (ref: 25–39)		
16–24	0.270 (0.219)	1.336 (0.597)
40–54	-0.055 (0.126)	-0.055 (0.126)
55–64	0.081 (0.177)	1.218 (0.301)
Education (ref: secondary and below)		
Bachelor's degree and above	-0.034 (0.117)	1.013 (0.177)
Contract duration (ref: permanent)		
Temporary	-0.309 (0.170)	1.071 (0.277)
Tenure (ref: 5–10 years)		
Less than 1 year	0.074 (0.214)	1.130 (0.353)
1 to 5 years	0.050 (0.147)	1.093 (0.254)
More than 10 years	-0.352* (0.152)	0.993 (0.218)

Variable	Model 5	Model 6
	Satisfaction with working conditions	Work-life balance
Occupation (ref: clerical support workers and services and sales workers)		
Managers and professionals	0.131 (0.117)	1.092 (0.204)
Craft and related trades workers, plant and machine operators and assemblers, and elementary occupations	-0.201 (0.202)	1.490 (0.369)
Working time arrangements (ref: fixed by the company)		
Fully/partly determined by yourself	0.234* (0.109)	2.155*** (0.430)
Contract type (ref: part time)		
Full time	0.133 (0.169)	0.772 (0.177)
Earnings (ref: no, for each category below)		
Fixed salary/wage	0.268 (0.161)	0.910 (0.224)
Commission	0.431** (0.152)	1.234 (0.335)
Extra payments for overtime	0.337** (0.115)	1.290 (0.228)
Extra payments for weekend work	0.195 (0.148)	0.675 (0.142)
Remote work (ref: no tasks)		
All/most tasks	0.371** (0.141)	2.532*** (0.528)
Some tasks	0.105 (0.149)	1.001 (0.197)
Sector (ref: less knowledge-intensive services)		
Knowledge-intensive services	0.182 (0.111)	1.594* (0.293)
Country (ref: Belgium)		
France	-0.521*** (0.144)	0.865 (0.198)
Italy	-0.213 (0.146)	1.130 (0.271)
Spain	-0.275 (0.148)	0.665 (0.143)
Observations	1,496	1,496
Pseudo R²	0.1086	0.099

Notes: * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. Model 5 is a linear regression model and Model 6 is a logistic regression model. Values in parentheses are standard errors. ref, reference.

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The rise in telework and more flexible working patterns, speeded up by the pandemic, has intensified concerns about an ‘always on’ culture and employees’ constant connection to their workplace, leading them to work additional and often unpaid hours. One of the solutions put forward to help address this issue is the introduction of a right to disconnect. Based on a survey of HR managers and employees, this report explores EU Member States’ legislation around the right to disconnect and assesses the impact of company policies in this area on employees’ hours of connection, working time, work–life balance, health and well-being, and overall workplace satisfaction.

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