The right to disconnect

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The Committee on Employment and Social Affairs adopted a draft legislative initiative report by Alex AGIUS SALIBA (S&D, MT) with recommendations to the Commission on the right to disconnect.

Protecting European workers in the digital world

Digitalisation has brought many benefits to employers and workers but also disadvantages that blur the boundaries between work and private life.

The report cites the risks associated with the growing use of digital tools for work purposes: greater workload, longer or unpredictable working hours, and an ‘always on’ culture. These can encroach on workers' fundamental rights, fair working conditions, health and safety at work, work-life balance and gender equality.

The report highlights that the greater the use of digital tools the higher the incidence of psychosocial risks, such as anxiety and burnout.

The COVID-19 health crisis has required almost a third of EU workers to telework. This compares with a figure of only 5% who worked from home before lockdown.

There is not, as yet, any specific EU legislation on the right of workers to disconnect from the digital tools they use for work purposes.

The EU Charter of Fundamental Rights and the European Pillar of Social Rights do not explicitly mention the right to disconnect. However, Members considers that this right should be a fundamental right and an important social policy objective.

Given the growth in teleworking during the coronavirus pandemic, Members stress the urgency of adopting binding legislation to enable European workers to exercise their right to disconnect.

Recommendations to the Commission

In this regard, they call on the Commission to:

- present a legislative framework with a view to establishing minimum requirements for remote work across the Union ensuring that teleworking does not affect the employment conditions of teleworkers. Such a framework should clarify working conditions, including the provision, use and liability of equipment, such as of existing and new digital tools, and should ensure that such work is carried out on a voluntary basis and that the rights, workload and performance standards of teleworkers are equivalent to comparable workers;

- propose a directive setting minimum requirements to ensure that workers have the right to disconnect from digital tools used at work outside their working time (including during rest periods and holidays) without facing adverse consequences;

- evaluate and address the risks of not protecting the right to disconnect.

Members point out that employers must provide workers with sufficient information, including a written statement, setting out the workers' right to disconnect, namely at least the practical arrangements for switching off digital tools for work purposes, including any work-related monitoring or surveillance tools, the manner in which working time is recorded, the employer's health and safety assessment, and the measures for protecting workers against adverse treatment and for implementing workers' right of redress. Workers who invoke their right to disconnect should be protected from victimisation and other negative repercussions. Mechanism should be put in place to deal with complaints or breaches of the right to disconnect.