The right to disconnect

2019/2181(INL) - 21/01/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 472 votes to 126, with 83 abstentions, a resolution containing recommendations to the Commission on the right to disconnect.

The right to disconnect should be a fundamental right

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

The resolution 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.

Members stressed that excessive use of technological devices can aggravate phenomena such as isolation, anxiety, depression, burnout, techno-addiction, sleep disorders and musculoskeletal disorders. According to a Eurofound report, 27% of respondents working from home reported that they worked in their free time to meet work demands.

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.

In this context, Parliament considers the right to disconnect to be a fundamental right that is an integral part of new working patterns in the new digital age. This right should be seen as an important social policy instrument at EU level to ensure the protection of workers’ rights.

An EU directive on the right to disconnect

There is as yet no specific EU legislation on the right of workers to disconnect from digital tools they use for professional purposes.

Consequently, Parliament called on the Commission to present a legislative framework with a view to establishing minimum requirements for remote work across the EU 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.

Therefore under the new requested directive, 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 employers 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.