

What is the “Right to switch off”?

The right to switch off, often referred to as the right to disconnect, is about giving individuals the ability to disconnect from work-related communications and activities outside of their regular working hours. As hybrid and remote working blur the lines of a traditional 9am to 5pm office working environment, this concept is gaining traction as defining work-life balance becomes increasingly important.

The UK Labour Government has recently pledged to introduce a ‘right to switch off’. This would allow workers to separate their work and home lives, potentially making it unlawful to contact employees outside of working hours. More on that later.

But how does the right to switch off impact HR policies and employment practices?

Here are some key aspects:

1. **Legal Protections:** In some countries, there are laws or regulations designed to protect employees' right to disconnect. For example, France has had such laws in place since 2017, requiring companies to respect employees' time off.
2. **Company Policies:** Many organizations are adopting their own policies to encourage a healthy work-life balance. This might include guidelines on when it's appropriate to send emails or expectations for after-hours availability. Some have systems in place to prevent emails being sent outside of certain hours.
3. **Mental Health:** The right to switch off can significantly impact mental health and well-being. Constant connectivity can lead to burnout and stress, so having clear boundaries helps in maintaining a healthier work-life balance.
4. **Technology's Role:** Advances in technology, such as smartphones and remote work tools, have made it harder to disconnect, making it even more crucial to establish and respect boundaries.
5. **Cultural Norms:** Attitudes towards disconnecting can vary by culture, industry, type and size of business. Some sectors may have more rigid expectations for availability, while others may be more flexible.

Overall, the right to switch off is about ensuring that people have the space to recharge and maintain their personal lives without the intrusion of work demands.

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How does the right to switch off work in other countries?

As mentioned earlier, in France, the right to disconnect came into effect in January 2017. The law requires companies with 50 or more employees to:

- establish policies that protect workers from being expected to respond to emails or other work communications outside of their normal working hours;
- negotiate agreements with employees or their representatives about the right to disconnect; and
- create and implement policies that ensure employees can disconnect from work-related communications after hours.

In Ireland, a Code of Practice sets out how organisations may implement the right to disconnect. The three key rights enshrined in the Code are:

- the right of an employee to not have to routinely perform work outside their normal working hours;
- the right not to be penalised for refusing to attend to work matters outside of normal working hours; and
- a duty to respect another person's right to disconnect (e.g. by not routinely emailing or calling them outside normal working hours).

From August 2024, employees working for large companies in Australia, have the right to refuse contact outside their working hours unless that refusal is unreasonable. This means an employee can refuse to monitor, read or respond to contact from an employer or a third party.

What is proposed in the UK?

Employment Laws introducing a right to disconnect could be introduced as part of the Labour government's '[Plan to Make Work Pay](#)'. The suggestion has received backing from Keir Starmer whose spokesperson stated:

'This is about ensuring people have some time to rest. Good employers understand that for workers to stay motivated and productive they do need to be able to switch off, and a culture presenteeism can be damaging to productivity.'

Here's a general overview of how such proposals might look based on similar initiatives that have been introduced elsewhere:

- **Legislative Measures:** Proposals might include introducing laws that require employers to respect employees' time off, similar to the right to disconnect laws in



France. This could mean regulating out-of-hours communications and ensuring employees are not expected to respond to work-related messages or calls during their personal time.

- **Workplace Policies:** The government might encourage companies to implement policies that encourage companies to create and enforce clear guidelines about work hours and expectations for after-hours availability. This could be supplemented by a Code of Practice which sets out best practice guidance on how employers can encourage flexible working arrangements and better support their employees' work-life balance.
- **Support for Remote Workers:** With the rise of remote work, there might be specific proposals aimed at ensuring remote workers also have the right to disconnect. This could involve measures to prevent overwork and burnout in a home working environment.
- **Mental Health and Well-being:** Proposals might emphasize the link between the right to switch off and mental health. By promoting work-life balance, such measures aim to improve overall employee well-being and reduce stress-related issues.
- **Enforcement and Compliance:** Proposals could include mechanisms for enforcing these rights, such as creating avenues for employees to report violations and ensuring that companies are held accountable for respecting work-life boundaries. For example, the government might consider introducing an uplift in compensation awarded by Employment Tribunals if there is evidence that an employer has breached best practice guidance on the right to switch off.

As yet there has been no timeline or indication of when measures to give individuals the right to disconnect will be implemented, however it is something employers and employees alike will have to seriously consider. Balancing flexibility with disconnectivity will be a challenge.

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