



Living from work – a right to disconnect in the UK

By **Sanika Karandikar** - 30 April 2021

More than a year into the Covid-19 pandemic, the once coveted perk of remote working has left many employees feeling as though they're 'living at work' rather than working from home. Employee burnout is becoming increasingly prevalent as employees feel they have to be 'always on' to keep on top of tasks and up with their colleagues. If that's not enough doom and gloom, being static and sitting too long in front of the screen has been shown to cause headaches, muscle and eye strain, fatigue, sleep deprivation and anxiety.

As remote working seems here to stay for many, we are assisting our clients to roll out global remote working policies to facilitate employees working from home. As flagged by our European Littler colleagues, one area employers should consider is the 'right to disconnect', a concept not recognised in UK law. A right to disconnect seeks to give employees fundamental rights to disengage from work-related communications outside of their regular office hours and requires employers to negotiate and agree upon rules with employees around when they can be contacted for work-related purposes.

In the UK, recent polling carried out by Opinium on behalf of the professionals' union Prospect found that 66% of the 2,428 employees surveyed are in favour of a 'right to disconnect' policy being included in the upcoming 2021 Employment Bill.

Prospect found that support for the policy was strong across all age groups in the UK as well as with voters from all political parties, with 65% of Labour and 53% of Conservative-voting workers supporting the idea. Andrew Pakes, research director at Prospect, said including a right to disconnect in the UK would be "a big step in redrawing that blurred boundary between home and work and would show that the government is serious about tackling the dark side of remote working".

Across the channel, The European Parliament passed a resolution on 21 January 2021 calling for an EU law that grants workers a right to disconnect, without fear of negative repercussions from employers. In particular, France has been a leader in legally recognising the right to disconnect – a national agreement has been in place since 2013 that encourages employers to clearly define work periods and when devices should be off. Belgium, Spain and Italy have also taken steps to allow workers to disengage outside of work hours.

Closer to home, Ireland has introduced new government guidance that gives all employees a 'right to disconnect' from work-related

duties beyond normal working hours, albeit one that is not directly enforceable, and one which recognises that it is not absolute. Read more about this [here](#) in an article by [Niall Pelly](#).

If a directly enforceable right to disconnect was to be introduced in the UK, its impact could be severe, especially in the professional services sector. Enforcement of the right has not been widespread. However, a successful claim was brought by an employee of Rentokil in France in 2018 for €60,000, but such judgements are few and far between.

It remains to be seen whether the 2021 Employment Bill proposals will reflect the growing calls for a 'right to disconnect' in the UK. In the meantime, it's increasingly important for employers to consider employee wellbeing and spot early signs of burnout. Some practical tips to achieve this are below:

- Ensure thorough handovers when employees go on holiday to make sure there is sufficient cover.
- Carry out effective workstation assessments and suitable equipment.
- Agree upon an emergency contact number to ensure employees can switch off their work device entirely.
- Monitor whether employees are consistently answering calls and emails out of hours - and raise this as a concern during catch up meetings.
- Foster a culture where people 'switch off' from work on weekends and whilst on annual leave.
- Encourage employees to come forward if they're struggling with their physical or mental health and learn how to spot signs of stress.

If you have any questions about this article please get in touch with [Sanika Karandikar](#).