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Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 - info@iledu.in / Chairman@iledu.in



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RIGHT TO DISCONNECT AS A LEGAL IMPERATIVE FOR WORK-LIFE BALANCE

AUTHOR - ROSY PARWEEN, STUDENT AT ALIGARH MUSLIM UNIVERSITY

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Introduction

The digital revolution has led to a new era of workplace liberation, where technology has liberated employees from physical office, at the same time it has also tethered them into invisible chain of digital connectivity in such a way that employees are compelled to work from home after office hours, extending the working hours. Though the introduction of technologies has increased work-effectiveness and productivity, it has also shrunken the boundary between professional and personal life.

The recent tragic death of a 26-year-old employee at Ernst & Young, allegedly due to extreme work overload, has highlighted the adverse effect of the growing toxic work culture. This incident is not an isolated anomaly but a symptom of systemic crisis, particularly high in the corporate sectors. The issue represents a fundamental conflict between the demands of hyper-connectivity and the need of globalized economy that asks for constant availability which has ignored the unavoidable human need for rest, leisure and personal time free from any work. With over 120,000 deaths[1] annually are linked to work-related stress, contributing to public health crisis. Therefore, it becomes crucial for India to implement Right to Disconnect to safeguard employees from work overload and promote work-life balance.

In furtherance of safeguarding workers from work overload, multiple jurisdictions have incorporated Right to Disconnect (R2D) policy, it facilitates workers to disconnect themselves from any work-related activities or communication by means of any digital tools during non-working hours. In India, the first and only formal attempt to legislate on this issue was the Right to Disconnect Bill, 2018[2], a private member bill introduced by MP Supriya Sule. The bill sought to confer upon every employee the right to refuse work-related calls and emails outside working hours and on holidays, without facing disciplinary action. It has also proposed the establishment of an employees' welfare Authority to oversee these rights.

The Always-on Culture

Digitalisation of work and development of telework has blurred the lines between one's private life and professional life, resulting in a 'always on' culture. Indian work culture is dominated by cultural ethos that not only endure but also glorifies overwork. The recent remarks by Larssen & Toubro chairman S.N. Subrahmanyan advocating a 90 hours work-week, following Infosys co-founder Narayan Murthy's earlier call for a 70 hours work-week reflects mindset that valorises excessive labour at the cost of employee well- being and work-life balance. The study of Indian Psychiatric Society indicates that 43% of employees show symptoms of burnout, with excessive digital connectivity serving as a primary cause.

[1] Joel Goh , Jeffrey Pfeffer, Stefanos Zenios, *The Relationship Between Workplace Stressors and Mortality and Health Costs in the United States*, STANFORD BUSINESS SCHOOL OF GRADUATE (Aug. 28,2025, 10:00 PM), https://www.gsb.stanford.edu/faculty-research/publications/relationship-between-workplace-stressors-mortality-health-costs-united.

[2] Right to Disconnect Bill, Bill no. 248 of 2019.

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The Need for the Right to Disconnect

The WHO and ILO[3] has identified a direct relationship between long working hours and severe health risks, finding that working over 55 hours per week or more increases the risk of heart disease by 17% and stroke by 35%. This pressure creates a significant work-family conflict that places the burden disproportionately on women, who often manage the "second shift" of domestic and caregiving on top of their professional duties. Companies that push for extreme hours of works are not gaining any benefit from it rather they are paying for increased sick days, lower quality output, poor decision-making and flop innovations that results from a burnout workforce.

Justification given for this toxic work culture is that it derives productivity and economic growth, however this assumption is flawed, a research from Stanford University[4] substantiates that productivity drops sharply after 50 hours of work per week, and becomes almost negligible beyond 55 hours. This justification is refuted by the international companies such as highly productive economies like Germany, known for its 30 hours work week in many sectors, consistently outperform nations with longer working hours, proving that efficiency and smart management are true drivers of economic success. As, a consequence it becomes necessary to regulate the new digital work environment, in the context of Right to Disconnect(R2D).

Legal Status of Right to Disconnect

India's labour laws are designed for physical workplace, for instance chapter VI of **Factories Act, 1948**[5], contains provision for working hours for adults setting the limits on daily 9 hours of work and weekly 48 hours of work and mandating rest intervals and weekly holidays. However, the entire act is based on the existence of 'physical' factory, making it ill-equipped to regulate the challenges of the growing virtual workplace.

The recent consolidation of 44 labour laws into four new codes was presented to modernize the labour laws. However, this reform largely failed to address R2D. **The Occupational Safety, Health and working Conditions (OSH) code,2020**[6]**,** while maintaining the 48 hours work limit and 8 hours standard workday, fails to address right to disconnect after working hours, strikingly silent on the occupational health and safety and risks associated with digital hyper-connectivity, burnout and psychological stress.

The Code on Wages,2019[7], lays down clause for overtime pay for work performed beyond normal hours. Yet the ground level challenge of defining, tracking and compensating "work" when it consists of a two-minute email response at 10 pm or constant monitoring of messaging groups remains unaddressed.

Judicial Observation on Work-life balance

Article 21 of the Indian Constitution, which guarantees the "right to life and personal liberty", has been interpreted by the Supreme Court in *Francis Coralie Mullin v. The Administrator, Union Territory, (1981) 1 SCC 608*[8], as not only a guarantee of mere survival, but as a promise of life with human dignity. In the case of *Consumer Education & Research Centre V. Union of India, (1995) 3 SCC 42*[9], court emphasized that the health and strength of the worker is an integral facet of right to life. If these are denied, the worker is stripped of the basic joys and quality of life that Article 21 of the constitution promises. *In Sunil Batra v. Delhi Administration, (1980) 3 SCC 488*[10]**,**the Supreme

[3] *Long working hours increasing deaths from heart disease and stroke: WHO, ILO,* WORLD HEALTH ORGANIZATION (Aug. 28, 2025, 10:30 PM) https://www.who.int/news/item/17-05-2021-long-working-hours-increasing-deaths-from-heart-disease-and-stroke-who-ilo.

[4] Kabir Sehgal, Deepak Chopra, *Work Stanford professor: Working this many hours a week is basically pointless. Here's how to get more done—by doing less*, CNBC (Aug. 28, 2025, 10:30 PM) https://www.cnbc.com/2019/03/20/stanford-study-longer-hours-doesnt-make-you-more-productive-heres-how-to-get-more-done-by-doing-less.html.

[5] Factories Act, 1948, S. 51

[6] The Occupational Safety, Health and working Conditions (OSH) code,2020, S. 25

[7] The Code on Wages,2019, S. 14

[8] Francis Coralie Mullin v. The Administrator, Union Territory, (1981) 1 SCC 608.

[9] Consumer Education & Research Centre V. Union of India, (1995) 3 SCC 42

[10] Sunil Batra v. Delhi Administration, (1980) 3 SCC 488

Court held that right to life is essential part of the right to live with dignity. The arbitrary increase in the working hours may lead to detrimental health results for the workmen. In the landmark judgment of *Vishakha v. State of Rajasthan, (1997) 6 SCC 241*[11], the Supreme Court issued guidelines to ensure that there is right to dignity at workplace and safe working environment for women. Article 39(e), 42, 43, and 47 of the Constitution casts a clear obligation on the state to create a policy and legal framework that actively protects workers well-being.

The most immediate association of R2D can be found in the Article 24 and Article 23 of Universal Declaration of Human Rights (UDHR)[12] and Article 7 of International covenant on Economic, Social and Cultural Rights (ICESCR)[13] emphasizing on right to rest, leisure and reasonable limitation of working which underscores the importance of right to disconnect.

International Position

France, is the first country to codify the R2D in 2017. It is state imposed ban on after-hours contact. Its core mechanism is mandatory social dialogue. The law requires companies with 50 or more employees to enter into annual negotiations with unions or staff representatives to establish a collective agreement on the modalities of the R2D.

Australia, adopted a different approach in 2024, granting a right on employees to refuse to monitor, or respond to out of work hours contact from their employer, unless it is something urgent or really important. The legislation avoids a blanket prohibition and instead introduces a case-by-case assessment.

Italy's approach is more targeted. A legal right to disconnect is expressly conferred only to employees under "smart working" arrangements, which are defined by individual agreements for remote work. For all other employees, the right is not explicitly codified but is inferred from general laws regulating working time limits. This conveys a strategy of phased or targeted intervention, focusing first on that segment of workers which are most significantly affected by the blurring of work-life balance boundaries. This could serve as a blueprint for India to initially roll out an R2D specific laws for a specific sector like IT/ITeS, where the problem is most severe.

Canada, implemented provision for R2D under the Ontario Employment Standards Act,2000 it provides that employers employing more than 25 employees are required to provide written policy on disconnecting from work to all its employees.

Corporate-led initiatives

The German Company Daimler introduced a program called "mail on holiday", this program provides employees with an option to activate a setting that automatically deletes all incoming mail while they are on vacation. The sender receives an auto-generated mail informing that their mail has been deleted and providing them the contact information of a designated colleague. The purpose behind this was to provide break and rest to the employees during their vacation.

In 2012, Volkswagen blocked it email servers from sending any emails to their employees outside their workings hours. The servers used to stop 30 mins after the working hours ends and starts again 30 mins before work. These initiatives create a manifesto for digital disconnection providing guidebooks for the organizations and legislature to implement Right to Disconnection.

Way Forward

The most logical legislative tool for the R2D is the Occupational Safety, Health and Working Conditions Code, 2020. The amendments should follow a tiered approach rather than a blanket ban:

[11] Vishakha v. State of Rajasthan, (1997) 6 SCC 241

[12] Universal Declaration of Human Rights, 1948, art. 23 & 24.

[13] International Covenant on Economic, Social and Cultural Rights, 1976, art. 7

Establish a baseline right: The code should be amended to establish a universal, baseline right for every employee to be free from any negative consequences or disciplinary action for not monitoring or responding to work-related communications outside of their contractually defined working hours. This creates legal protection for all.

Mandate Policy Formulation through Social Dialogue: Borrowing from French model, the law should require all establishments above a certain size to negotiate and formulate a Disconnect Policy. This policy must clearly define normal working hours, rest periods, committee or other representative bodies.

Reasonableness in Disconnection: To balance flexibility and address business concerns, the law should institutionalize an Australian style test for any exceptions to the general rule of disconnection. The obligation to reconnect during the period of disconnection must be limited to emergency situations provided that these are urgent and their postponement would harm the employer.

Documentation and Grievance Redressal: A legal requirement for the disconnect policy must supported by internal processes. This includes clear documentation of after-hours communication expectations in employment contracts or policy manuals, and the creation of accessible, confidential, and non-retaliatory grievance mechanisms for employees to report violations without fear of reprisal.

Monitoring and enforcement: Organisation's adherence to the R2D should be routinely evaluated and appropriately tracked by labour inspectors or other impartial, capable organisations.

The above discourse reveals that Right to disconnect has become an obvious requirement for the welfare of employees. The absence of specific legislation has provided employer with enormous power to exploit their employees by spamming them with messages, emails and calls during non-working hours. As emphasized by the Supreme court in the case of *Francis Coralie Mullin v. The Administrator, Union Territory, (1981) 1 SCC 608*[14], a man has to be left alone to enjoy "life" without fetters. He cannot be hounded by the loads of excessive work which hamper their right to enjoy their life without fetters. Many Jurisdictions has implemented various legislation to protect the rights of their employees. Therefore, there is a pressing need to implement a new law taking into consideration the various difficulties that has been faced by the employees.

[14] Francis Coralie Mullin v. The Administrator, Union Territory,(1981) 1 SCC 608