

Round-up: Employees' right to disconnect

Law & Policy Group

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Section 1

Introduction

In recent years, several countries have enacted legislation requiring employers to allow employees the "right to disconnect" — or to "switch off" from work-related electronic communications (such as emails) outside of their normal working hours. This responds to the advances in communication technologies, and especially the use of smartphones and other digital devices that could result in employees being "on call" and constantly accessible. The objective is to promote work-life balance and protect employees' well-being and health.

To help employers consider the issues associated with the right to disconnect, this roundup provides links to general information about countries' legislative/regulatory governance initiatives and trends. Sources include organizations, government websites, third-party resources and news articles. The aggregated content in each section is organized in reverse chronological order and is by no means comprehensive. It also does not necessarily reflect Mercer's or the authors' point of view on the subject.

Section 2

Legislative/regulatory/ governance information and law firm analysis

Global/multi-country

- [The right to disconnect](#) across jurisdictions (Argentina, Australia, Belgium, Brazil, Canada, Chile, Colombia, France, Germany, Ireland, Italy, Luxembourg, Mexico, Portugal and Spain) (Mayer Brown, March 24, 2025)
- [Right to disconnect: What countries grant it in 2025?](#) (Techopedia, Sept. 22, 2024)
- [Considering the right to switch off](#) (Dentons, Sept. 19, 2024)
- [The employee's right to disconnect in Canada and Australia](#) (International Bar Association, Sept. 11, 2024)
- [The right to disconnect: A comparative analysis](#) (Australia and France) (King & Spalding, Sept. 4, 2024)
- [A look at global employee disconnect laws for US counsel](#) (DLA Piper, May 1, 2024)
- [The right to disconnect around the world](#) (interactive map) (Ius Laboris, April 5, 2024)
- [Right to disconnect: The countries passing laws to stop employees working out of hours](#) (World Economic Forum, Feb. 3, 2023)
- [Contribution to the study on the 'right to disconnect' from work. Are France and Spain examples for other countries and EU law?](#) (European Labour Law Journal, June 14, 2022)
- [The right to disconnect for employees](#) (Seyfarth, Aug. 17, 2021)

European Union (EU)

On Jan. 21, 2021, the European Parliament passed a resolution calling for a right to disconnect, and for the European Commission to issue a directive “that enables those who work digitally to disconnect outside their working hours.” In April 2024, the European Commission launched a consultation with the EU’s social partners on introducing fair telework and the right to disconnect. The consultation closed on June 10, 2024, and the commission’s announcement about next steps is awaited.

- [Commission starts second-stage talks with social partners on right to disconnect and fair telework](#) (European Commission, July 24, 2025)
- [Commission launches first-stage consultation of social partners on fair telework and the right to disconnect](#) (European Commission, April 30, 2024)

- [First-stage social partner consultation on right to disconnect](#) (BusinessEurope, June 25, 2024)
- [ETUC response to the Commission's first-phase consultation of the European social partners on possible action in the area of telework and workers' right to disconnect](#) (ETUC, June 25, 2024)
- [European Commission launches consultation on right to disconnect](#) (Dentons, May 21, 2024)
- [Parliament wants to ensure the right to disconnect from work](#) (European Parliament, April 30, 2024)

Australia

From Aug. 26, 2024, employees have the right to reasonably refuse contact with their employer and others outside working hours. Employees can "refuse to monitor, read or respond to contact, or attempted contact" from their employer (or related parties) outside of their working hours without being penalized, unless the refusal is unreasonable. A nonexhaustive list of factors should be considered to determine if a refusal is unreasonable. They include the reason for the contact; how the contact is made and the amount of disruption to the employee; the employee's job role and responsibility; the employee's personal circumstances; compensation (either monetary or other) to the employee for their availability to work outside their working hours; and if the contact is required by law.

The Fair Work Commission (FWC) can consider disputes about "reasonable contact" that cannot first be resolved in the workplace, and it can issue an order for the employer to stop unreasonable out-of-hours contact and impose penalties of up to AU\$18,000. The right to disconnect is included as a model term in modern awards, and is explicitly recognized as a protected right under the Fair Work Act 2009.

- [Fair Work Legislation Amendment \(Closing Loopholes No. 2\) Bill 2023](#) (Parliament, Feb. 26, 2024)
- [Understanding the right to disconnect](#) (Fair Work Commission, July 26, 2024)
- [The right to disconnect — has it really changed the way we work?](#) (Baker McKenzie, Sept. 11, 2025)
- [Right to disconnect: A new era for Australia workplaces](#) (Clyde & Co, Aug. 21, 2025)
- [First case involving adverse action and the right to disconnect](#) (Gadens, July 14, 2025)
- [Wage theft, right to disconnect gaps persist in Australia workplaces](#) (HRD Australia, April 15, 2025)
- [Disconnecting in a connected world: the effectiveness of the Australian right to disconnect](#) (HFW, April 15, 2025)
- [Right to disconnect: how effective is it for Australia?](#) (GGi, April 3, 2025)
- [Employee right to disconnect starts August 2025: What it means for start-ups and small business](#) (Metis Law, March 3, 2025)

- [Does the 'right to disconnect' apply to me?](#) (Scanlan Carroll, Oct. 2, 2024)
- [Will Australians connect with the right to disconnect?](#) (Seyfarth, Oct. 1, 2024)
- [The 3 biggest myths about the NEW 'right to disconnect' rules](#) (Matthews Folbigg, Sept. 26, 2024)
- [The right to disconnect after working hours is now in effect](#) (L&E Global, Sept. 25, 2024)
- [The Australian right to disconnect: Balancing work and personal life](#) (McCarthy Durie Lawyers, Sept. 2, 2024)
- [Australians now have the right to disconnect — but how workplaces react will be crucial](#) (The University of Sydney, Aug. 26, 2024)
- [Clocking off: What does the 'right to disconnect' actually mean for employers?](#) (McInnes Wilson, Aug. 13, 2024)
- [What the new 'right to disconnect' means for employers, and how they can prepare](#) (Clayton Utz, March 27, 2024)

Belgium

Belgian companies with 20 or more employees had until April 1, 2023, to conclude a collective agreement on the right to disconnect. Where no collective agreement is in place, the practical arrangements for disconnecting must be included in work regulations, and must include the instructions for using digital tools to ensure employees' rest periods, holidays, etc., and training for employees and managers on the use of digital tools. Industry sector collective agreements can also include measures on the right to disconnect — in such cases, employers do not have to negotiate a separate agreement.

- [Loi du 3 Octobre 2022 loi portant des dispositions diverses relatives au travail](#) (French) (Government)
- [The right to disconnect: Which countries have legislated — Belgium](#) (Ius Laboris, July 26, 2023)
- [Not everyone can disconnect with Belgium's right to disconnect](#) (Politico, May 13, 2023)

Canada

Federally-regulated employers subject to the Canada Labour Code must establish a right-to-disconnect policy that restricts work-related communication outside of employees' scheduled working hours. The measures received royal assent on June 20, 2024 and aim to improve employees' work-life balance. Slated to take effect in 2025, the measures are included in Budget Implementation Act, 2024, No. 1, (Bill C-69) that will amend the Canada Labour Code. The government will issue further information, tools and resources to help employers and employees prepare for implementation of the right to disconnect. Highlights include:

- Employers must introduce a right-to-disconnect policy within one year of becoming subject to the requirement that includes certain information, such as exempted employees and the rationale for the exclusion. The policy must be reviewed and updated every three years.

- Employers developing or updating their right-to-disconnect policy must consult with employees or unions and provide a mandatory 90-day period for employees to provide their comments.
- Employers must keep records of their right-to-disconnect policy and related consultations.
- Employers must post the policy in the workplace and provide it to employees in paper or electronic form within 30 days after it takes effect.
- Employers are prohibited from intimidating, dismissing, penalizing, disciplining or otherwise taking reprisals against an employee about the right to disconnect.

Note that certain employees are allowed an exemption from the right to disconnect. Employees subject to collective bargaining agreements (CBA) can agree to their exemption if the CBA meets minimum requirements.

Ontario is the only province that has a right-to-disconnect law. Beginning in 2023, employers with 25 or more employees on January 1 of any year must have a written disconnecting-from-work policy in place before March 1 of that year.

- [Legislative changes to support federally regulated employees](#) (Government of Canada, June 21, 2024)
- [Budget Implementation Act, 2024, No. 1](#) (Government of Canada, June 20, 2024)
- [Disconnecting from work-related e-communications outside of work hours](#): Issue paper (Government, Jan. 27, 2023)
- Ontario: [Written policy on disconnecting from work](#) (Government, updated July 8, 2024)
- Ontario: [Working for Workers Act, 2021, S.O. 2021, C.35](#) (Ontario, Dec. 2, 2021)
- Ontario: [Your workplace may be flexible, but your disconnecting policy obligations are not](#) (SpringLaw, Aug. 20, 2025)
- [Replacement worker ban, right to disconnect and other changes upcoming for federal workplaces](#) (Fasken, Aug. 1, 2024)
- For federally regulated employers new changes to the Canada Labour Code: presumption of employee status and disconnecting from work policy (Lawson Lundell, July 12, 2024)
- [What does the proposed 'right to disconnect' mean for the Canadian workforce?](#) (Fillmore Riley, June 18, 2024)
- [Right to disconnect proposed for federally regulated employees](#) (Dentons, April 30, 2024)
- [Right to disconnect: Law for federally regulated employees](#) (Samfiru Tumarkin, April 18, 2024)
- [Ontario employees and the right to disconnect](#) (Tierney Stauffer LLP, April 4, 2024)
- [The right to disconnect from work in Alberta](#) (Osuji & Smith Law, Oct. 10, 2023)
- [Right to disconnect Ontario explained](#) (Achkar Law, Aug. 1, 2023)

- [The 'right to disconnect': A toothless tiger protecting mental health](#) (McGill University, April 1, 2023)
- [Which Canadian provinces are introducing right-to-disconnect legislation?](#) (Benefits Canada, Aug. 25, 2022)
- [Understanding the new right to disconnect in Ontario](#) (video) (Baker McKenzie, May 10, 2022)
- [The right to disconnect in Canada: Everything you need to know](#) (Ertl Lawyers, April 28, 2022)
- [Q&A: Right to disconnect law in Ontario](#) (Gowling, April 4, 2022)

Colombia

Employees in Colombia have the right to disconnect at the end of their working day, and during vacation periods and other rest periods under measures included in Law 2191 of 2022. The law includes certain exceptions, such as force majeure situations. Employers must have a right-to-disconnect policy that guarantees employees' right to disconnect and includes guidelines to address certain work situations (such as remote working); an employee grievance mechanism; and an internal procedure for resolving employee complaints and implementing any agreements. Noncompliance is viewed as workplace harassment under law 1010 of 2006, and employers face sanctions between two and 10 times the minimum wage and payment of up to 50% of any resulting medical treatment.

- [Ley 2191 de 2022](#) (Spanish) (Government, Jan. 6, 2022)
- [The Constitutional Court declared the right of labour disconnection as a fundamental right](#) (DLA Piper, Oct. 9, 2023)
- [Government enacts the Law of Labor Disconnection](#) (Baker McKenzie, Feb. 6, 2022)
- [Congress issues new Act regulating the right to disconnect](#) (L&E Global, Jan. 26, 2022)

France

The right to disconnect was introduced into the French Labour Code by Law n°2016-1088 of August 8, 2016. Employers with 50 or more employees must negotiate a collective agreement on the terms and conditions of the right to disconnect; in the absence of an agreement, employers must draw up a code or policies, after consulting with its works council. Companies must also include the use of digital tools in their annual negotiations on the quality of life at work and equality between men and women.

Collective agreements that provide for "days-per-year" working time arrangements ("forfait jours") must specify how these employees can exercise their right to disconnect. In the absence of a collective agreement, employers can unilaterally decide on the right-to-disconnect arrangements and communicate them to the relevant employees.

- [Loi n° 2016-1088 du 8 août 2016 relative au travail](#) (French) (Legifrance, Aug. 10, 2016)
- [Telework and the French 'right to disconnect'](#) (Library of Congress, Aug. 21, 2020)

- [Sorting out the truth about the right to disconnect in France](#) (Littler, May 18, 2017)
- [Right to disconnect takes effect](#) (Library of Congress, Jan. 13, 2017)
- [What is the new French 'right to disconnect'?](#) (Simmons & Simmons, Jan. 11, 2017)

Ireland

Employees have the right to generally disconnect from work outside of normal working hours, including the right not to respond immediately to emails, telephone calls or other messages. The measures feature in a code of practice published by Ireland's Workplace Relations Commission (WRC) on April 1, 2021 and apply to all types of employment. The code was developed by the WRC and is one measure featured in the government's remote working strategy published in January 2021.

The code, which includes practical guidance and best practices, aims to foster workplace cultures that enable employees to disconnect from work, work-related devices and communications. However, the code does not offer an absolute right to disconnect, and recognizes that business and organizational needs could require occasional out-of-hours working for some employees. The Irish Business and Employers Confederation (Ibec), has welcomed the code, noting it is "positive" that it focuses on best practice, "rather than layering on further legislation in circumstances where the Organisation of Working Time Act 1997 already provides a very effective and defined entitlement to disconnect."

Employers do not have to follow the code, but failure to do so will be taken into account by the WRC, labor and criminal courts.

- [Code of Practice for employers and employees on the right to disconnect](#) (Workplace Relations Commission, April 1, 2021)
- [The right to disconnect: Lessons from Ireland](#) (Matheson, Sept. 19, 2024)
- [Right to disconnect — what does it mean for employers?](#) (McCann FitzGerald, June 10, 2021)
- [Introduction of the Code of Practice on the right to disconnect](#) (Addleshaw Goddard, April 8, 2021)
- [Ireland publishes code on right to disconnect from work](#) (Mercer, April 7, 2021)
- [The right to disconnect: Ireland publishes a new Code of Practice](#) (Ius Laboris, April 2, 2021)
- [Ireland new Code of Practice on right to disconnect](#) (Lewis Silkin, March 31, 2021)

Luxembourg

The right for employees to disconnect from their workplace outside of working hours took effect on July 4, 2023. However, penalties for breaches of the law will not apply until June 20, 2026. Under the law, employers must introduce a disconnection scheme, either at the company or sectoral level. The scheme's details must be included in a collective or subordinate agreement or agreed to with the company's staff delegation. Disconnection schemes in organizations with 150 or more employees must be mutually agreed to (and

modified) by the employer and the staff delegation; in smaller organizations, employers must inform and consult their staff delegation. Disconnection schemes must include the practical arrangements for employees to disconnect from digital devices, in addition to measures to raise awareness and train employees about the scheme. From June 20, 2026, administrative fines (€251 to €25,000) will be levied for breaches that occur.

- [Loi du 28 juin 2023 portant modification du Code du travail en vue d'introduire un dispositif relatif au droit à la déconnexion](#) (French) (Official Journal, June 30, 2023)
- [The right to disconnect Q & A](#) (Mayer Brown, February/March 2025)
- [The right to disconnect](#) (Elvinger Hoss, Feb. 21, 2025)
- [Law on right to disconnect](#) (Elvinger Hoss, July 10, 2023)
- [New law on the right to disconnect outside working hours](#) (Baker McKenzie, July 4, 2023)

Mauritius

The right to disconnect after working hours was introduced in July 2024 under measures included in The Finance (Miscellaneous Provisions) Act 2024. Employees have the right to disconnect from work and work-related communications during “unsocial hours” (these are between 1:00 pm on a Saturday and 6:00 am on the following Monday, and between 10:00 pm on a weekday and 6:00 am on the following day). Employees who must work during unsocial hours are entitled to be paid a disturbance allowance equivalent to one time the hourly wage for every hour of work performed during the unsocial hours.

- [The Finance \(Miscellaneous Provisions\) Act 2024](#) (Government, July 27, 2024)
- [Mauritius introduces right to disconnect and increases employee leave entitlements](#) (Lockton, Jan. 7, 2025)

Spain

Employees in Spain have had the right to disconnect from work-related electronic communications outside of their working day since December 2018. The measures are included in Article 88 of the Organic Law 3/2018 on the Protection of Personal Data and the Guarantee of Digital Rights. The right to disconnect applies to all employees, including remote workers, and covers various digital communication channels like calls, emails and instant messaging. Collective bargaining and companies' internal policies regulate the right to disconnect, including training employees on the correct use of technological tools.

- [Ley Orgánica 3/2018](#) (Spanish) (Official Journal, Dec. 6, 2018)
- [Spain's latest initiative puts the spotlight on the right to disconnect and associated preventive measures](#) (European Agency for Safety and Health at Work, Oct. 24, 2023)
- [New laws on gender pay, working time, and 'right to disconnect'](#) (Ogletree Deakins, June 2019)

United Kingdom

The UK currently has no right to disconnect, and the government appears to have dropped any plan to introduce such a right. Previously, the Labour government's election manifesto had included a commitment to introduce a right to disconnect, but this was not included in the Employment Rights Bill, 2024, published in October 2024. Instead, the government included it in its Next Steps document published alongside the Bill and which highlighted initiatives that the government would introduce in the future. However, in January 2025, the business minister said the government would not legislate on banning communication outside of working hours, but it would instead introduce a statutory code of practice. In March 2025, government sources reportedly confirmed that all plans to introduce measures on the right to disconnect have been abandoned.

- [Next steps to make work pay](#) (Department for Business and Trade, Nov. 8, 2024)
- [Labour's plan to make work pay — delivering a new deal for working people](#) (Labour, May 24, 2024)
- [Plans for right to disconnect shelved](#) (Davidson Morris, March 3, 2025)
- [Will a 'right to switch off' statutory Code of Practice be strong enough for workers?](#) (Lancaster University, Oct. 24, 2024)
- [Labour's right to switch off: What do we know so far?](#) (Brodies, Sept. 2, 2024)
- [New Deal talking points: What could a new right to disconnect look like under a Labour government](#) (Lewis Silkin, July 5, 2024)

Section 3

Strategies, trends and viewpoints

- [With late night calls, even bedtime isn't boss-free](#) (subscription required) (Financial Times, Aug. 3, 2025)
- [The right to 'switch off' doesn't mean better workplaces](#) (CMP, Dec. 4, 2024)
- UK: [Future work trends: From disconnect rights to flexible norms](#) (podcast) (Boyes Turner, Oct. 1, 2024)
- [The right to disconnect — how does it work in Europe?](#) (Labour Research Department, Sept. 27, 2024)
- [Global talent, local obstacles: Why time zones matter in remote work](#) (Harvard Business School, Sept. 19, 2024)
- [Employers and the 'right to disconnect'](#) (subscription required) (Financial Times, Aug. 19, 2024)
- [What a 'right to disconnect' from work could look like in the UK](#) (The Conversation, July 19, 2024)
- [Mental health at work: What can employers do?](#) (Ius Laboris, Oct. 10, 2023)
- [Right to disconnect: The countries passing laws to stop employees working out of hours](#) (World Economic Forum, Feb. 3, 2023)
- [How businesses can best help employees disconnect from work](#) (The Conversation, Jan. 23, 2022)
- [The right to disconnect: Why legislation doesn't address the real problems with work](#) (The Conversation, Nov. 15, 2021)
- [Two mental health issues for home workers](#) (Ius Laboris, Oct. 7, 2021)



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