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The Right to Disconnect: An Aspect of Employees' Well-Being in the Digital Age

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Abstract

Modern technology lets people work from anywhere, but it also creates constant pressure to be available. This "digital overwork" often leads to serious health issues like stress, burnout, and heart disease. The right to disconnect allows employees to stop answering work emails or messages outside of office hours without being punished. While countries like France and Spain have already made this a law, India currently lacks specific rules. However, India's Constitution protects the right to life and dignity, which includes mental health and fair working conditions. To protect workers, experts suggest India should update its labour laws or encourage companies to create clear policies for after-hours communication. Giving workers the right to unplug is essential for their health and happiness in the digital age.

Keywords: Right to Disconnect, Digital Overwork, Work-Life Balance, Employee Well-being, Labour Law Reform

1. Introduction

The growth of digital technology has changed the traditional system of work. The use of as emails, instant messaging applications, video conferencing platforms, cloud-based systems, and smartphones have made it possible for employees to work beyond the physical boundaries of the office. Work is no longer confined to a fixed place or a fixed time. Though this use of digital technology has increased flexibility and global collaboration, it has created new challenges for workers, particularly in relation to excessive working hours and constant availability.

One of the most serious consequences of digitalisation is the blurring of the boundary between professional life and personal life. Employees are expected to respond to work-related communications even after official working hours, during weekends, or while on leave. This expectation of uninterrupted availability has become more prominent after the COVID-19 pandemic, which normalised remote and hybrid modes of work across sectors. This was initially appeared to be a flexible arrangement. Now this has resulted in longer working hours, unpaid overtime, and continuous work-related stress.

The International Labour Organization (ILO) has observed that working time in the digital economy has become "less visible, less predictable, and more intrusive." This shift raises serious issues about workers' health, dignity, and overall well-being (International Labour Organization, 2020). Empirical research conducted by international organisations such as the OECD and the World Health Organization established a clear link between prolonged digital connectivity and negative outcomes such as burnout, anxiety, sleep disorders, and declining job satisfaction (Organisation for Economic Co-operation and Development, 2021). These developments reveal that the issue is not merely confined to managerial or technological aspect, but it involves legal and constitutional aspects.

Against this background, the concept of the "right to disconnect" has emerged as an important contemporary labour right. The right seeks to protect employees from the harmful effects of continuous digital engagement. The

right seeks to allow them to disengage from work-related communications outside working hours without fear of disciplinary action or adverse consequences.

2. Concept and Meaning of the Right to Disconnect

The "right to disconnect" refers to the entitlement of an employee to disengage from work-related digital communications outside officially agreed working hours without facing any adverse employment consequences. Such communications include emails, telephone calls, text messages, instant messaging applications, and notifications sent through digital work platforms (The Future World of Work, 2019). The essence of this right lies not in completely prohibiting employer communication, but in regulating the expectation of continuous availability in order to protect employees' personal time, mental health, and autonomy.

It is important to clarify that the right to disconnect does not impose an absolute ban on after-hours communication. The objective of this right is not to restrict business operations, but to ensure that digital technology does not become a mechanism for indirect coercion or unpaid labour. In this sense, the right functions as a reasonable limitation on employer expectations.

The concept of right to disconnect is closely connected to the idea of human dignity and the right to rest and leisure (Veal, 2021). Rest is not merely a matter of convenience; it is an essential condition for physical health, mental well-being, and personal development (United Nations, 1966). Labour jurisprudence recognises that dignity at work includes protection from excessive mental pressure and intrusive control. This right is integral to the employees' right to life and dignity (United Nations, 1948).

Right to disconnect serves as a corrective to the inherent power imbalance in employment relationships. Employers possess greater bargaining power and control over work processes, especially in digitally mediated environments where performance is tracked and monitored through algorithms and online platforms. Without legal safeguards, employees may feel compelled to remain constantly available to demonstrate commitment or avoid negative appraisal. The right to disconnect limits this asymmetry by affirming that an employee's time outside working hours is legally protected.

Furthermore, the right to disconnect reflects a shift in labour law from a purely economic understanding of work to a human-centred approach. Traditional labour regulations focused mainly on wages and physical working conditions. In contrast, the digital workplace raises concerns relating to psychological well-being, work-induced stress, and invisible labour.

3. Empirical Basis: Digital Overwork and Its Consequences

Empirical evidence demonstrates the harmful effects of excessive digital connectivity. In digitally mediated workplaces, work often extends beyond contractual hours through emails, messages, and virtual meetings. This phenomenon of "digital overwork" has become a widespread feature of modern employment, particularly in service-oriented and knowledge-based sectors.

Table-1: Consolidated Empirical Evidence on Digital Overwork, Long Working Hours, and Health–Productivity Outcomes

Sources	Year	Population / Focus	Region	Empirical Findings
Bakker & Demerouti (JD–R Model)	2001	Employees; job demands	Europe	High digital job demands significantly increase burnout and psychological exhaustion
WHO & ILO (Joint Studies)	2021	Long working hours; occupational health	Global	Working ≥55 hours/week increases stroke risk by ~35% and contributed to 745,000 deaths globally (2016 data)
Eurofound & ILO	2020	Remote work and telework	European Union	Digital overwork and prolonged screen-based work lead to fatigue and poor work–life balance
OECD	2019	Productivity and working hours	OECD countries	Longer digital working hours are associated with declining labour productivity
Mbata	2024	Screen exposure; occupational health and performance	United States	Excessive screen use causes sleep disturbances and musculoskeletal disorders and Excessive screen time linked to musculoskeletal pain and reduced productivity
Government of Japan & JILPT	2026*	Overwork-related mortality and disorders	Japan	Overwork (karoshi) causes 200+ deaths annually; 1,304 overwork-related deaths/disorders officially recognised for 2024

Note: ≥55 hours/week denotes long working hours as defined by WHO and ILO.

JD–R = Job Demands–Resources model.

*JILPT (2026) reports official statistics for the year 2024.

Sources: (Demerouti et al., 2001); (World Health Organization & International Labour Organization, 2021); (Vargas-Llave, Mandl, Weber, & Wilkens, 2020); (Mbata, 2024); (Japan Institute for Labour Policy and Training, 2026)

A joint study conducted by the World Health Organization (WHO) and the International Labour Organization (ILO) found that individuals working more than 55 hours per week face a higher risk of serious health conditions, including cardiovascular diseases and stroke. This establish a direct connection between excessive working time and adverse health outcomes (WHO & ILO, 2021). The Organisation for Economic Co-operation and Development (OECD) has observed that digital technologies have led to a rise in unpaid overtime. Employees in digitally intensive occupations often continue to work beyond official hours without formal compensation. This form of invisible labour disproportionately affects employees engaged in remote and hybrid work, where monitoring of actual working time becomes difficult. Such practices undermine existing labour protections related to working hours and overtime pay (OECD 2024). The Indian context reflects similar trends. Surveys conducted by organisations such as Nasscom and Deloitte reveal that a substantial majority of employees in the IT and service sectors regularly respond to work-related communications outside working hours. Many of these employees report experiencing stress, fatigue, anxiety, and symptoms of burnout (Nasscom & Deloitte, 2024). The consequences of digital overwork extend beyond individual health and affect workplace efficiency and social well-being. Chronic stress and burnout lead to reduced productivity, increased absenteeism, and higher employee turnover. From a legal perspective, these outcomes raise questions about the adequacy of existing labour protections in addressing modern forms of exploitation. The empirical data thus indicate that unchecked digital connectivity violates the principles of dignity and humane working conditions.

In this light, the right to disconnect is grounded in evidence rather than abstraction. The right seeks to prevent harm before it occurs by limiting after-hours digital engagement. Empirical research therefore provides a justification for employees' right to disconnect as a component of their labour rights.

4. International and Comparative Legal Developments

The right to disconnect has gained recognition at the international level. Comparative legal developments reveal a growing consensus that labour law must respond to the challenges posed by constant digital connectivity. Some countries have either enacted statutory provisions or adopted policy measures aimed at regulating after-hours work communication. These developments provide valuable guidance for India, because the right has not yet been formally recognized in India.

4.1 Europe

Europe has played a leading role in the legal recognition of the right to disconnect. France was the first country to incorporate this right into its labour law through amendments to the French Labour Code in 2016. Under these reforms, companies employing more than fifty workers are required to negotiate with employees or their representatives to establish clear rules governing after-hours digital communication. The law encourages employers to define time slots during which employees are not expected to respond to work-related messages. The French approach emphasises social dialogue and collective bargaining rather than rigid statutory prohibitions (National Assembly of France, 2016). Subsequent evaluations conducted by the French Ministry of Labour indicate that the introduction of the right to disconnect has contributed to improved work–life balance and a reduction in complaints related to stress and burnout. Although implementation of this law varies across organisations, the French experience demonstrates that legal recognition of this right is both feasible and effective (French Ministry of Labour, Employment and Integration, 2023). At the European Union level, the discourse on the right to disconnect has gained a momentum. In 2021, the European Parliament adopted a resolution calling upon the European Commission to propose a directive recognising the right to disconnect as a fundamental labour right (European Parliament, 2021). The resolution emphasised that digital tools should serve workers and not undermine existing labour protections. It also stressed that continuous availability cannot be treated as a normal condition of employment. Judicial developments within the European Union further strengthen this position. The Court of Justice of the European Union (CJEU) has consistently held that periods during which workers are required to remain available to employers may constitute "working time." In landmark cases such as *SIMAP v. Conselleria de Sanidad* and *Jaeger v. Land Nordrhein-Westfalen (2000)*, the Court ruled that mandatory availability, even without active work, restricts personal freedom and must be counted as working time (Court of Justice of the European Union, 2003). These decisions are relevant to the right to disconnect, as they recognise that control over time is central to worker autonomy and dignity.

4.2 Other Jurisdictions

Beyond Europe, several other jurisdictions have adopted legal or policy measures recognising the need to regulate digital work. Countries such as Spain, Italy, Belgium, and Portugal have introduced statutory provisions explicitly acknowledging employees' right to disconnect, particularly in the context of remote work. These laws generally require employers to establish internal policies that respect employees' rest periods and personal time. In Canada, the province of Ontario has enacted legislation requiring medium and large employers to adopt written policies on disconnecting from work. Although the law does not create an enforceable individual right, it represents an important step towards institutionalising the concept and promoting workplace awareness.

These comparative study demonstrate an emerging trend towards recognising that constant digital availability is incompatible with modern labour standards. They also illustrate that the right to disconnect can be implemented through flexible mechanisms, including collective bargaining, workplace policies, and statutory guidance. For India, these international experiences provide useful models for shaping a context-specific approach based on constitutional values and labour welfare principles.

5. Statutory Framework and Its Limitations

The Occupational Safety, Health and Working Conditions Code, 2020 represents an attempt to consolidate and modernise labour laws (GoI 2020). It recognises the importance of safe and healthy working environments and extends coverage to certain categories of workers previously excluded. Nevertheless, the Code does not explicitly deal with psychological hazards arising from constant digital connectivity, such as work-related stress, burnout, and mental fatigue. Nor does it clarify whether responding to work communications outside official hours constitutes working time. In the absence of explicit statutory provisions on digital overwork, courts will face practical limitations in extending existing doctrines to new forms of employment control. This legal ambiguity creates uncertainty for both employers and employees. Employers may argue that responding to emails or messages after hours is voluntary or incidental, while employees may experience implicit pressure to remain available to safeguard their employment or career prospects. The lack of clear statutory guidance makes it difficult to determine liability, enforce limits, or claim compensation for unpaid digital labour.

Therefore, while the existing statutory framework falls short of addressing the specific challenges posed by the digital workplace. This gap suggests the need for legislative reform or judicial guidelines that will explicitly recognise the right to disconnect and adapt labour protections to contemporary modes of work.

6. Judicial Trends and Case Law Analysis

Although Indian labour law does not expressly recognise the right to disconnect, the constitutional framework provides a strong basis for its recognition. The foundation of this right can be traced to Article 21 of the Constitution of India, which guarantees the right to life and personal liberty. Over the years, the Supreme Court has consistently interpreted Article 21 in an expansive and purposive manner and extended its scope beyond mere physical existence to include the right to live with human dignity.

In *Maneka Gandhi v. Union of India (1978)*, the Supreme Court held that the right to life under Article 21 is not confined to animal existence but includes the right to live with dignity and all that goes along with it. This interpretation is valuable in Indian constitutional jurisprudence and laid the groundwork for treating various socio-economic rights as integral to the right to life. Subsequent decisions have further expanded this understanding to include the right to health, humane working conditions, and protection against exploitation. The Court's approach in cases such as *Bandhua Mukti Morcha v. Union of India (1984)* and *Consumer Education and Research Centre v. Union of India (1995)* is particularly relevant in this context. In these cases, the Supreme Court emphasised that the right to health and safe working conditions is an essential component of Article 21. The Court recognised that forcing workers to operate under conditions that endanger their physical or mental well-being violates their fundamental rights. Excessive digital connectivity, which results in chronic stress, burnout, and mental health disorders, can therefore be viewed as inconsistent with constitutional guarantees of dignity and well-being.

Mental health has also gained recognition within Indian legal and policy discourse. The Mental Healthcare Act, 2017 affirms the importance of mental well-being and imposes obligations on the State to promote mental health. In the context of employment, constant digital engagement and work-related pressure outside official working hours directly affect mental health. As such, the right to disconnect linked to the constitutional obligation to protect mental well-being as part of the right to life.

Furthermore, Indian judiciary has repeatedly stressed the importance of work–life balance and reasonable working conditions. The Supreme Court has held that labour welfare legislation must be interpreted in a manner that advances social justice and protects vulnerable workers. In this light, recognising the right to disconnect does not require a constitutional amendment but rather a logical extension of existing principles developed through judicial interpretation.

Therefore, the right to disconnect can be doctrinally grounded within India's constitutional framework by linking it to the right to life, dignity, health, and humane working conditions under Article 21. The absence of explicit statutory recognition does not preclude judicial acknowledgment of this right, particularly where unchecked digital connectivity undermines fundamental constitutional values. In *People's Union for Democratic Rights v. Union of India (1982)*, the Supreme Court observed that forcing workers to work beyond prescribed hours without adequate compensation amounts to exploitation and is inconsistent with constitutional guarantees. The Court linked excessive labour to violations of fundamental rights, particularly where economic compulsion deprives workers of genuine freedom of choice. This reasoning is directly relevant to digital overwork, where employees may feel compelled to remain constantly available due to implicit workplace pressures.

Similarly, in *Sanjit Roy v. State of Rajasthan (1983)*, the Supreme Court held that labour extracted without proper remuneration is violative of Article 23, which prohibits forced labour. While this case concerned physical labour, the principle applies equally to digital labour performed outside working hours without compensation. Responding to work emails or messages after official hours, though often invisible, constitutes labour and should not be normalised without legal safeguards.

The Supreme Court has also emphasised dignity and humane conditions at the workplace. In *Apparel Export Promotion Council v. A.K. Chopra (1999)*, the Court held that the right to work with dignity is an integral part of the right to life under Article 21. This decision underlines that workplace practices affecting mental well-being and personal autonomy are subject to constitutional scrutiny. Continuous digital surveillance and expectations of constant availability undermine this dignity by intruding into an employee's private life.

Comparative judicial developments further reinforce this approach. In *Uber BV v. Aslam (2021)*, the UK Supreme Court recognised that digital platforms exercise significant control over workers through technology and algorithms. The Court acknowledged that such control can erode worker autonomy and justify legal intervention to protect labour rights. Although the case focused on employment status, its reasoning is highly relevant to the right to disconnect, as it highlights how digital mechanisms can intensify employer control.

Taken together, these judicial trends demonstrate a consistent concern for limiting excessive employer power and protecting worker dignity. While Indian courts have not yet directly addressed after-hours digital communication, the existing jurisprudence provides a strong foundation for recognising the right to disconnect through judicial interpretation. Courts may, in appropriate cases, extend established principles relating to exploitation, dignity, and humane working conditions to the context of digital work.

7. Policy Options and Law Reform in India

The prevalence of digital work and the absence of explicit legal protection against after-hours connectivity necessitates recognition of the right to disconnect within the Indian legal framework. India may adopt an approach that will balance worker protection with economic and sectoral realities. Instead of imposing a rigid or uniform model, law reform should be responsive to the diverse nature of employment across industries.

One possible approach is statutory recognition of the right to disconnect through amendments to existing labour codes, particularly the Occupational Safety, Health and Working Conditions Code, 2020. Explicit provisions that employees are not required to respond to work-related communications outside prescribed working hours—except in defined circumstances—would reduce ambiguity and promote uniform standards. Such recognition would upgrade labour law to reflect contemporary working conditions.

Alternatively, the right to disconnect could be incorporated through model standing orders or service rules applicable to medium and large enterprises. Employers could be required to frame internal policies to specify working hours, response expectations, emergency exceptions, and accountability mechanisms. This approach will

allow flexibility while ensuring that employees are informed of their rights and obligations. It also encourages participatory decision-making through consultation with employees or trade unions.

In the absence of immediate legislative action, judicial intervention may play a transitional role. There are instances where Indian courts issued guidelines to address legislative gaps. For example, in *Vishaka v. State of Rajasthan (1997)*, where workplace sexual harassment guidelines were framed until statutory law was enacted. Sameway, the Indian judiciary could issue guidelines recognising employees' right to disengage from digital work outside official hours, as an aspect of employees' right to life under Article 21.

8. Conclusion

The integration of digital technology into work has altered the boundaries between professional and personal life and has created a new class of occupational risks linked to digital overwork. Empirical evidence, as highlighted by the ILO, WHO, and OECD, shows the serious physical and mental health consequences of constant connectivity, including stress, burnout, and cardiovascular risks. These trends tell that unrestricted digital availability is threat to workers' well-being, dignity, and autonomy.

In India, while explicit statutory recognition of this right remains absent, judicial provides a foundation for its recognition. Expansive interpretation of Article 21 of the Constitution in landmark cases, such as *Maneka Gandhi v. Union of India (1978)*, *Bandhua Mukti Morcha (1984)*, and *Consumer Education & Research Centre(1995)*, include within its scope the right to live with dignity, humane working conditions and mental health protection. Indian judiciary have emphasized that labour protections are integral to fundamental rights. This provide a doctrinal basis for acknowledging the right to disconnect even in the absence of specific legislation.

Comparative study demonstrates that legal recognition of this right can improve work–life balance and reduce occupational stress. France's statutory reforms, European Union initiatives, and policies in Canada, Spain, and Italy exemplify practical mechanisms for implementing this right. These international models provide valuable guidance for India. Taking insights from these India may adopt phased approaches that combine legislative action, workplace policies, and judicial recognition.

However, the successful incorporation of the right to disconnect into Indian labour law will require coordinated action across multiple levels. Legislative clarity is essential to provide uniform standards, but judicial articulation can offer interim guidance and provide worker protections.

The right to disconnect is not merely a legal innovation; it is a social necessity in the digital age. India can safeguard employees' health, dignity, and human rights by providing them with the right to disengage from work-related communications outside official hours. The interplay between right to life, empirical evidence, and comparative experience will help in shaping a balanced and effective legal regime that will protects workers without stifling the dynamism of the modern workplace.

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