

6. Right to Disconnect- Polity

A Private Member's Bill proposing the Right to Disconnect Bill 2025 was introduced in the Lok Sabha, sparking significant debate on employee rights in the digital age.

Right to Disconnect- Concept, Rationale, and Legislative Developments

Right to Disconnect

The Right to Disconnect refers to the legal entitlement of employees to disengage from work-related communications, such as emails, messages, and calls, outside officially designated working hours. It seeks to protect employees from being implicitly or explicitly expected to remain available beyond contractual work time.

Human Rights Basis

The concept is rooted in Article 24 of the Universal Declaration of Human Rights, which guarantees-

1. The right to rest and leisure.
2. Reasonable limitation of working hours.
3. Periodic holidays with pay.

Thus, the Right to Disconnect is increasingly viewed as an extension of labour rights and mental health rights in the digital era.

Right to Disconnect Needed

Digital Overload and Occupational Stress

The rise of- Remote work, Hybrid models, Instant messaging platforms, has created continuous employee availability expectations.

This results in- Chronic stress, Burnout, Emotional exhaustion.

Erosion of Work-Life Boundaries

Smartphones and collaboration tools blur- Office vs home, Work time vs personal time.

The absence of clear temporal boundaries leads to work encroaching into private life, undermining family life and leisure.

Mental Health Implications

Medical and occupational studies link constant connectivity to-

1. Anxiety disorders,
2. Clinical depression,
3. Sleep disruption,
4. Long-term psychosomatic illnesses.

The issue is especially acute in high-pressure sectors such as IT, finance, consulting, and start-ups.

Productivity and Economic Costs

Contrary to assumptions, excessive work hours-

1. Reduce cognitive efficiency,
2. Impair decision-making,
3. Increase error rates.

Sustainable productivity depends on adequate rest and recovery, not perpetual engagement.

Right to Disconnect Bill, 2025- Overview

Objective

To legally institutionalise work-life balance by providing statutory protection against after-hours work demands.

To address occupational stress as a systemic labour welfare issue, not an individual coping failure.

Key Provisions of the Right to Disconnect Bill, 2025

Statutory Right to Disconnect

Employees gain a legal right to refuse work-related communications during non-working hours.

This includes emails, calls, texts, and digital platform notifications.

Protection Against Retaliation

Employers are prohibited from penalising employees who exercise this right.

No adverse action such as-

1. Poor performance appraisals,
2. Promotion denial,
3. Salary consequences, can be linked to disconnecting.

Employees' Welfare Authority

The Bill proposes a dedicated Employees' Welfare Authority to-

1. Monitor enforcement of the right.
2. Issue regulatory guidelines on work hours.
3. Conduct baseline studies on after-hours digital work culture.

This introduces evidence-based labour regulation.

Overtime Compensation

When after-hours work is mandatory-

1. Employees must receive enhanced overtime pay.
2. Rates to be determined by statute or collective bargaining.

Discourages informal, unpaid overtime culture.

Mandatory Consultation

Establishments with more than 10 employees must-

1. Consult employee representatives or trade unions.
2. Frame internal policies on work hours and communication norms.

Strengthens industrial democracy.

Work-Life Balance Support Measures

Promotion of-

1. Digital detox centres,
2. Counselling and mental health services.

Encourages corporate investment in preventive mental healthcare.

Penalties for Non-Compliance

Financial penalties equivalent to 1% of total employee wages. Creates tangible deterrence and strengthens enforceability.

Impact on Work Culture

Rebalancing Power Relations

Shifts control over time boundaries from employers to employees. Reduces implicit coercion embedded in "availability culture".

Cultural Transformation

Moves workplaces away from- "Always-on" presenteeism, Toward outcome-based performance. Encourages efficiency over endurance.

Addressing Burnout-Driven Attrition

Particularly relevant for-

1. IT and tech services,
2. Financial services,
3. Consulting and professional services.

Helps reduce employee turnover and long-term health costs.

Similar Legislative and Policy Initiatives in India

Parliamentary Initiatives

In 2025, Shashi Tharoor introduced-

Occupational Safety, Health and Working Conditions Code (Amendment) Bill, 2025.

Focused on mental health safeguards and the right to disconnect.

State-Level Initiatives

Kerala Congress (M) MLA Dr. N. Jayaraj introduced a similar Bill.

Reflects growing sub-national momentum on digital labour rights.

Global Precedents

France

First country to legally recognise the right through the El Khomri Law (2017). Mandates companies to negotiate digital disconnection norms.

Australia

2024 amendment to Fair Work laws- Employees may ignore after-hours communications unless refusal is unreasonable (e.g., emergencies). Balances flexibility with protection.

Spain

Article 88 of Organic Law 3/2018- Guarantees device shutdown outside working hours. Integrates digital rights into data protection law.

Private Member's Bill (PMB)- Parliamentary Context

A Private Member's Bill is introduced by an MP who is not a Minister. PMBs are not explicitly mentioned in the Constitution, but derive legitimacy from parliamentary practice. Procedural Features

Prior notice required for introduction.

Cannot introduce a Money Bill.

Can propose constitutional amendments.

Legislative Reality

Since Independence- Only 14 PMBs have become law. No PMB has been passed by both Houses since 1970. However, PMBs play a critical role in- Shaping policy discourse, Influencing future government legislation.

Conclusion- Governance in the Digital Workplace

The Right to Disconnect reflects a new generation of labour rights responding to technological transformation.

It reframes rest and leisure as governance issues, not personal choices.

While passage of the Bill may be uncertain, the debate signals- Rising recognition of mental health as a workplace concern. The need to modernise labour law for the digital economy.

For India, institutionalising this right would mark a shift from industrial-era labour regulation to digital-age human-centric governance.

Source- <https://timesofindia.indiatimes.com/education/news/no-calls-and-emails-after-office-hours-right-to-disconnect-bill-introduced-in-lok-sabha-to-set-workplace-boundaries/articleshow/125806984.cms>