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Your Rights and the Power to Disconnect

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Introduction

Technological advances have transformed modern life and changed the way work is performed and how people connect. Smart phones allow connection when out of the home and for ease of contact. This has made it easier to be contacted by the employer when employees are engaged in family life and responsibilities, leisure activities and rest time. The invasion of non-work time by the employer means it is time to re-establish boundaries between work and home life. This has raised the issue of the “Right to Disconnect” (RTD) and the possibility to move away from the “always on” work culture. There has been a global response to this problem. This literature view outlines a definition of RTD, what are the effects of not disconnecting, what countries have introduced RTD, how it can work for employees and what research shows about this change. RTD also links to the United Nations’ Sustainable Development Goals (SDG) particularly SDG3 Good Health and Well-being, SDG 5 Gender Equality and SDG 8 Decent Work and Economic Growth.

What is the Right To Disconnect?

As a variable concept, the Right to Disconnect may mean “reasserting the right to uninterrupted personal time”¹ caused by work. In Australia, the Right to Disconnect protects employees who “refuse to monitor, read or respond to contact or attempted contact outside their working hours, unless their refusal is unreasonable.”² Whether contact is unreasonable is based on “the reason for the contact, the level of disruption and their family responsibilities,”³ plus the employee’s role and responsibility and if they are being compensated or paid extra for being available or working additional time. This law came into effect in Australia in August 2024, with further expansions into small businesses in August 2025. It is now a workplace right under general protections laws.

In the European Union (EU), RTD is seen as the legal “right to rest”. The EU defines RTD as “a worker’s right to be able to disengage from work and refrain from engaging in work related electronic communication, such as emails and other messages, during non-work hours.”⁴ The Court of Justice in the EU has determined there is working time and there is rest time and the two are mutually exclusive. It does not matter about the intensity or output of the work, “any activity performed by the employee is considered work time.”⁵

In Kenya, legislation passed in August 2023 to provide for the right to disconnect and the “right of employees to have their personal time and privacy respected.”⁶ A person who is found to have contravened the legislation, maybe fined or have a term of imprisonment of up to one year or both penalties imposed.

¹ Eliza Littleton and Lily Raynes, 2022, “*Call Me Maybe (Not): Working Overtime and a Right to Disconnect in Australia*”, Centre for Future Work at the Australia Institute, November 2022.

² “*Understanding the right to disconnect*”, 26 July 2024, Fair Work Commission fact sheet, Fair Work Commission, Australia.

³ “*The right to disconnect*”, October/November 2024, The Lamp, p. 36.

⁴ Johnny Wood and Ian Shine, Feb 2023, “*Right to disconnect: the countries passing laws to stop employees working out of hours*”, World Economic Forum.

⁵ Izabella Bokor-Szocs, 2023, “*The Right to Disconnect*”, Journal of Public Administration, Finance and Law, Issue 29, pp 88-96.

⁶ “*Senate Bills (Bill no. 11 of 2022) The Employment Amendment Bill, 2022*”, Republic of Kenya Parliament.

Why should workers disconnect?

With the gradual erosion of the boundary between working and non-working hours, due mainly to advances in technology, such as easy connectivity with mobile phones and work from home during the pandemic, the diminished boundary between work and home has consequences for workers' lives. Workers, in a culture of "always being available", are experiencing the side effects of not disconnecting from work. They may display some of the following negative consequences, which are Work Health and Safety issues.

- Higher workloads, longer work hours, psychosocial risks such as anxiety and burnout, leads to work life imbalance.⁷
- Increased stress, diminished health and wellbeing, produces negative psychosocial effects, such as anxiety, depression, burnout, "techno stress" and sleep deprivation.⁸
- Out of hours contact can disrupt rest and recovery time, exacerbating stress.⁹
- Workers who have time off interrupted, including family and social time, report more sick leave due to poor work life balance, display lower work motivation and are generally less loyal to their employer, which results in issues with workforce participation, financial insecurity and social cohesion.¹⁰
- Not disconnecting can cause at least one negative consequence which was reported in 81% of workers. On average workers experience two negative consequences. Negative consequences being displayed were physical tiredness, stress and anxiety, mentally drained, effects on personal life and relationships, unfulfilling non work time, reduced motivation to work and poor job satisfaction.¹¹
- Interference with family times reinforced gendered maldistribution of caring duties, affected family wellbeing and child development.¹²
- Monetary compensation may not be paid for time worked after hours. In Australia, this equates to \$131 billion in unpaid work annually.¹³

What countries have introduced RTD?

RTD is accessible in many countries and some states – Argentina, Australia, Belgium, Brazil, Chile, France, Greece, Ireland, Italy, Kenya, Luxembourg, Mexico, Ontario (state of Canada), Peru, Philippines, Portugal, Republic of Korea, Romania, Slovakia, Slovenia and Spain. Other countries, such as Germany, have implemented RTD at a company level using a self-regulation model or policy base.¹⁴

When was RTD introduced?

RTD came into use in different ways, in various countries, since France became the first country to introduce RTD into legislation, in 2016. Ireland introduced a "*Code of Practice for Employers and Employees on the Right to Disconnect*" in 2021. The European Parliament passed a resolution in

⁷ Izabella Bokor-Szocs, 2023, "*The Right to Disconnect*", Journal of Public Administration, Finance and Law, Issue 29, pp 88-96.

⁸ Darrah Golden, 2023, "*Just a matter of time? The Right to Disconnect*", Social Europe, 12 December 2023.

⁹ Katie Miller, 2024, "*Right to Disconnect: Will it work? And what does it mean?*" UNSW, 2 April 2024.

¹⁰ Eliza Littleton and Lily Raynes, 2022, "*Call Me Maybe (Not): Working Overtime and a Right to Disconnect in Australia*", Centre for Future Work at the Australia Institute, November 2022.

¹¹ Eliza Littleton and Lily Raynes, 2022, "*Call Me Maybe (Not): Working Overtime and a Right to Disconnect in Australia*", Centre for Future Work at the Australia Institute, November 2022.

¹² Eliza Littleton and Lily Raynes, 2022, "*Call Me Maybe (Not): Working Overtime and a Right to Disconnect in Australia*", Centre for Future Work at the Australia Institute, November 2022.

¹³ "*The right to disconnect*", October/November 2024, The Lamp, p. 36.

¹⁴ Eliza Littleton and Lily Raynes, 2022, "*Call Me Maybe (Not): Working Overtime and a Right to Disconnect in Australia*", Centre for Future Work at the Australia Institute, November 2022.

2021 advising on the matter to member countries. Australia's national legislation commenced in 2024. RTD is gradually expanding across the globe.

How can RTD work for employees?

Firstly, review if the country of work has legislation or a code of practice for RTD, then see how this applies in the work place. If it does apply, then employees should start a conversation to make colleagues and managers aware of this entitlement. Most often, the reason it is not in place is because people are unaware of this entitlement. A further step would be to have RTD included in the workplace enterprise agreement, when it is next negotiated, even if the country has no laws about RTD. Staff on individual contracts, may also ask this to be included in their work contract.

Another way is to develop a policy that defines the boundaries between work and non-work time and uses a self-regulation model rather than legislation.¹⁵

Managers can promote RTD, raise awareness of work life balance and lead by example and not engage in communications with staff when staff are not at work.¹⁶

If staff engage in work after hours (ie phone calls, texts, portfolio work) no matter the length of time or the quality of work, then they should be paid. Staff who are to hold themselves available to be called in to work, should be paid an on call allowance. If the nature of contact is not urgent, then employees have the right to disconnect and not respond to the employer. If the contact is about working extra shifts, then employees can determine if they respond to the contact or not.

What are the research outcomes of RTD?

Since RTD was introduced in Australia, paid overtime has reduced from 5.4 hours per week to 3.6 hours per week. This equates to a 33% reduction.¹⁷ This may demonstrate managers' thoughts about RTD, before calling staff out of hours. Similarly, staff may consciously consider if the work is so essential it needs to be done after hours or if it can be left until the next work day.

Longitudinal studies on the introduction of RTD are currently lacking. There is no nursing specific research on this topic. It could be a valuable and interesting subject for nursing researchers.

Conclusion

The boundary between work and home has become blurred in recent times, which impacts on home life and well-being. Now is the time to push back to re-establish the boundary and disconnect from work after hours to maintain well-being. There is work time and there is rest time. Work is paid time and when not at work, choose to disconnect.

This is my individual work and does not represent the views of my employer. 21/4/25.

¹⁵ Nadunie Wanigasinghe, 2019, "How Disconnected is Disconnection? A Critical Analysis of the Employee Right to Disconnect", Proceedings of 12th International Research Conference 2019 KDU, pp 762-769.

¹⁶ "Always on: Supporting Employees' Need (or Right) to Disconnect From Work" Spring, 2022, p 20.

¹⁷ Tess Ikonou, 2025, "Unpaid overtime drops after right to disconnect laws", Australian Associated Press.