

THE RIGHT TO DISCONNECT:

**Real relief for employees
or just additional obligations
for employers?**

The digitalisation of work entails many benefits. In many professions work may be delivered from anyplace in the world, and in many industries talent can be sourced from all over the globe. For employers this is an opportunity for significant savings, and for employees it offers hope for a better work/life balance.

However, the widespread use of information and communication technologies has also exacerbated negative phenomena in the work environment or contributed to creation of new ones. Like a catalyst, the pandemic has accelerated this process.

Burden of continuous availability

The technology revolution has taken work out of the four walls of the workplace and allowed connectivity from anyplace in the world, including employees' homes. Combined with an unprecedented acceleration of the pace of life, circulation of information and availability of "everything, everywhere, immediately," this has led to the spread of a culture of 24/7 worker availability.

It has become standard practice to expect employees to respond to a business call or email promptly, or at the latest within 24 hours, even if they are taking a well-deserved rest from work. More accessible and responsive individuals have come to be seen as more engaged in work and even favoured over employees who, for family or health reasons, may not always be able to answer a phone call or email after working hours.

Forcing employees to work after their scheduled working hours often results from improper work organisation, or an effort to build the company's competitiveness on the speed of service delivery, with simultaneous pressure to cut costs.

As a consequence, in the reality of the pandemic global economy, workers complain more than ever about the blurring of the boundary between work and private time, the unpredictability of working hours, the need to work outside agreed hours (usually without payment), and the resulting negative impact on their physical and mental health and private lives.

On 21 January 2021, in response to these challenges and associated risks to employee privacy posed by the intrusiveness of digital technologies, the European Parliament adopted a resolution¹ calling for adoption of a directive establishing the right of workers to disconnect.

Currently, there is no EU legislation in force establishing the right to disconnect. Indirectly, such a right follows from the Community regulations on working time (in particular the provisions on minimum rest periods in the Working Time Directive (2003/88/EC)), as well as from the existing case law of the Court of Justice.

1 https://www.europarl.europa.eu/doceo/document/TA-9-2021-0021_EN.html

It is no coincidence that legislative work on the right to disconnect gained momentum during the pandemic. COVID-19 demonstrated the importance of digital tools for maintaining business continuity. There has been a significant increase in the number of EU citizens working remotely, and therefore they are exposed to risks associated with this way of performing work. According to Eurofound data, in April 2020 around 37% of respondents from European countries were forced by COVID-19 to work from home; by comparison, in 2019 5.4% of employees in the EU regularly worked remotely from home. Moreover, studies show that many companies plan to use this model of work also after the epidemic threat has waned. A willingness to use remote work (primarily in the hybrid model) after lifting of coronavirus restrictions is also reported by a significant percentage of employees. Such work will probably become the new normal.

Non-uniform legislation

During the debate preceding adoption of the resolution discussed above, members of the European Parliament also argued that Community regulations on the right to disconnect are worth adopting for another reason (a transcript of the debate is available online).²

The regulations of member states on working with digital tools outside the workplace are very diverse. At the national level, only a few EU countries have taken steps to regulate remote working, and even fewer have decided to adopt provisions explicitly addressing the right of employees not to engage in work duties after working hours via digital tools (e.g. Belgium, France, Italy and Spain, and on 1 April 2021 a non-binding Code of Practice for Employers and Employees on the Right to Disconnect³ came into force in Ireland).

Potentially, the existence of such restrictions in only some member states opens the door to a whole new kind of social dumping, as companies can relocate part of their activities to EU countries where such restrictions have not been introduced and “taking work home” is a common phenomenon, socially tolerated and escaping the notice of authorities responsible for supervising working conditions. (Poland could be cited as an infamous example.)

In the table, we include a summary of how the right to disconnect has been regulated in Belgium, France (which was the first to introduce provisions on the right to disconnect), Italy and Spain. It is also notable that in these countries, the effectiveness of the legal solutions adopted has been disappointing in practice. Employers have adopted internal policies on the right to disconnect with great reluctance and much slower than expected, and employees have little awareness of their rights. This condition could be counted on to change during the pandemic, when the number of people working from home (and feeling the negative effects of remote work, which the right to disconnect is supposed to counteract) has definitely increased.

² https://www.europarl.europa.eu/doceo/document/CRE-9-2021-01-20-ITM-015_EN.html

³ https://www.workplacelrelations.ie/en/what_you_should_know/codes_practice/code-of-practice-for-employers-and-employees-on-the-right-to-disconnect.pdf

Is the right to disconnect recognised in your jurisdiction?

- Belgium** *Jean-François Gerard, avocat, Freshfields Bruckhaus Deringer:*
There is as such no statutory obligation to ensure the right to disconnect, but there is an obligation for employers to organise consultation in this matter with their health and safety committee.
- France** *Caroline André-Hesse, partner, Ayache:*
Yes.
- Italy** *Annalisa Reale, partner, and Cristina Brevi, associate, Chiomenti:*
Yes.
- Spain** *Juan Bonilla, partner, Cuatrecasas:*
Yes.

Is the right to disconnect enacted in (1) statutory legislation or (2) single enterprise, sector-wide or nationwide collective labour agreement(s)?

- Belgium** By introduction of new provisions in 2018, the Belgian law sets forth a statutory legal framework that obliges social partners only to discuss the right to disconnect on a company level.
- France** By introduction of new provisions in the French Labour Code in 2016, French law sets forth a statutory legal framework that obliges social partners to agree, at either the branch or the company level, on the procedures to implement and ensure enforceability of the right to disconnect. This law has contributed to adoption of a significant number of sectoral collective agreements governing the right to disconnect.
- Italy** Italian law (Law no. 81/2017) recognises the right to disconnect for remote workers, i.e. employees with whom the employer has entered into an individual agreement providing for the possibility to work partly from the company's premises and partly from elsewhere, using technological tools.
- There are also sectoral and company-level collective agreements that provide for the right to disconnect.
- Spain** Spanish law recognises the right to disconnect as an employee's guarantee under data protection laws (digital right) in the labour law sphere. The right to disconnect has been introduced as part of implementation of European data protection legislation in 2018. Spanish law sets forth a legal framework for the social partners to agree on the right to disconnect in sectoral or company-level collective agreements.

Are specific groups/types of employers or employees exempt from the obligation to apply or follow the right to disconnect (e.g. employers with fewer than 50 employees, employers from certain sectors, managerial staff etc)?

- Belgium** No (although the law only applies to employers that fall within the scope of the law on collective bargaining agreements, i.e. employers of the private sector, as opposed to the public sector).
- France** The right to disconnect regulation was initially defined for employees whose worktime is organised within an annual plan in days (i.e. with no daily or weekly working hours, but with overtime compensatory days). To ensure the validity of this worktime organisation, the collective agreement providing for the annual plan in days shall also provide for the conditions and modalities under which employees concerned have a right to disconnect.
- Italy** No. However, please note that the right to disconnect is provided by law only for remote workers and thus it does not mandatorily apply to all employees.
- Spain** No.

Does the legislation in your jurisdiction impose a certain form for implementing or executing the right to disconnect?

- Belgium** No. The law requires social partners to discuss this matter, but does not entail a strict right to disconnect.
- France** No, the procedures are to be agreed at the company or branch level, or if such agreement cannot be reached, in a charter drawn up by the employer and submitted to the social and economic committee for its opinion.
- Italy** No. The technical and organisational measures necessary to ensure the right to disconnect must be included in the written agreement on remote working between the employer and the employee.
- Spain** The right to disconnect is subject to the collective bargaining dispositions and must maximise work/life balance.
- The employer, after hearing the employees' representatives, shall prepare an internal policy for employees, including those in management positions, defining the modalities for exercising the right to disconnect and the training and awareness-raising actions for staff on reasonable use of technological tools.
- In particular, the right to digital disconnection will be preserved in the cases of total or partial remote work, as well as in the domicile of the employee, linked to the use of technological tools for employment purposes.

(1) What are the sanctions for the employer's non-compliance or infringement of the right to disconnect?

(2) What claims does an employee have to enforce the right to disconnect or be compensated for breach of the right?

(3) Is an employee protected if he or she does not answer an email or phone call outside working hours?

Belgium It is unclear whether an employer that does not organise the discussion could incur sanctions.

France There is no specific and direct sanction if the company fails to provide for the right to disconnect in an agreement or charter. It can be indirectly enforced, however, as, in case there are no provisions on the right to disconnect, the employee can claim the employer's breach of its obligation to ensure health and safety and ask for damages in relation thereto. If the employee is working within an annual plan in days, he can furthermore claim that absent a specific company regulation on the right to disconnect, his annual plan in days is null and void and he should be considered to have a 35-hour workweek with payment of any overtime hours achieved above that.

Italy The law does not provide for any sanction in case of non-compliance by the employer or employee with the right to disconnect. It also does not provide for specific protection in case the employee does not answer an email or phone call outside working hours.

However, in case of violation of the provision on the minimum daily rest period, the employee could ask for compensation for damage to his mental and physical health deriving from the excessive work.

Spain Not having a policy could lead to two types of sanctions:

- In the first place, sanctions for non-compliance with working conditions and legal obligations, which are serious infractions, punishable with fines of up to EUR 6,250
- Second, the non-existence of a disconnection policy could be sanctioned in terms of prevention of occupational risks if there is a connection between the lack of this protocol and psychosocial risks such as burnout, techno-stress, etc (including a possible surcharge of benefits due to lack of adequate measures).

The employee may report the employer to the Labour Inspectorate, which may sanction the employer for violation of workers' rights.

The employee could also claim payment for hours outside working hours.

Employees are protected when exercising their right to disconnect, and any actions adopted against them will be considered null and void or unfair.

Are there exceptions from the right to disconnect (e.g. in case of emergency situations)? If so, what (if any) compensation (cash allowance, time-off) does an employee receive?

- Belgium** It depends on the company's agreement.
- France** Some operational constraints can justify an exception to the right to disconnect. Furthermore, if the employee's duties imply on-call periods, then the right to disconnect does not apply during those periods.
- Italy** The law does not provide for any exception to the right to disconnect. However, the individual remote work arrangement between the employer and the employee could provide for specific exceptions to the right to disconnect, without prejudice to compliance with the minimum daily rest period.
- Spain** It depends on the given company's collective agreement and policy, which could restrict the right to disconnect in exceptional circumstances such as *force majeure* or involving serious, imminent or obvious business damage, which undoubtedly requires an immediate response.

Could you provide examples of best practices or key obstacles faced by employers in implementing the right to disconnect? What is the market perception of the right to disconnect in your jurisdiction?

- Belgium** We do not believe there is a lot of practical application yet, but this will change with the prolonged WFH situation due to Covid.
- France** From a practical standpoint, it is not very easy to check the enforceability and effectiveness of the right to disconnect. Some training regarding work organisation and team management can be implemented to help employees effectively disconnect their devices (BYOD). Some dedicated interviews and questionnaires are also organised to regulate the employees' workload. Some internal rules can also contribute to the enforceability of this right, e.g. conferences and internal meetings are forbidden after 6 pm.
- Moreover, some IT tools are also used to:
- Block emails during night-time and weekends
 - Generate an automatic statement indicating that emails received at night or during the weekend do not require an immediate answer
 - Activate popups drawing the recipient's attention to the right to disconnect.
- Italy** Many companies regulate the right to disconnect (in a company-level agreement or directly in the individual remote work arrangement with the employee) by either defining the working period during which the employee needs to

be available or by providing for an obligation to disconnect after his or her standard working hours.

The general perception within the Italian market, amplified during the Covid-19 lockdown, is that the right to disconnect is not duly implemented yet and employees would suffer repercussions if they were not available to reply to emails or take calls also beyond their standard working hours.

Spain

- Try to agree with the employees' representatives on the disconnection policy.
- Clearly specify by any means of communication the working hours and rest times in which employees have a right to disconnect, as well as communication of force majeure to which exceptionally they will have to respond.
- In exceptional cases where the company may not respect the right to disconnect, a message that urgently requires an immediate response from the employee should be delivered by phone call or instant message.
- In other cases, which do not require immediacy or urgency, communications should be by less intrusive means, such as emails that may be read and answered within the first hour of the next business day. The use of delayed-delivery tools is recommended, so that messages are received first on the next working day. Also it is advisable that working teams be coordinated within similar time zones.

Regarding the market perception, large companies have implemented disconnection policies according to their circumstances, although this implementation has been slower than expected.

Small companies face a bigger challenge, since in many cases there are no employee representatives with whom to negotiate the policy.

In any case, the pandemic and its consequent total and partial lockdowns have brought the right to disconnect to the forefront of public debate, since remote working during this time has become generalised and the line between work and life times has blurred.

EU to protect workers' rest

The key aim of the proposed new EU directive is to set minimum protection standards for all workers in the EU using digital tools for work purposes.

The point is to adopt legal solutions that will not jeopardise the benefits of digitalisation of the work environment, but will ensure effective protection of employees' rights. As we emphasised in the introduction, remote work and the associated lack of rigid working hours may be a very beneficial solution for employees, especially for those who, for various reasons, are not

able, or even do not want, to work in the 9 to 5 model. Paradoxically, for such people, the EU provisions and the national regulations adopted on their basis may do more harm than good.

The draft directive annexed to the resolution of the European Parliament provides for several main rules, which we discuss below.

After work—out of range. The “right to disconnect” refers to workers’ right “not to engage in work-related activities or communications by means of digital tools, directly or indirectly, outside working time.”

In principle, this means that an employee will be able to ignore emails, text messages, instant messages and telephone calls received outside working hours, during holidays or when on other leave, even if these communications do not require the employee to take any further action (but only, for example, to confirm some fact, provide information, or indicate a contact to another person), without fear of the employer’s reaction. Bearing in mind the wording of the preamble to the proposal, this definition of the right to disconnect is intended to guarantee workers, in particular, the possibility of genuine rest by providing an almost idyllic “freedom from thinking about work” outside working hours.

Employee’s right, employer’s duty. The employee’s right will be matched by an obligation on the employer’s part to undertake activities ensuring that subordinates are guaranteed the exercise of this right. The employer’s duty will consist of a number of specific obligations indicated in the directive, including:

- Establishing objective, reliable and accessible **systems for measuring working time** that will not infringe the worker’s right to privacy. It appears that this condition may not be met by, for example, any technologies using GPS or other methods of tracking an employee, as it could potentially reveal employee data regarding for example his or her political views, sexual orientation or religion.
- Adopting fair, lawful and transparent **procedures** for realisation of the employees’ right to disconnect. It seems that the draft directive does not explicitly impose organisational or technical solutions in this respect (in our opinion rightly so, as their uniform implementation would be unrealistic). However, on the other hand, the directive would call on member states to impose “practical arrangements for **switching off digital tools** for work purposes,” which may indicate what types of solutions will be preferred. Leaving employers relative freedom to shape their internal policies should be viewed positively, as it would allow them to tailor procedures to the specifics of the given workplace. Also, it is a good starting point to look at how many employees are affected by the problem of after-hours work and the reasons for this (e.g. working with clients from a different time zone, poor work organisation, uneven workload within the team or, finally, reconciling family responsibilities and work).
- Carrying out an **occupational health and safety assessment** with regard to the right to disconnect, taking into account psychosocial risks.

- Undertaking various **awareness-raising measures** so employees learn of the ability to exercise their right to disconnect, including organising training in this field. Notwithstanding this, the employer would also have to inform each employee in writing of his or her rights and the company arrangements adopted to guarantee the exercise of these rights. This is a key point, because one of the things that stands in the way of fully disconnecting from work is the lack of awareness on the part of both supervisors and employees themselves that an employee has no obligation to respond to phone calls or emails outside working hours. Supervisors often seem oblivious to the notion that contacting subordinates after work hours might violate the employees' right to rest. On one hand, employees do not know their rights, and on the other hand, they are convinced (not always reasonably) that they are expected to respond immediately. An unambiguous message from the employer that employees have the right to "switch off" will help to develop new rules for communicating with employees.

The right to disconnect is equal for all. It is the intention of the European Parliament for the right to disconnect to be available to all workers using digital tools for work purposes, regardless of their status, how their work is organised, the industry, or the sector (public or private). Therefore, the draft does not provide for any subjective exclusions, e.g. due to company size (number of employees) or the employee's position.

In particular, the proposal does not expressly provide for exceptions for sectors in which the lack of contact with the worker might have particularly serious consequences (e.g. critical infrastructure companies or medical establishments) or for management staff, but it does refer to the Community provisions on working time, where such exceptions are provided for. Such legislative intervention could be interpreted as a possibility of not applying, or modifying the scope of, the right to disconnect in the case of workers mentioned in these Community and national provisions.

Granting the right to disconnect to, for example, management staff is understandable in view of the purpose behind introduction of the right to disconnect (after all, managers also need physical and mental rest from work), but in practice, implementation of this right in the case of managers will be quite a challenge. As the EU regulations provide for specific derogations for managerial employees with regard to working time limits and minimum rest, it would be difficult to determine the point in time from which a manager could exercise his or her right to disconnect.

Derogations only in exceptional circumstances. Any derogation to the right to disconnect would be permitted only in exceptional circumstances, such as force majeure or other emergency, and any exercise of such a derogation would have to be justified to the employee in writing. It is worth considering whether requiring written justification is too far-reaching and would simply become another dead letter. It is reasonable to assume that in most emergencies, it will be crucial to contact the employee as soon as possible. In practice, such written justification would be provided, if at all, after the fact, when the employee has already been engaged in professional activities after working hours.

States will establish criteria for derogations and compensation. Member states would be required to lay down the criteria for derogating from the worker's right to disconnect and how compensation would be determined for breach of that right. It may not be an easy task to compile such a catalogue, as it is difficult to list exhaustively the exceptional cases that may arise at work. As far as compensation is concerned, in view of the objective pursued by recognition of the right to disconnect, it can be assumed with high probability that, also in view of the conflict between the interests of the local social partners, member states will in the vast majority decide to require the employer to grant the employee an equivalent period of rest in lieu of the violated right to disconnect, and only if it is objectively impossible to grant such a period to compensate the employee adequately in cash.

Protection against discrimination. Employees are to be protected against discrimination based on the employee's availability, less favourable treatment, dismissal or other adverse treatment in retaliation for exercising or wishing to exercise their right to disconnect. So, not only will employees have the right to disconnect, but also, and this may be even more important in practice, they will be protected from sanctions for their lack of availability. On the other hand, the employer will also not be able to reward or promote subordinates for staying in constant contact with the company. In view of the genuine difficulty of proving that an employee was subjected to unfavourable treatment in the exercise or enjoyment of his or her rights, the directive would shift the burden to the employer to prove that the difference in treatment of the employee was based on other grounds, as in the case of discrimination based on criteria other than the employee's availability.

Sanctions for violations. The member states are to provide for effective, proportionate and deterrent sanctions for breaches of employers' obligations relating to the employee's right to disconnect.

It can be assumed that the Polish parliament may regulate such sanctions in two ways. The violation of obligations relating to implementation and observance of the right to disconnect may be treated in the same way as other violations of working time regulations (threatened with a fine up to PLN 30,000). The employee's availability (or exercise of his or her right) may also be considered a discriminatory criterion; in the event of discrimination on this basis, the employee would be entitled to compensation in an amount not less than the applicable minimum monthly wage (PLN 2,800 in 2021).

In July 2018, France's highest court ordered the UK company Rentokil Initial to pay EUR 60,000 to a former employee for violating his right to disconnect. It was the first case of its kind after introduction of the right to disconnect into the French legal system. In our opinion, it is doubtful that such compensation paid in Poland would be as high.

The right to disconnect in Poland

In Poland, an employee's separate right to disconnect has not been introduced, but such a right may be derived from general provisions on working time and from the case law of the labour courts and the Supreme Court.

In principle, an employee is not required to answer the phone or respond to emails after working hours or during vacation. An exception is when the employee is obliged to perform on-call duty, i.e. to remain ready to work outside normal working hours (in a place indicated by the employer, including at home). The on-call time must not interfere with the employee's right to daily or weekly rest. Also, it should be compensated by time off or payment (except for a situation when the on-call duty is performed at home).

What are the penalties for an employer who prevents an employee from resting?

Engaging subordinates in professional matters outside working hours may be considered an instruction to work overtime, particularly if an employee must complete additional tasks as a result of a contact (responding to an email from a supervisor or customer or a business phone call should also be considered completion of a task). Working overtime must be compensated with time off or extra pay.

Forcing an employee to work overtime may violate the employee's right to daily and weekly rest, which is punishable by a fine up to PLN 30,000. In the event of contact with an employee on leave, depending on the circumstances, the employee may believe that the employer has recalled him or her from leave and potentially seek reimbursement for expenses incurred as a direct result of the interruption of leave. In addition, the employee may request that the unused leave be granted at another time.

The discussion on the right to disconnect in Poland is not advanced yet, and currently there are other priorities, including dealing with the ongoing pandemic. It can be assumed that this topic will be more widely discussed in the media after adoption of the directive and then after the Polish authorities have proposed national legislative solutions on this subject. However, adopting effective legal solutions will certainly not be easy, for a number of reasons. The challenges to be faced by the Polish parliament include:

- **Developing universal legal solutions** that can be effectively applied to all employers. During the discussions on the resolution and on the draft directive in the European Parliament, it was repeatedly stressed that the involvement and agreement of social partners, including local partners, is crucial for the right to disconnect to be fully realised.

We believe that this is the right direction, and following the example of regulations on telework, the Polish parliament should leave employers and employees' representatives as much freedom as possible in shaping practical solutions aimed at realising the employees' right to disconnect, duly reflecting the specificity of the given sector, industry, or workplace.

For example, this approach has been adopted by Belgium (where an employer is only obliged to conduct consultations regarding the right to disconnect but not to implement this right), France and Spain (where the right to disconnect is regulated by collective agreements). On the other hand, in Italy, the practical arrangements for the right to disconnect are subject to an agreement between the employer and each employee working remotely, which also seems like a model worth considering.

- **Taking into account and maintaining flexibility in the way work is performed** using digital technologies.

A major challenge will be to implement the right to disconnect in the case of staff employed on a task-based working time system, where the employee is free to organise his or her working time within the general daily and weekly working time standards. In the absence of fixed working hours, it can be difficult to identify when an employee is "after working hours."

Here, it seems that the solution would rather be to adopt organisational and technical measures not based on disconnecting the employee at a specific time, but rather after he or she has worked a certain number of hours (i.e. various forms of clocking-in systems). In practice, in many cases it would be necessary to require an employee to diligently record each and every business activity he or she performs. When implementing the directive on the right to disconnect, it is worth considering changes to the provisions on time recording, including introduction of the possibility of shifting the obligation to keep such records to the employee.

A similar challenge will arise in the case of persons with flexible working hours, particularly where employees can themselves decide on the starting time (and therefore the ending time) of work on a given day within a timeframe set by the employer, as well as where in a given company certain employees' working hours differ significantly (for example due to working with clients from other time zones or individually agreed work schedules).

Another approach may be to link technical solutions to the prevailing night-time hours in the workplace, e.g. preventing employees from logging onto systems during night-time hours or automatically blocking (or delaying) the sending of emails during those hours. While effective in practice, these solutions could give rise to many extreme emotions.

- **Adaptation of other provisions**, in particular on working time, in relation to introduction of the right to disconnect. In addition to the obligation to keep records of working time, it may be necessary to introduce specific provisions on the right to disconnect when an employee is required to work overtime or is on-call. Thus, implementation of the directive could be a starting point for a broader discussion on introducing comprehensive, separate regulations on working time for people working remotely (teleworkers and people working remotely only during certain times).

Best practices

Our role as long-term practitioners and advisers in the field of HR is to point clients to specific directions and solutions. It is highly likely that the directive on the right to disconnect will be adopted later this year, although much will depend on the dynamics of the pandemic. According to the draft directive presented by the European Parliament, after adoption of the directive, member states will have two years to adopt national legal solutions implementing the right to disconnect. This means that employers still have plenty of time to decide how to implement the right to disconnect. However, inspiration can already be drawn from solutions adopted by a number of global companies, such as AON France, Atos, BMW, Daimler, HCR, Michelin, Orange, Puma, Société Générale, and Volkswagen.

Below we have compiled a sample of solutions aimed at ensuring that employees have the right to disconnect.

Technical solutions

- Total or selective blocking or shutdown of company servers at specific hours, on weekends and holidays, or only mailboxes of people on holiday
- Use of the delayed sending option so the recipient does not receive an email sent in the evening or on a day off until a specified time on the next working day or after the end of his or her absence
- Automatic forwarding of messages from inboxes of people on holiday (this could also be combined with the radical option of automatic deletion of emails from the inbox of a person on vacation)
- Automatic warnings or reminders from the IT system, informing the user that sending a message at a certain time or continuing to work (staying logged into the system) may violate the company's policy on the right to disconnect
- Other technical solutions monitoring the employee's working time (time spent logged into the IT system) or guaranteeing a minimum number of hours without logging into the system

Organisational arrangements

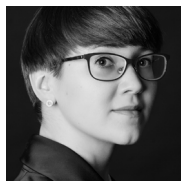
- Reducing the overall number of messages sent (zero email policy) by limiting the set of recipients (including by limiting the use of the "reply all" option and the number of people cc'd on each email), promoting direct or telephone contact with co-workers

- Including information in messages sent after business hours (e.g. in the footer) that the sender does not expect a reply on the same day; the footer may also contain information that the given person answers emails only during specific business hours
- Introducing in internal policies a ban on emails or phone contact at certain night-time hours, during weekends and holidays (establishing a “no connection time” in the company)
- Internal training for supervisors and employees on the right to disconnect in a given company (rules on the right to disconnect could be presented as part of the onboarding of newly hired employees, followed by regular reminders, e.g. as part of periodic occupational health and safety, cybersecurity or compliance training)

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