

Should our employees have the right to disconnect?



Emma Morgan



Lauren Bholé

Agenda

Opening remarks

- Is 2022 the year that we have to “learn to live with Covid 19” and what does this mean for our workforces?

The right to disconnect

- What do we mean by the phrase “the right to disconnect”
- Would a right to disconnect work in practice and how would employers enforce it?
- What benefits would a right to disconnect bring and what are the risks/ pitfalls?

Closing remarks

- What other steps should employers be taking?
- Current consultation surrounding four day week
- Predictions for 2022



***Is 2022 the year we “have to
learn to live with Covid 19”
and what does this mean for
our workforces?***

The BBC have commented that:
“pre-pandemic work structures are likely to become a relic”.

Deskless workers now make up almost 70% of the global workforce.



The Right to Disconnect

Question

Raise your hands, if you have been working longer hours since you have been working from home?

What do we mean by the phrase the “right to disconnect”?

“It is clear that for millions of us, working from home has felt more like sleeping in the office”

– Andrew Pakes (Research Director for Prospect)

A report by think-tank Autonomy found that women are 43% more likely to have increased their hours beyond a standard working week than men.

Research indicates that the workforce would like a right to disconnect

An Opinion poll of **2,428** people, found:

- **66%** of people currently working from home support a policy that would require organisations to negotiate with staff and agree rules when people could not be contacted for work purposes.
- **32%** of remote workers say they find it hard to switch off from work.
- **30%** are working more unpaid hours than before the pandemic.

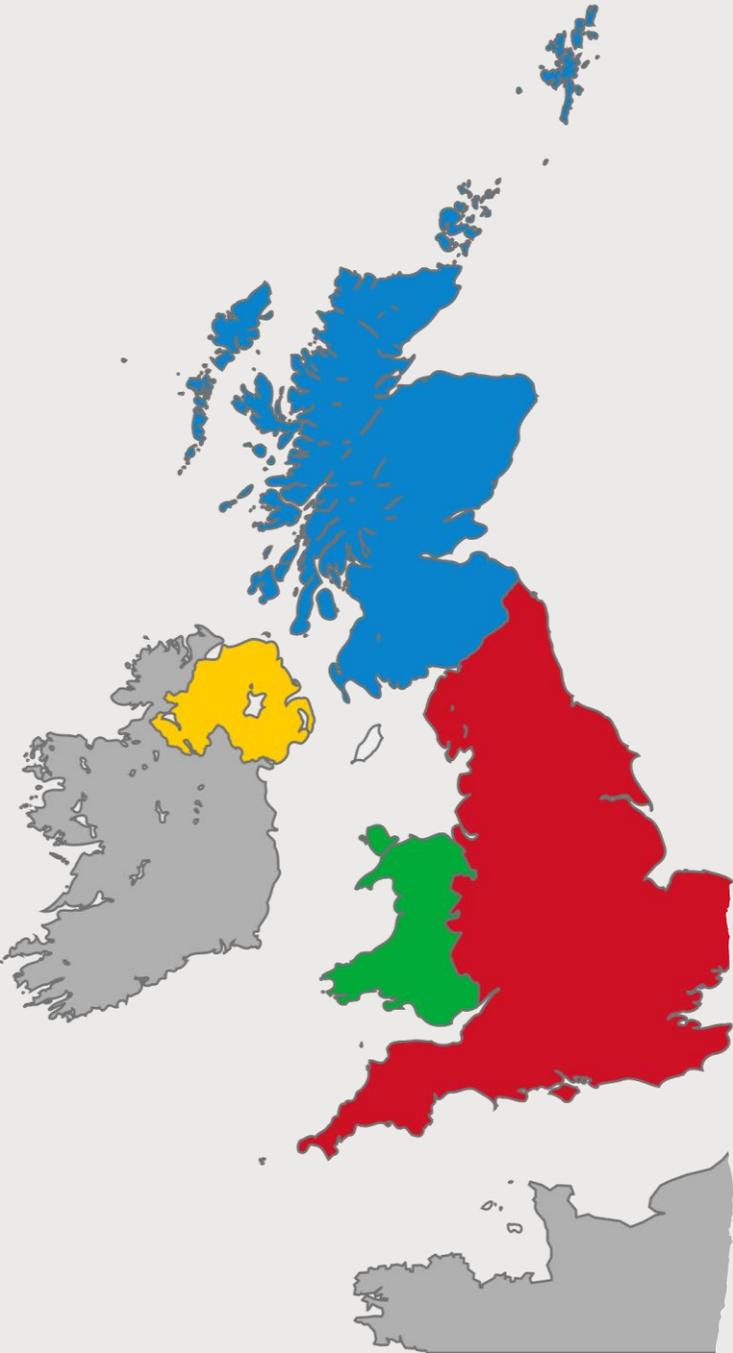
**Would a right to
disconnect work
in practice?**



What may a right to disconnect look like in the UK?

- **Autonomy say:**

- **a “right to disconnect” in the UK should function as an opt out legal requirement across all firms and sectors.**
- **Should be dynamic to allow certain employers that need staff to work unsociable hours to opt out.**
- **Employees should have the right to bring a claim in the Employment Tribunal if they were subject to a detriment for failing or refusing to work or to respond to work related communications.**



How could employers enforce a right to disconnect?

- Regular reminders to employees
- Active encouragement for employees to switch off their devices and send automated emails when unavailable.
- Include footers and pop up messages in emails.
- Providing individual support for staff who demonstrate a patter of answering emails outside of their normal working hours – during one to ones?

How could employers enforce a right to disconnect? Cont/d...

- Training
- **A “right to disconnect” policy.**
- Charter of good conduct.
- Restricting an employee’s remote access.
- **Configuring email servers so that emails can only be sent during specified times.**

Benefits of a right to disconnect



Pitfalls of a right to disconnect



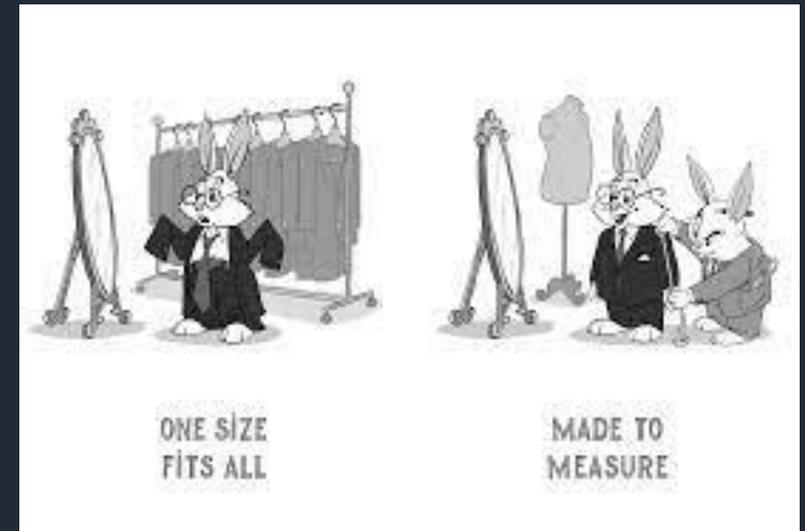
What about our current legislation in the UK?



Practical steps that organisations can take now

A recent survey of UK business leaders by Owl Labs found that [1 in 4 employers](#) are considering introducing right to disconnect policies to help staff keep their home and work lives separate.

- Talk to the workforce
- Training
- Technical measures
- Support line managers
- Provide employees with the tools they need



According to Prospect – not a one size fits all solution.

Closing remarks

Current consultation surrounding four day week

“The 9 to five, 40-hour workweek that emerged during the industrial revolution, the last time work changed so dramatically, is no longer sustainable – due to the increasing pace of work necessitated by video conferencing software and continued online presence” – Abigail Marks, Professor of the Future of Work (Newcastle University)



Predictions

Questions/Comments?



Contact details



Emma Morgan

Partner

☎ +44 (0)3700 865 503

☎ +44 (0)752 573 4307

✉ emma.morgan@shoosmiths.co.uk



Lauren Bholé

Associate

☎ +44 (0)3700 865 574

☎ +44 (0)7548 095 689

✉ lauren.bhole@shoosmiths.co.uk