

# Rights of an individual in the digital world of today (e.g. the right to disconnect)

## I. Topic Background

The right to disconnect is a recently proposed human right that states that the ability for people to disconnect from work and not engage in work-related activities during not-work hours is a must. This includes communications such as e-mails, messages, calls and so on.

The boundaries between work and home have been slowly but surely demolished by the advancement of technology and has only been worsened by the long period of working from home that followed Covid. A recent study has found that people who work from home are more than twice as likely to work in excess of the required maximum hours per week, compared to those who work on their employers premises.

The right to disconnect is a direct result of advances in modern technology and the impact that they have on the daily lives of people. Since it has become common for each household, if not person to have multiple digital devices to their name, the pressure of always being 'on call' has become more and more common. Many workplaces nowadays push for their employees to always be available, whether this is the weekend, the night, or their time off. This pressure for employees to be constantly accessible has become so widespread that it is now being considered potentially hazardous to the workers health.

As of now, there are several countries, primarily in Europe, that have some type of law concerning the right to disconnect. The first law being passed in France in 2018. Formally known as the 'El Khomri Law' it states that "the employee is under no obligation either to accept working at home or to bring there his files and working tools." and that "the fact that [the employee] was not reachable on his cell phone outside working hours cannot be considered as misconduct." Many other European countries have followed this example and added a variation to their own laws.

## II. United Nations Involvement

As a whole, there is currently no one legal framework that directly defines and protects the people's right to disconnect that has been made by the United Nations. There are, however, some indirect lines and phrases in other resolutions that refer to similar issues.

The United Nations General Assembly has adopted a resolution that backs the right of privacy, stating that the failure to do so is considered a violation to the fundamental “tenet of a democratic society” and that States must “respect and protect the right to privacy, including in the context of digital communication.” This resolution was a confirmation that the people have the same rights online, as they do offline, and therefore they must be protected.

The UN has also included several articles in multiple of their resolutions that defend the rights of an individual in this age. Among these is Article 24 of the UN Universal Declaration of Human Rights that states that everyone has the rights to rest and leisure, Article 7 of the UN International Covenant on Economic, Social and Cultural Rights that states that there is a limitation to working time, and of course, the 1981 Convention on Workers with Family Responsibilities (No. 156) that talks about work and life balance.

## III. Bloc Positions

At the EU level, there is currently no legislation that covers the right to disconnect and work related electronic communication between employers and employees. There are several secondary EU legislatures that are relevant to the issue, however, they do not specifically refer to the right to disconnect. Nonetheless there have been some new worker rights that call “on the Commission to evaluate and address the risks of not protecting the right to disconnect” and “on Member States and employers to ensure that workers are informed of and able to exercise their right to disconnect.”

To go into some more specific details, France has been the pioneer country in regulating the workers right to disconnect, as it was the first country where the first decision regarding this topic emerged in 2016. Italy and Spain have quickly followed the example, and now both countries have officially recognised the right to disconnect since 2017 and 2018 respectively. Ireland has also been going down the road to change, although they have been more focused specifically on the post-Covid-19 work from home situation. Germany has also moved to protect worker rights, however, instead of focusing on creating laws they have negotiated with company stakeholders in an attempt to more quickly and efficiently secure workers' right to disconnect. Other countries that have the right to disconnect include Belgium and Portugal.

Since these first steps have been taken, the European Union has also considered adopting similar legislation, however no action has been taken yet. Ontario in North America has started the preparations for enacting such a legislation as well. There are other countries, like Australia, that have also recommended that employees have the right to disconnect, but have not gotten as far as to implement it. This is the case for most other countries - they may be supporting, but they have not gotten around to making any laws yet.

#### **IV. Considerations when making Resolutions;**

When writing your Resolutions, concentrate on the following questions:

- What is my country's official position/stance concerning the right of an individual to disconnect?
- Which nations have similar stances to my country? Which have different ones?
- Are there UN resolutions and actions that your country supported or opposed regarding the individual's right to disconnect?
- How do other countries' positions affect your nation on this issue?
- Which aspect of this issue is most important to your country?
- What evidence or statistics exists to back up your country's position?

Before writing your Position Paper or Resolution, make sure to have a firm background knowledge on the position of your country in the issue of an individual's rights in the digital age. It is also recommended that you familiarize yourself with other country positions, as they will help you later on.

#### **V. Sources**

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