

The Right to Disconnect

Abstract

This rigorous thesis provides a detailed analysis of the emerging concept of the right to disconnect, which is gaining increasing attention at both the European Union level and within individual states. The right to disconnect is increasingly being discussed in public forums, and in many countries, debates are taking place about its legislative framework, with some nations having already adopted legal regulations governing this right.

The thesis begins by addressing the foundational aspects of labour law that underpin and are connected to the right to disconnect. Specifically, it examines the concepts of working hours, rest periods, remote work and occupational safety and health.

Subsequently, the thesis delves into the very essence of the right to disconnect, defined as the right to disengage from digital technologies and tools used for work after working hours, without fear of repercussions from the employer. It explores the rationale and context behind the emergence of this right, as well as the risks associated with the constant connectivity of employees to the workplace. In this part, potential definitions of the right to disconnect and its scope are also outlined.

The thesis then turns to the existing legal frameworks governing the right to disconnect. This includes an analysis at the international level, where the right has not yet been explicitly regulated, as well as at the EU level and within national legal systems. Particular attention is given to the proposed European directive on the right to disconnect, which is currently under discussion for adoption.

The subsequent section provides an in-depth analysis of existing regulations on the right to disconnect in selected European and non-European countries, such as France, Italy and Australia. This is followed by a review of how major global corporations, such as Volkswagen and UniCredit, address the right to disconnect through internal normative acts.

Based on the previous analysis of existing legal frameworks, the final section of the thesis seeks to propose a suitable legal regulation for right to disconnect within the Czech Republic. This section also evaluates the current legal landscape and the necessity of formally enshrining this right into the Czech legal system.