

Working from home: call to ban out-of-hours emails from bosses

The right to disconnect effectively gives employees the ability to switch off from work and not engage in electronic communications, such as emails, during non-work hours, *writes Valerie Lambert, partner at HCR Hewitsons.*

Governments around the world have been looking at enacting laws to give workers the right to log off. The principle has come into sharp focus following the coronavirus pandemic and Ireland's implementation of its Code of Practice for employers and employees on the right to disconnect, brought into effect in April this year.

The UK Government is now being lobbied by the Prospect Trade Union and others to implement the right to disconnect.

Whilst the right to disconnect must in principle be seen as a positive step there are challenges as to whether it could work in practice. Post-Covid-19 hybrid work environments are facilitated by technology which contributes to the blurring of home/work boundaries.

Different countries are considering different strategies, the most direct being putting a cap on the working day or week and limiting communication outside core working hours, including on smartphones.

These approaches present some challenges. The main ones we see from our clients are that employees are now enjoying more flexibility in choosing their working hours.

Rather than being constrained by traditional 9am to 5pm working hours written into their contracts of employment, many

employees can now largely decide when to do their work, which allows for them logging-on and working during outside this timeframe.

A code of practice may mean that some of the flexibility enjoyed by employees is curtailed resulting in a requirement to adhere rigidly to core working hours.

Achieving a balance between flexibility and the right to switch off will be key to effecting a change in employees' remote working habits.

Moves that employers and the government might consider include:

- Employers consulting with their workforce and, where relevant, trade unions, about ideas which could be put in place for the right to disconnect in the same way as employers have consulted about hybrid working between home and the office.
- Employers reviewing and revising their home working policies to introduce right to disconnect principles.
- Commencing a nationwide consultation process to canvass ideas for a workable right to disconnect approach suitable for workers and employers. We believe this cannot be too prescriptive if it is going to be workable.

For more information, contact the employment team at Hewitsons on 01223 447427.