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THE RIGHT TO DISCONNECT: REST IN THE DIGITAL AGE OF WORK FROM THE INTERNATIONAL, EUROPEAN AND POLISH LAW PERSPECTIVES

Abstract. The aim of this article is to justify the thesis that the right to be offline (the right to disconnect from digital tools) is not a redundant term. It is an original and autonomous right, distinct from the general right to rest. It is a right that arises in the new world of work, shaped by constant electronic and digital connectivity, designed with other needs in mind and exemplifying the increased legal protection required for rest and family time in the modern digital age.

Keywords: the right to disconnect, rest, remote working

PRAWO PRACOWNIKA DO BYCIA OFFLINE – ODPOCZYNEK W CZASACH CYFRYZACJI PRACY Z PERSPEKTYWY PRAWA MIĘDZYNARODOWEGO, EUROPEJSKIEGO I POLSKIEGO

Streszczenie. Celem artykułu jest uzasadnienie tezy, że prawo do bycia offline (prawo do odłączenia od narzędzi cyfrowych) nie jest terminem zbędnym. Je to oryginalne i autonomiczne prawo, odmienne od ogólnego prawa do odpoczynku. Jest to prawo powstające w nowym świecie pracy, kształtowane przez nieustanne połączenie elektroniczne i cyfrowe, projektowane z myślą o innych potrzebach i będące przykładem zwiększonej ochrony prawnej, jakiej wymaga odpoczynek i czas dla rodziny w nowoczesnej erze cyfrowej.

Słowa kluczowe: prawo do bycia offline, odpoczynek, praca zdalna

1. RISKS ARISING FROM WORK DIGITALISATION

Work digitalisation brings employers as well employees many economic and social benefits and advantages, such as greater freedom, independence and flexibility with regard to when, where and how work is done and how employees are contacted outside working hours, reduced time spent commuting to work, and

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the facilitation of personal and family commitments, thus contributing to a better work-life balance.

However, the use of digital tools for professional purposes can also have negative effects such as increased work intensity and longer working hours, which, in turn, leads to exceeding acceptable working time standards, the lack of rest, unpaid overtime, and the blurring of work-life boundaries. The increasing use of digital technologies has changed traditional working models and created a culture of the “always-on”, “always-available”, “on standby” worker. If digital tools are not used exclusively during work time, they can interfere with employees’ private lives. Digital tools can make it particularly difficult to find a reasonable work-life balance for care workers, who are most often women (Naumowicz 2021, 80–83). Constant connectivity, coupled with high work demands and growing expectations that workers are reachable at any time, also has a negative impact on physical and mental health and safety at work. It is indicated that prolonged use of digital tools can cause decreased concentration and cognitive as well as emotional overload, muscle tension and musculoskeletal disorders, and can exacerbate phenomena such as isolation, technology dependence, sleep disturbances, emotional exhaustion, anxiety, and job burnout.¹ In addition, the International Agency for Research on Cancer has classified RF radiation as potentially carcinogenic. Such radiation can pose a particular risk to pregnant women.

Although digital tools are also used for professional purposes by people working in the office, research by the European Foundation for the Improvement of Living and Working Conditions (Eurofound) shows that the problem of adequate rest is primarily faced by those working remotely. Eurofound’s data shows that those who regularly work from home are more than twice as likely to work more than the maximum 48 hours per week stipulated by EU law and to take less than 11 hours of rest between working days, compared to those who work at their employer’s premises. In addition, almost 30% of teleworkers signal working on their own time every day or several times a week compared to less than 8% of ‘office’ workers and teleworkers also working more irregular hours. Meanwhile, during the COVID-19 crisis, the number of people working remotely and from home increased significantly and there was a significant increase in the use of digital tools. In contrast, before the pandemic, only 5% of people had worked this way, and during the lockdown caused by COVID-19 more than a third of EU workers started working from home (Eurofound 2020a). The number of people working remotely is forecast to remain at a high level.

With the increasing digitalisation of working life and the inherent status of constant connection, the issue of the right to disconnect, understood as the exclusion of digital tools for work purposes outside of working time, has begun

¹ European Parliament resolution of 21st January, 2021, with recommendations to the Commission on the right to be offline (2019/2181(INL)), points C, D, E.

to emerge, along with the debate about whether this right is needed. Despite emerging criticisms of the right to disconnect as a redundant right in the face of existing working time and rest protection legislation for workers, the International Labour Organisation and the European Union recognise the need to ring-fence the right to disconnect.

2. THE CONTEXT OF INTERNATIONAL LABOUR LAW

There is no specific article of international law relating to the right to disconnect, but there are basic principles and regulations relating to the organisation of working time and rest and privacy, fair working conditions, health and safety at work, and work-life balance that build the necessary foundation for the right to disconnect to be legally claimed.

Among the legislation enacted by the International Labour Organisation, it is notable to highlight Convention No. 1 concerning the limitation of working time to eight hours a day and forty-eight hours a week in industrial establishments of 1919; Convention No. 30 concerning the regulation of working time in trade and offices of 1930; Recommendation No. 163 concerning collective bargaining of 1981; Convention No. 156 concerning workers with family responsibilities of 1981; and the ILO Centenary Declaration on the Future of Work of 2019.

Further, there is the Revised European Social Charter of the Council of Europe of 3rd May, 1996, Article 2 on the right to fair working conditions, including reasonable working hours and rest periods; Article 3 on the right to safe and healthy working conditions; Article 6 on the right to collective bargaining; and Article 27 on the protection of workers with family responsibilities are relevant.

General legal foundations can also be reached in the Universal Declaration of Human Rights, which states in Article 24 that everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic paid leave.

Despite no international legislation standardising the right to disconnect, the International Labour Organisation recognises the need to ring-fence and guarantee this right for workers. A technical guide on healthy and safe teleworking (remote working)² released in 2021 by the International Labour Organisation and the World Health Organization calls for measures to protect workers' health and outlines the changes needed to accommodate it by appealing to governments and companies to support a worker's right to disconnect.

² Healthy and safe telework. Technical brief – Geneva, 2021, pp. 7, 13.

3. UE REGULATIONS

At present, there is no specific regulation at the European Union level regarding a worker's right to disengage from digital tools used for professional purposes, and the rules in this area vary considerably between Member States.³ Statutory solutions in this regard have been adopted in France (2016), Belgium, Italy (2017), Spain (2018), Portugal (2021). In Ireland, on the other hand, the Workplace Relations Commission adopted the Code of Practice for Employers and Employees on the Right to Disconnect in 2021, which has been promulgated by statutory instrument. Although the code is not formally binding, it can be invoked in court.⁴

At the EU level, however, the need for an explicit standardisation of the right to disconnect from digital tools is recognised. In this regard, two initiatives should be mentioned. Firstly, the European social partners adopted the Framework Agreement on Digitisation (ETUC 2020) in June 2020. Among other things, the agreement provides the possibility for social partners to agree on measures with regard to being online and offline by workers and for the social partners to take implementing measures over the next three years. Secondly, on 21st January, 2021, the European Parliament adopted a resolution with recommendations to the Commission on the right “to disconnect”. The European Parliament called for the adoption as soon as possible of a directive establishing a right to disconnect for all workers using digital tools for professional purposes, a draft of which is annexed to this resolution. The employee's right to disconnect would be matched by an obligation on the part of the employer to take steps to ensure that employees exercise this right. The European Parliament's resolution points out that the right to disconnection is a fundamental right inextricably linked to new working patterns in the new digital age.⁵ Although, according to current legislation and the case law of the Court of Justice of the European Union, employees do not have to be available to the employer on a continuous basis, and there is a difference between working time when the employee must be at the employer's disposal and non-working time when the employee is not obliged to do so, and on-call

³ The regulations adopted in each country have some important similarities as well as some differences in terms of scope and approach. In France, Belgium, and Spain, the right to disconnect is regulated by collective agreements. In Italy, by contrast, the practical arrangements for the right to disconnect are subject to an agreement between the employer and each employee who works remotely. In Belgium and France, the provisions apply to all companies with at least 50 employees, while in Spain the right applies to all employees. In Italy, the right to disconnect applies only to so-called “smart workers”, who divide their working time between their home/remote location and their employers' workplace.

⁴ On the solutions to the right of disconnection in the legal regulations of different countries, see Borges (2023, 261–276).

⁵ Point H of Resolution 2019/2181(INL).

time is working time, there is no explicit EU provision enforcing the right to be unavailable at all times outside (contractually) agreed working hours. Hence, the need to carve out a new right of disconnection is indicated. The sources of this right should be sought and derived from the right to safe and healthy working conditions and the right to rest. These rights are counted among the fundamental rights of workers and are guaranteed in a number of legal acts. The secondary nature of the right to disconnect cannot lead to the conclusion that its regulation will constitute a *superfluum*. This is because, despite its dependence, its separation is necessary in view of the new risks arising from the development of work via digital tools and the creation of a culture of the permanently reachable worker. The right to disconnect is an junctim between the issues of the right to rest and the right to safe and healthy working conditions. However, the added value to the rights indicated is the explicit reference to the use of digital tools (Moras-Olaś 2021, 316).

At the beginning of July 2023, the document “European Charter for Digital Workplace Wellbeing”, signed by dozens of members of this body and submitted by the Future Workforce Alliance (FWA), an organisation of entrepreneurs, labour rights activists, and researchers, was launched in the EP.⁶ The aim of the FWA is to set out official EU guidelines and best practices for companies employing hybrid and remote workers. The demands set out in the Charter are divided into four areas, one of which, entitled “Life outside work”, is about, among other things, ensuring employees’ right to be offline. Other reports produced for the EP emphasise that the right to be disconnected – as an elementary right to ensure the mental well-being of those providing work – should be understood in a broad context, namely both contract and self-employed workers (Raport Komisji Zatrudnienia i Spraw Socjalnych PE 2022). Moreover, according to the quoted document, the EP already envisages further discussions with the social partners on this issue (Smolski 2023, 12).

3.1. The European Parliament’s directive draft on the right to disconnect

3.1.1. *The definition of the right to disconnect*

The Eurofound working paper “The Right to Disconnect” in the 27 EU Member States notes that the concept of the right to disconnect may have various meanings. It can be seen as an employee’s ability to refrain from working outside normal or agreed working hours using digital tools (*the right to disconnect*). It can also be understood and implemented as the employer’s obligation to ensure that employees do not work during rest and holiday periods (*the right to be disconnected*) (Eurofound 2020b). The European Parliament’s proposal rightfully adopts the first of the possible concepts. The right of disconnection is defined as

⁶ <https://www.futureworkforcealliance.com/programs/health-wellbeing> (accessed: 22.11.2023).

not to engage in work-related tasks outside working time and not to communicate via digital tools, directly or indirectly (Article 2(1) of the draft directive). The concept of working time is to be understood in accordance with Directive 2003/88/EC (Article 2(2)). This act defines working time as “any period during which the worker is working, at the employer’s disposal and carrying out his activity or duties, in accordance with national laws and/or practice”.

However, against the background of the above-mentioned definition of the right to be offline (Article 2(1) of the draft directive), some doubts arise. Is the right to disconnect to be understood only as not being engaged in tasks by communication or also unrelated to it? An analysis of working documents, including an assessment by the European Parliament’s Bureau of Analysis (European Parliament 2020, 5), which states: “There is currently no existing or proposed EU legislation that directly addresses the scope or timing of work-related electronic communication between employers and employees”,⁷ leads to the conclusion that the essence of the law in question is precisely to stay out of communication. A similar conclusion follows from the analysis of the Eurofound working document. In contrast, an interpretation of the English and German versions of the draft directive, which use the alternatives *or* and *oder*, leads to a different conclusion: “«disconnect» means not to engage in work-related activities or communications by means of digital tools, directly or indirectly, outside working time”, in the German version: “«Nichter-reichbarkeit», dass außerhalb der Arbeitszeit weder direkt noch indirekt mittels digitaler Werkzeuge arbeitsbezogene Tätigkeiten ausgeübt werden oder arbeitsbezogene Kommunikation erfolgt”, which leads to the conclusion that the essence of the right in question is precisely to stay out of communication. A similar conclusion emerges from the analysis of the Eurofound working document (Eurofound 2020b). An interpretation of the English and German versions of the draft directive, which use the alternatives *or* and *and other* – in the English version – leads to a different conclusion: The wording of the cited provisions indicates that the right to disconnect covers two areas of the way in which the employee’s duties are performed: communication-related and non-communication-related. Both involve work using digital tools, as indicated by a systemic interpretation of Article 2(1) in conjunction with Article 1(1) of the draft directive (Moras-Olaś 2021, 313), according to which the directive sets out minimum requirements to enable workers who use digital tools, including ICT tools, for work purposes to exercise their right to disconnect and to ensure that employers respect workers’ right to disconnect. In support of this, the German-language version of the draft is additionally indicated: “(...) dass außerhalb der Arbeitszeit weder direkt noch indirekt mittels digitaler

⁷ Translation: “Aktualnie nie ma żadnego istniejącego ani proponowanego prawodawstwa UE, które bezpośrednio odnosiłoby się do zakresu lub czasu komunikacji elektronicznej związanej z pracą między pracodawcami a pracownikami”.

Werkzeuge arbeitsbezogene Tätigkeiten ausgeübt werden oder arbeitsbezogene Kommunikation erfolgt”,⁸ in which the notion of digital tools has been placed before ways of working (Moras-Olaś 2021, 312).

The draft does not define what digital tools (*means of digital tools*) are. Article 1(1) of the draft directive, which defines the subject matter and scope, only indicates that digital tools are specifically ICT tools. ICTs, in turn, is an abbreviation for *information and communication technologies*. It is understood that ICTs constitute a family of technologies that process, collect, and transmit information in electronic form.⁹ They include:

1) equipment that allows information to be processed (e.g. PCs, servers, clusters, computer networks) and stored (e.g. memory sticks, hard disks, CD/DVDs);

2) all communication media (e.g. Internet, wireless networks, bluetooth networks, fixed, mobile and satellite telephony);

3) various IT applications and complex IT systems that enable data to be processed and transferred at a higher level of abstraction than the hardware level (Seweryn 2017, 14).

Hence, it follows that the term includes not only the programmes themselves, but also the computer and peripheral hardware. As a result, work involving a digital tool will also include work on a computer or other devices unrelated to communication (Moras-Olaś 2021, 313). This understanding of the concept of digital tools dovetails with a broad understanding of the right of disconnection, which includes not only not engaging in tasks through communication, but also not engaging in tasks that do not involve using a network connection for work (Kurzynoga 2022b, 381–382).

3.1.2. *The personal scope of the right to disconnection*

The personal scope of the right of disconnection is also broadly defined. According to Article 1(1) of the draft, the Directive is intended to apply to all sectors, both public and private, and to all workers, regardless of their status and forms of work organisation. The draft Directive does not refer to the concept of worker as defined in national law. The preamble stipulates that in order to determine whether a person has the status of a worker, the criteria laid down by the Court of Justice of the European Union should be applied (recital 15 of the preamble to the draft directive). According to the Court’s settled case-law,

⁸ Translation: “(...) poza czasem pracy nie będzie wykonywana ani bezpośrednio, ani pośrednio za pośrednictwem narzędzi elektronicznych żadna czynność związana z pracą, ani nie będzie następowała komunikacja związana z pracą” – Moras-Olaś (2021, 312).

⁹ GUS, *Information society in Poland* (Polish: *Spoleczeństwo informacyjne w Polsce*), <https://stat.gov.pl/obszary-tematyczne/nauka-i-technika-spoleczenstwo-informacyjne/spoleczenstwo-informacyjne/spoleczenstwo-informacyjne-w-polsce-wyniki-badan-statystycznych-z-lat-2012-2016,1,10.html> (accessed: 31.01.2022).

the characteristic feature of an employment relationship is the fact that a person performs services for a certain period of time for and under the direction of another person in return for which he/she receives remuneration, the legal classification and form of that relationship, as well as the nature of the legal bond which unites the two persons, being not decisive in that regard (Judgment of the CJ of 17.11.2016, C-216/15, para 27).

The draft Directive does not explicitly provide for any personal exemptions. In particular, the Directive does not introduce exceptions for industries where the lack of contact with the employee may have far-reaching consequences (e.g. in critical infrastructure undertakings or health care entities), as well as for management employees. However, in the light of the wording of Article 1 of the draft directive, entitled “Subject matter and scope”, the question is raised whether the admissibility of such exemptions does not derive from paragraph 2 of this provision, which refers to EU legislation providing for such subjective derogations. According to this provision, “the Directive clarifies and supplements the provisions of Directives 89/391/EEC, 2003/88/EC, (EU) 2019/1152 and (EU) 2019/1158 for the purposes listed in paragraph 1, without prejudice to the requirements laid down in those Directives” (Kurzynoga 2022b, 6–7). It is clear from the work on the resolution on the right to disconnect that the Directive would be intended to complement EU working time legislation. This approach is clarified by the wording of Article 1(2) of the draft Directive and may support the position that the personal exemptions under Directive 2003/88/EC concerning certain aspects of the organisation of working time apply to the right to disconnect (Kurzynoga 2022a, 6). On the other hand, the material conditions indicated in the draft directive for the exclusion of the right to disconnect may be indicative of a complete standardisation of the matter and the inadmissibility of subjective exclusions from the Working Time Directive. According to the draft Directive, derogations to the implementation of the right to disconnect should only be allowed in exceptional circumstances, such as force majeure or other emergencies, provided that the employer provides in writing to each employee affected by the derogation the reasons justifying the need for it. States would be required to define the criteria for derogating from an employee’s right to disconnect and how compensation for work performed outside working time would be determined. Such compensation should ensure that the general objective of health and safety is respected (recital 25 and Article 4(1) of the draft directive). The objective behind the introduction of the right of disconnection, which is the need for physical and mental rest from work, is also in favour of granting the right to disconnect to all workers, including those for whom Directive 2003/88/EC provides for derogations from working time standards, e.g. managers. The European Trade Union Confederation is also of the opinion that the future Directive on the right to disconnect should ensure that its provisions are included and applied to managers in order to avoid the risk of their protection being excluded from the scope of the Directive. However, there is no denying that, in practice, it will be

extremely difficult to implement this right for executives. As the EU rules provide for specific derogations for managers in terms of working time limits and minimum rest, it will be difficult to determine from what point such an employee will exercise his/her right to disconnect (Kurzynoga 2022a, 6–7).

3.1.3. *Exercising the right to disconnect*

The employee's right to disconnect would be matched by an obligation on the part of the employer to take measures to ensure that employees are able to exercise this right (Article 3(1) of the draft Directive). Article 4 of the draft Directive, which regulates the means of implementation of the right of disconnection, places an obligation on Member States to ensure that employers, after consultation with the social partners, adopt specific arrangements enabling employees to exercise the right of disconnection. The involvement of employee representatives in the implementation of the right of disconnection at the employer's premises is to be welcomed. This will allow the solutions adopted to be tailored to the needs of employees and to take into account their interests. Furthermore, the aforementioned Article 4 stipulates that these solutions should include at least:

- 1) practical arrangements for switching off digital tools used for work purposes, including any work monitoring tools;
- 2) a system for measuring working time;
- 3) an assessment of health and safety at work in relation to the right to disconnect, including an assessment of psychosocial risks;
- 4) criteria for applying derogations to the implementation of the right to disconnect (in situations of force majeure or other emergencies) and criteria for determining compensation.

The obligation to measure time is also indicated in Article 3(2) of the draft Directive. According to this provision, Member States shall ensure that employers put in place objective, reliable, and accessible systems to measure the time worked by each employee on a daily basis, in accordance with the employees' right to privacy and to the protection of personal data. Workers shall be able to request and obtain a record of their working.¹⁰ According to the draft, awareness-raising measures are also needed, including training on the implementation of the right to disconnect (Kurzynoga 2022a, 7–8). Concurrently, the draft Directive obliges

¹⁰ The impetus for this provision was the aforementioned judgment of the CJ of 14.05.2019 in *Federación de Servicios de Comisiones Obreras (CCOO) v Deutsche Bank SAE*. It stated that, in order to ensure the effectiveness (*effet utile*) of the rights provided for in Directive 2003/88/EC and the fundamental right enshrined in Article 31(2) of the CFR, Member States are required to impose an obligation on employers to implement an objective, reliable, and accessible system for measuring the daily working time performed by each worker (paragraph 60 of the judgment), and this falls under the general obligation of Member States and employers to put in place the organisation and measures necessary to ensure the protection of workers' health and safety (paragraph 62 of the judgment).

Member States to provide for effective, proportionate, and dissuasive sanctions for breaches of the employer's obligations relating to the employee's right to disconnect (Article 8 of the draft Directive).

The analysis of the proposal leads to the conclusion that the implementation of the right to disconnect would essentially be based on three elements: the measurement of working time, the adoption of practical arrangements for switching off digital tools, and awareness-raising activities, including training on the right to disconnect in order to create a culture of not being constantly available. This framing is fully acceptable, although proper implementation of this right will be challenging in practice. Most doubts are revealed against the background of the first two elements, i.e. the establishment of a timekeeping system respecting the right to privacy and the protection of personal data as well as the adoption of practical arrangements for switching off digital tools.

4. THE POLISH PERSPECTIVE ON THE RIGHT TO DISCONNECT

Polish labour legislation has hitherto not introduced separate regulations for an employee's right to disconnect. They are derived from working time regulations and the jurisprudence of labour courts and the Supreme Court. Pursuant to Article 129 of the Labour Code, working time may not exceed 8 hours per day and an average of 40 hours in an average five-day working week in an adopted settlement period not exceeding 4 months. For the issue under consideration, the definition of working time contained in Article 128 of the Labour Code, according to which working time is the time during which an employee remains at the employer's disposal in the workplace or another place designated for work performance, is relevant. Being at the employer's disposal means, first of all, the employee's full psychophysical capacity and readiness to perform work and the employer's instructions, in accordance with the principle of subordination (Raczkowski 2020, 429). These principles apply to the employee for both stationary and remote work. In other words, it is up to the employer to define the timeframe for employees to be "at their disposal", since, as a general rule, an employee is not obliged to be online outside his/her working hours or on-call duty (Article 151(5) of the Labour Code). "Being available" should be clearly and explicitly defined, as an employer cannot expect an employee to be available 24 hours a day or on Sundays and holidays. The employee is also entitled to mandatory daily and weekly rest (Articles 132 and 133 of the Code of Labour Procedure). Performing work in excess of working time standards may be exceptional and may be ordered by the employer, e.g. overtime, and the employee should not object to this (Supreme Court judgment of 1 August 1990, I PRN 7/90).

The potential for a possible regulation of the subject of employee rights in Polish labour law was addressed by the Minister of Family and Social Policy. She

presented her position on the issue responding to a parliamentary interpellation of 22nd March, 2022. The Minister emphasised that the right of employees not to be in contact with their employer via various types of electronic media during their free time is colloquially referred to as the right to be offline (*the right to disconnect*). Under the Labour Code, this right is guaranteed to employees by the provisions on working time, in particular concerning the norms, dimension, and schedule of working time, overtime work, on-call time, and periods of minimum uninterrupted daily and weekly rest. She pointed out that an employee is obliged to be at the employer's disposal only during the hours that constitute his/her working time, in accordance with the schedule in force. Outside such hours, the employer may, exceptionally and only under strictly defined legal conditions, order the employee to work overtime or oblige him/her to perform on-call duty. In such situations, however, the employee is entitled to appropriate compensation, such as a 50% or 100% salary supplement or time off. At the same time, the Minister pointed out that the employer may not, under any circumstances, violate the employee's minimum periods of daily and weekly rest, which are to be completely free from the performance of official duties.¹¹

In my opinion, general working time rules are insufficient and do not guarantee adequate protection for the employee. The European Parliament's resolution repeatedly stresses that general working time rules are not enough. The concept of the right to disconnect is not only about legal standards for working time, but also about creating a culture of not being constantly reachable, which is to be achieved through a series of actions taken by the employer, including information, training, and practical solutions for switching off digital tools. The right work-life balance is essential for digital transformation to have a positive impact on employees' quality of life. The culture of the permanently available, always-on, on-call employee that exists in the modern world of work can lead to mental and physical exhaustion. In view of the blurring of the boundary between work and private life, the introduction of a new entitlement – the right to disconnect – is necessary for the workers' health. While this need has already been recognised by many European countries, it is still overlooked in Poland.

5. CONCLUSIONS

1. At present, there are no specific regulations at the European Union or the International Labour Organisation level regarding a worker's right to disconnect from digital tools used for work purposes.

¹¹ <https://www.sejm.gov.pl/sejm9.nsf/interpelacjaTresc.xsp?documentId=C4DB58686B5C4075C125880E004CD9D5&view=S> (accessed: 22.11.2023).

2. The culture of the permanently available, always-on, on-call employee that exists in the modern world of work can lead to mental and physical exhaustion. At the same time, general working time regulations do not provide adequate protection for the employee and are insufficient.

3. Therefore, it is urgent to legislate a new type of repose, born of a forward-looking way of working that causes a specific new type of tiredness, intersecting among inextricably mixed areas: digitisation, telework, pandemic, privacy, personal data, work time, rest time, health, dignity.

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