
Kerala's Right to Disconnect Bill 2025: India's First Step Towards Digital Labour Reform

Kartikey Mishra, LL.M., NALSAR University of Law, Hyderabad.

Abstract

In the age of pervasive digital communication, the boundaries between work and personal life have increasingly dissolved. The Kerala Right to Disconnect Bill 2025, introduced as a Private Member's Bill by Dr. N. Jayaraj, seeks to legally recognise an employee's entitlement to disengage from work-related communications beyond prescribed working hours without facing retaliation. This legislation represents India's first serious attempt to confront the "always-on" culture that has been linked to declining mental health, burnout, and diminished family life. Globally, the right to disconnect has emerged as an essential labour right, closely tied to the Sustainable Development Goals, particularly Goals 3, 5, and 8, on health, gender equality, and decent work respectively. Research underscores that continuous digital connectivity erodes worker autonomy, rest, and privacy, leading to measurable increases in occupational stress and emotional exhaustion. France, Spain, Belgium, and several Latin American nations have already adopted statutory frameworks regulating after-hours communication. This paper situates the Kerala initiative within that international trajectory, exploring its conceptual foundations, constitutional justifications, and policy implications. It argues that the Bill symbolises a necessary shift towards digital labour reform and the recognition of rest as an integral component of human dignity under Article 21 of the Constitution of India.

CHAPTER I: INTRODUCTION — THE AGE OF THE “ALWAYS-ON” WORKER

The digitalisation of work has redefined labour relations in the twenty-first century. Smartphones, laptops, and instant messaging applications have allowed employers and employees to remain connected at all hours, blurring the line between professional obligations and personal time.¹ The COVID-19 pandemic further entrenched this pattern by normalising remote and hybrid work arrangements. While such flexibility offers convenience and productivity gains, it has simultaneously produced new psychosocial risks.

The “*Right to Disconnect*” (RTD) refers to the employee’s right to disengage from work-related communications, such as emails, calls, or messages, outside designated working hours and holidays.² It is rooted in the recognition that constant digital availability undermines employee autonomy, rest, morale, and well-being. Scholars have described RTD as a mechanism to re-establish sustainable boundaries between work and personal life, preserving rest and recovery time essential for mental health.³ A 2021 study on information technology employees found that after-hours work emails were directly associated with shorter off-job durations, reduced psychological detachment, and elevated cortisol levels, indicating physiological stress.⁴ Similarly, Von Bergen et al. observed that the “24/7/365 work grid” produces substantial erosion of work-life balance and contributes to burnout and disengagement.⁵ According to the International Labour Organization, digital labour flexibility must not come at the expense of humane working conditions and decent work.⁶

In India, the problem of over-connectivity has been intensifying. A 2024 study by the ADP Research Institute revealed that nearly 67 percent of Indian employees feel compelled to respond to professional messages outside office hours, with the figure rising to over 80 percent in the IT sector.⁷ Another 2024 report indicated that nearly 64 percent of employees aged

¹ Von Bergen, C.W., Bressler, M.S. & Proctor, T.L., *On the Grid 24/7/365 and the Right to Disconnect*, 45 *Employee Relations* L.J. 3 (2019).

² John Hopkins, *Managing the Right to Disconnect—A Scoping Review*, ResearchGate (2024), https://www.researchgate.net/publication/381311536_Managing_the_Right_to_Disconnect-A_Scoping_Review

³ Pucheta, M. & Ribeiro Costa, A.C., *Going Beyond the Right to Disconnect in a Flexible World*, 51 *Ind. L.J.* 967 (2023).

⁴ Kubo, T. et al., *Work E-Mail After Hours and Off-Job Duration and Their Association with Psychological Detachment, Actigraphic Sleep, and Saliva Cortisol*, 63 *J. Occup. Health* e12300 (2021).

⁵ Id.

⁶ Int’l Labour Org., *Telework and the Right to Disconnect: Decent Work in the Digital Age* (2024).

⁷ ADP Research Inst., *People at Work 2024: A Global Workforce View—India Insights* (2024).

between 21 and 30 experience high levels of workplace stress, highlighting how post-pandemic work cultures have intensified pressure on early-career professionals. Remote work instability, digital fatigue, and performance insecurity have emerged as major stressors contributing to this trend.⁸ The findings underscore a broader public health concern, as prolonged occupational stress has been increasingly linked to burnout, reduced productivity, and deteriorating mental well-being among young professionals in India.

Against this backdrop, Kerala's Right to Disconnect Bill 2025 represents a pioneering step in Indian labour reform. Introduced in the Kerala Legislative Assembly on October 3, 2025, the Bill seeks to recognise an employee's right to decline work-related communication beyond agreed working hours without adverse consequences. It also proposes district-level grievance committees chaired by labour commissioners and mandates employers to develop clear internal policies defining work hours and exceptions for emergencies.⁹

The Bill's normative foundation rests on three interrelated pillars:

1. The constitutional principle of dignity and rest under Article 21, which extends to humane working conditions and mental health protection.
2. The Directive Principles of State Policy, particularly Article 43, which obliges the State to ensure "*a decent standard of life and full enjoyment of leisure.*"
3. The international human rights framework, including Article 24 of the Universal Declaration of Human Rights, which recognises the right to rest and reasonable limitation of working hours.

Comparatively, France was the first country to enact a specific RTD law in 2017, requiring companies with more than fifty employees to negotiate internal agreements on after-hours communication.¹⁰ The French model inspired similar frameworks in Spain, Portugal, Belgium, Italy, and Ireland. Latin American countries such as Brazil, Chile, and Argentina have also enacted RTD statutes, reflecting its growing global acceptance as a component of decent work.¹¹

⁸ *Workplace stress on the rise: 64% of young professionals feeling the heat*, Bus. Std. (Oct. 1, 2024).

⁹ *Kerala Right to Disconnect Bill*, P.M.B.R. No. 257, Kerala Legislative Assembly (2025).

¹⁰ Lerouge, L. & Trujillo Pons, F., *Contribution to the Study on the Right to Disconnect from Work*, 13 *Eur. Labour L.J.* 450 (2022).

¹¹ Kolomoets, E. et al., *The Employee's Right to Work Offline: A Comparative Analysis of Legal Frameworks in Different Countries*, 17 *Rev. Gestão Soc. Ambient.* e03470 (2023).

The John Hopkins scoping review (2024) emphasises that RTD directly supports the United Nations Sustainable Development Goals (SDGs): Goal 3 on good health and well-being, Goal 5 on gender equality, and Goal 8 on decent work and economic growth. It links RTD with the reduction of occupational burnout, the promotion of gender equity in care responsibilities, and the creation of safe, sustainable workplaces.¹²

At a conceptual level, the right to disconnect challenges the neoliberal assumption that productivity is maximised through perpetual availability. Studies reveal that over-connection reduces long-term productivity, creativity, and innovation by diminishing recovery time and cognitive replenishment.¹³ Therefore, legal recognition of RTD is not merely an act of employee protection but also an investment in sustainable productivity and workplace health. For India, Kerala's initiative is especially significant. Unlike the European Union, where labour relations are largely formalised, India's private sector often operates in fragmented and informal conditions. Thus, Kerala's Bill must navigate unique challenges in enforcement, including definitional clarity, coverage across industries, and balancing flexibility with protection. Nonetheless, the Bill marks a crucial departure from the traditional emphasis on physical safety towards encompassing psychological and digital well-being as integral elements of labour law.

The subsequent chapters of this paper analyse the Bill's policy rationale, its constitutional and comparative context, and its broader implications for digital labour governance. They argue that while statutory protection against after-hours intrusion is overdue, its effectiveness will depend on evidence-based piloting, strong monitoring frameworks, and a gradual national expansion guided by empirical review.

¹² Hopkins, *supra* note 2, at 7–8.

¹³ Varela-Castro, W.H. et al., *The Right to Disconnect: Influence on Competitiveness, Productivity and Creativity*, 23 *Merc. Neg.* 5 (2022).

CHAPTER II: OVERVIEW AND CONTEXT OF THE KERALA RIGHT TO DISCONNECT BILL, 2025

The phenomenon of after-hours digital connectivity has gradually been acknowledged by labour policymakers as a serious challenge to rest, personal autonomy, and the boundary between work and life. The 2025 bill introduced in the state of Kerala represents a legislative response to this challenge in the Indian context. This chapter outlines the context in which the Bill emerged and describes its major features, insofar as publicly available, while also situating it within the broader social and policy environment.

Genesis and Rationale

The need for legislation of this kind arises from several converging trends. First, the rapid shift to remote and hybrid working models during the COVID-19 pandemic significantly increased the use of information and communication technologies (ICT) for work purposes, which in turn blurred traditional temporal and spatial boundaries between work and personal life. The International Labour Organization observed that teleworking arrangements, if not managed properly, risk extending working time beyond normal schedules and eroding the separation of rest and work.¹⁴ A second trend is the growing empirical evidence that after-hours connectivity correlates with reduced psychological detachment from work, increased stress, poorer sleep quality and diminished well-being. For instance, studies of off-job email usage found such use was associated with elevated cortisol levels and shortened recovery time.¹⁵ Third, at the policy level, multiple jurisdictions have begun to consider the “right to disconnect” or legal reforms to limit after-hours work-related communications. The European Law Institute for example sets out guiding principles for such rights in its 2023 report.¹⁶

In India, the private sector workforce increasingly engages in knowledge-work, digital tasks and remote collaboration, which makes boundaries less tangible. While existing labour laws regulate working hours, rest periods, overtime remuneration and leave, there is as yet no specific statutory regime dealing with the digital intrusion of work into non-work hours. The

¹⁴ Int’l Labour Org., *Teleworking During the COVID-19 Pandemic and Beyond: A Practical Guide* 22 (2020), available at

https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_protect/%40protrav/%40travail/documents/publication/wcms_751232.pdf.

¹⁵ Int’l Labour Org., *Working Time and Work-Life Balance Around the World* (Jan. 6, 2023), available at <https://www.ilo.org/resource/news/flexible-working-hours-can-benefit-work-life-balance-businesses-and>.

¹⁶ Hopkins, *supra* note 2.

Kerala Bill thus fills a lacuna by recognising the need to define and protect the right of workers to disengage from communications outside prescribed hours.

Major Features of the Bill

The Bill introduced under the designation Private Member's Bill No. 257 by Dr. N. Jayaraj, Chief Whip of the Kerala Legislative Assembly, was formally introduced on October 3, 2025, in the Kerala Legislative Assembly. The Bill aims to confer on private-sector employees a statutory entitlement to refuse work-related communications (for example calls, emails or messages) outside agreed working hours without fear of retaliatory measures. It proposes that employers negotiate internal policies with employees, define working hours, anticipate exceptions for emergencies, and frame grievance-redress mechanisms. According to media reports, the Bill envisages district-level "*Private Sector Workplace Grievance Redressal Committees*" chaired by Regional Joint Labour Commissioners to monitor employer compliance and handle complaints.¹⁷ While the full text of the Bill has not yet been officially released for public scrutiny, its publicly stated objectives include protecting employee well-being, reducing burnout, reaffirming rest as a component of dignity at work and recalibrating employer-employee relations in the digital age.

Policy Objectives and Socio-Legal Significance

The Bill is noteworthy for its explicit recognition of rest, disengagement and digital-time boundaries as legal and labour-policy concerns. By focusing on the private sector, which is often characterised by flexible work arrangements and less rigid oversight compared to formal public employment, the legislation acknowledges that contemporary labour risks extend beyond traditional industrial settings. The rationale corresponds to growing global acceptance that labour law must adapt to the realities of digitalised work environments and constant connectivity.

¹⁷ Mayer Brown, *The Right to Disconnect Across Jurisdictions* (Mar. 2025), available at <https://www.mayerbrown.com/en/insights/publications/2025/03/the-right-to-disconnect-across-jurisdictions>

For example, in the European context the statutory acknowledgement of a ‘*right not to be constantly reachable*’ has been described as a crucial step in protecting worker autonomy and health.¹⁸ Accordingly, the Kerala Bill may be seen as a test-bed for India’s broader labour regulatory adaptation.

Challenges and Contextual Considerations

Implementing this kind of statute in a state with diverse labour markets, sector-specific demands and overlapping regulatory frameworks presents several challenges. First, without the full text, definitional clarity remains an open issue: what constitutes “working hours,” what kinds of communication fall within the statute, how emergencies are defined and what enforcement mechanisms apply. Second, the private sector in India encompasses wide variations in employment status, contractual terms, remote working capacities and bargaining power. Ensuring that the Bill does not only protect workers in formal setups while leaving informal or contract-based workers exposed will be crucial. Third, there is the question of enforceability: district-level committees may face resource constraints, awareness gaps, employer pushback and issues of cross-jurisdictional coverage (for example telecom workers or employees engaged beyond the state boundaries). Finally, the legislation must balance the employer’s legitimate need for operational flexibility, especially in sectors with on-call obligations, 24-hour operations and cross-time-zone demands, with the worker’s right to disengage.

Scope for Impact

Should the Bill be enacted and implemented effectively, it promises to shift the regulatory paradigm towards recognising rest and digital autonomy within the labour sphere. By legally embedding the right to disconnect, the Bill may influence enterprise-level policy (for example internal communication protocols, escalation practices outside hours and monitoring of after-hours work).

¹⁸ European Law Institute, *Guiding Principles on Implementing Workers’ Right to Disconnect* (2023), available at https://www.europeanlawinstitute.eu/fileadmin/user_upload/p_eli/Publications/Guiding_Principles_Workers_Right_to_Disconnect.pdf.

It may also generate jurisprudence on digital labour rights, set precedents for other Indian states, and contribute to national dialogue on workforce well-being, mental health, productivity and labour governance. The next chapter will examine comparative legal frameworks and constitutional foundations to chart how Kerala's initiative relates to global and Indian labour-law trajectories.

CHAPTER III: COMPARATIVE AND CONSTITUTIONAL DIMENSIONS OF THE RIGHT TO DISCONNECT

International Approaches to the Right to Disconnect

The *Right to Disconnect* (RTD) has emerged as a global response to the growing intrusion of digital work into personal life. The phenomenon of “*work without boundaries*,” intensified by the COVID-19 pandemic, has prompted several jurisdictions to legislate employees’ right to disengage from work-related communications beyond formal hours. France was the first country to enact a statutory RTD in **2017**, requiring organizations with over fifty employees to negotiate after-hour communication policies with their workers.¹⁹ This pioneering reform, incorporated into the French *Labour Code*, emphasized work–life balance and was later emulated across the European Union. Spain followed with Law 3/2018, which recognizes RTD as a digital right, ensuring workers are not compelled to engage in electronic communications outside agreed hours.²⁰ Similarly, Portugal’s Labour Code amendments (2021) prohibit employers from contacting employees beyond work hours except under exceptional circumstances, marking a significant shift toward protecting psychological detachment.²¹ Belgium’s 2022 reform extended RTD to both public and private employees, requiring formal internal agreements and awareness programs.²²

Beyond Europe, several Latin American nations, including Argentina, Chile, and Mexico, have introduced RTD provisions into their labour frameworks.²³ For instance, Argentina’s Telework Law 2020 (Law No. 27.555) mandates respect for employees’ rest periods, emphasizing the right to disconnect as essential to human dignity.²⁴ In Asia, Japan and South Korea have adopted “*Premium Friday*” and work-hour limitation schemes to curb overwork-related health issues, indirectly reinforcing RTD principles.²⁵ These examples collectively highlight that the right to disconnect is not merely a labour right but a public health and human rights imperative,

¹⁹ L. Lerouge & F. Trujillo Pons, Contribution to the Study on the “Right to Disconnect” from Work: Are France and Spain Examples for Other Countries and EU Law?, 13 Eur. Lab. L.J. 450 (2022).

²⁰ Law 3/2018, Spain, Art. 88.

²¹ M. Pucheta & A.C. Ribeiro Costa, Going Beyond the Right to Disconnect in a Flexible World: Light and Shadows in the Portuguese Reform, 51 Indus. L.J. 967 (2022).

²² *Belgium Federal Labour Reforms Act*, 2022.

²³ Olga, *Russ. L.J.* 2021, 9, 36.

²⁴ Law No. 27.555, Argentina (2020).

²⁵ Japan Ministry of Health, Labour and Welfare, *Work Style Reform Guidelines* (2021).

closely aligned with the UN Sustainable Development Goals (SDGs), specifically SDG 3 (Good Health and Well-being) and SDG 8 (Decent Work and Economic Growth).²⁶

Constitutional Dimensions and Judicial Recognition in India

In the Indian constitutional context, the right to disconnect finds implicit support in Article 21, which guarantees the right to life and personal liberty. The Supreme Court has consistently expanded Article 21 to include the right to live with dignity, rest, and mental well-being. In *Consumer Education and Research Centre v. Union of India*,²⁷ the Court recognized health as an integral component of the right to life. Similarly, in *Occupational Health and Safety Association v. Union of India*,²⁸ the Court reiterated the State's obligation to safeguard workers' welfare and humane working conditions. Further, in *K.S. Puttaswamy v. Union of India*,²⁹ the landmark privacy judgment affirmed the right to control personal space and autonomy. The right to disconnect, therefore, resonates with the constitutional value of privacy, as it enables individuals to protect their mental space from employer intrusion during personal hours. Moreover, Article 42 of the Directive Principles of State Policy mandates the State to ensure just and humane work conditions, which can be extended to include the psychological need for disconnection in a digitally saturated environment. Kerala's Bill reflects these constitutional principles by attempting to operationalize them within private employment structures. It can thus be interpreted as a statutory manifestation of constitutional morality, translating the abstract promise of dignity and rest into enforceable labour rights.

Labour Jurisprudence and the Indian Context

India's labour law framework, primarily governed by the Occupational Safety, Health and Working Conditions Code, 2020, and the Industrial Relations Code, 2020, provides no explicit mention of RTD. The existing statutes regulate physical work hours but remain silent on digital communication boundaries. This legal vacuum has allowed an "*always-on*" culture, especially in the IT and corporate sectors, where employees often work 10–12 hours daily, exceeding the statutory 48-hour work week.³⁰ A 2023 study of IT-sector professionals found that remote working significantly amplifies occupational stress, with lack of peer interaction, blurred work-

²⁶ United Nations, *Sustainable Development Goals Report* (2023).

²⁷ (1995) 3 SCC 42.

²⁸ (2014) 6 SCC 498.

²⁹ (2017) 10 SCC 1.

³⁰ Periodic Labour Force Survey (PLFS) 2023, Ministry of Statistics and Programme Implementation.

life boundaries and digital overload cited as key drivers of anxiety and reduced job satisfaction.³¹

In this context, Kerala's initiative bridges a crucial regulatory gap. It recognizes that mental rest is as vital as physical rest and that "*digital fatigue*" can undermine productivity, family life, and health.³² However, enforcement remains a challenge, particularly for small enterprises and informal sector employers who may lack structured work-hour policies. Therefore, integrating RTD within the broader framework of occupational health policy and corporate social responsibility (CSR) may ensure effective compliance.

Human Rights and International Labour Law Dimensions

The Universal Declaration of Human Rights (UDHR) under Article 24 guarantees every person "*the right to rest and leisure, including reasonable limitation of working hours.*"³³ The International Labour Organization (ILO), through its Working Time Convention, 1919 (No. 1) and Convention No. 155 on Occupational Safety and Health, underscores rest and recovery as components of decent work. Although India has not yet explicitly recognized RTD within its national legislation, Kerala's move aligns with these global labour standards and contributes to the realization of Sustainable Development Goals 3, 5, and 8.³⁴ The right to disconnect is also increasingly recognized as a gender-sensitive reform, addressing the disproportionate burden faced by women managing paid work and unpaid care.³⁵ Empirical studies suggest that flexible work, without disconnection safeguards, amplifies gender inequalities by extending women's unpaid work hours.³⁶ Thus, Kerala's bill can serve as a model for integrating gender equity into digital labour regulation, reinforcing India's commitments under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Hence, the Kerala Bill marks the beginning of a transformative dialogue on redefining the future of work in India. By legally acknowledging employees' right to disconnect, it seeks to balance economic productivity with human dignity.

³¹ K. D. V. Prasad, Rajesh Vaidya & Ridhi Rani, *Remote Working and Occupational Stress: Effects on IT-Enabled Industry Employees in Hyderabad Metro, India*, 14 Front. Psychol. 1069402 (2023).

³² Magnavita, Tripepi & Chiorri, *Int. J. Environ. Res. Public Health* 2021, 18, 3330.

³³ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, Art. 24 (Dec. 10, 1948).

³⁴ ILO Convention No. 1 (1919); Convention No. 155 (1981).

³⁵ Trujillo Pons & Megino Fernández, *Labor Law J.* 2023, 79–90.

³⁶ Shaari & Amirul, *IOP Conf. Ser. Earth Environ. Sci.* 2023, 1181, 012013.

CHAPTER IV: CHALLENGES, CRITIQUES, AND THE WAY FORWARD FOR INDIA'S DIGITAL LABOUR POLICY

Implementation and Enforcement Challenges

While Kerala's *Right to Disconnect Bill, 2025* represents a landmark reform, its effective enforcement raises complex challenges. The first concern lies in the absence of a unified national framework governing digital labour practices. Labour being a subject in the Concurrent List under the Indian Constitution means states have legislative competence, but national harmonisation remains essential to ensure uniform standards.³⁷ Without central coordination, differing regional rules could fragment India's labour law regime, creating compliance ambiguity for employers operating across multiple jurisdictions.

The second challenge concerns definitional clarity, specifically, what constitutes “*work-related communication*” or “*emergency*.” The experience in France and Spain demonstrates that vague terminology can lead to interpretational disputes and uneven enforcement.³⁸ Employers often exploit “*urgent communication exceptions*” to maintain the “*always-on*” culture that RTD laws seek to prevent. To avoid this, India must introduce clear statutory language defining off-time communication, emergency thresholds, and permissible exceptions, supported by sector-specific guidelines. Additionally, technological monitoring and data privacy pose difficulties. Implementation requires organizations to track work-related communications, but such monitoring must not infringe employee privacy protected under *K.S. Puttaswamy v. Union of India*.³⁹ The challenge, therefore, is to strike a balance between transparency and privacy by employing anonymized or aggregate compliance reporting mechanisms.

A final practical barrier lies in India's vast informal economy, which constitutes nearly 80% of the total workforce.⁴⁰ Informal workers, freelancers, and gig-economy participants remain beyond the scope of traditional employment relationships. Extending RTD protections to these groups will require innovative policy design, potentially through digital platform regulations and employer obligations under the Code on Social Security, 2020.

³⁷ Constitution of India, Seventh Schedule, List III.

³⁸ Lerouge & Trujillo Pons, *Eur. Labour L.J.* 2022, 13, 450.

³⁹ *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

⁴⁰ Periodic Labour Force Survey (PLFS), 2023, *supra* note 30.

Socio-Cultural Barriers and Workplace Expectations

The Indian workplace culture traditionally valorizes long hours, availability, and “*face-time*” as proxies for commitment and productivity.⁴¹ In such an environment, the right to disconnect may initially encounter social resistance from both employers and employees who fear reduced competitiveness or career progression. Research shows that nearly 64% of Indian employees believe responding to after-hours communication enhances their professional reputation, even at the cost of mental well-being.⁴² Further, the Indian IT and service industries, which are globally integrated, often operate across multiple time zones. The “*24/7 client service model*” complicates enforcement of fixed digital boundaries. However, comparative studies suggest that RTD does not necessarily harm productivity. The OECD (2022) reported that companies adopting digital detachment policies in France and Belgium experienced a 7–10% increase in task efficiency due to improved rest and focus.⁴³ Thus, Kerala’s reform challenges India to reimagine productivity in terms of sustainable performance rather than constant availability.

Another barrier is gendered work expectations. The “*double shift*” phenomenon, where women handle both professional and domestic labour, makes digital intrusion especially burdensome.⁴⁴ As highlighted in European studies, lack of disconnection disproportionately undermines women’s participation in leadership and perpetuates gender inequality.⁴⁵ Integrating RTD with gender-sensitive workplace policies, including flexible scheduling and shared caregiving leave, would make the law a tool of substantive equality.

Legal and Institutional Readiness

Kerala’s Bill proposes District-Level Grievance Redressal Committees, chaired by Regional Joint Labour Commissioners, to enforce RTD compliance. While this institutional framework is commendable, it must be supported by adequate staffing, digital monitoring tools, and clear procedural norms. Lessons from Spain’s 2018 RTD enforcement model suggest that grievance mechanisms alone are insufficient without periodic audits and employee sensitization programs.⁴⁶

⁴¹ Von Bergen, Bressler & Proctor, *Empl. Relat. L.J.* 2019, 45, 3–20.

⁴² Deloitte India, *Workplace Digital Stress Survey* (2024).

⁴³ OECD, *Policy Brief on Working Time and Mental Health* (2022).

⁴⁴ Trujillo Pons & Megino Fernández, *Labor Law J.* 2023, 79–90.

⁴⁵ Shaari & Amirul, *IOP Conf. Ser. Earth Environ. Sci.* 2023, 1181, 012013.

⁴⁶ Spain’s Law 3/2018, Art. 88.

At the national level, the Ministry of Labour and Employment must consider issuing Model Guidelines on Digital Work Practices, akin to the *Occupational Safety and Health Code Rules*, 2020. These guidelines could standardize the definition of digital work hours, encourage employer-employee agreements, and set reporting requirements.⁴⁷ Additionally, incorporating RTD into the Companies Act, 2013, under corporate social responsibility (CSR) initiatives, could incentivize compliance by linking employee well-being to corporate governance standards. Organizations voluntarily adopting RTD norms may receive CSR credits or recognition in ESG (Environmental, Social, and Governance) indices, aligning with global sustainability metrics.

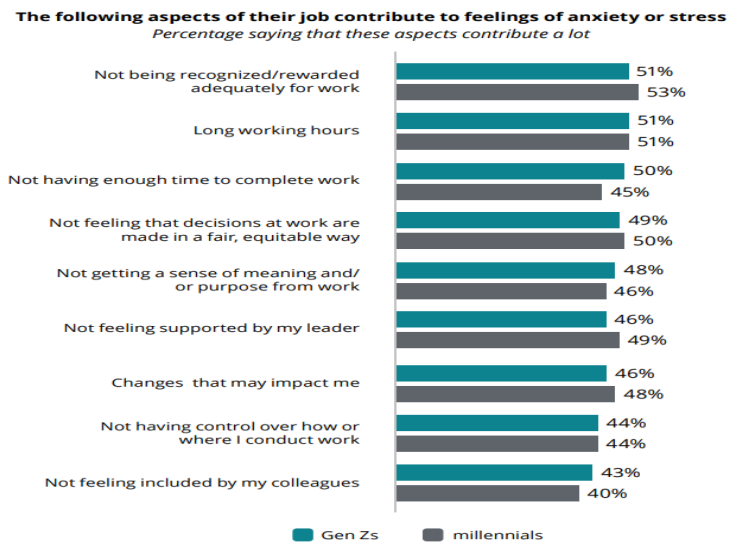
The Right to Disconnect as a Human Development Imperative

From a broader socio-economic perspective, RTD must be understood not only as a labour right but as a human development and public health measure. The World Health Organization (WHO) has classified “*burnout*” as an occupational phenomenon resulting from unmanaged chronic workplace stress.⁴⁸ A 2024 survey by Deloitte revealed that 51% of Indian employees reported difficulty disengaging from work-related communication post office hours, with 39% experiencing sleep disorders.⁴⁹ Chronic connectivity undermines creativity, emotional regulation, and family stability, directly affecting national productivity and well-being. The following image from Deloitte’s survey reflects the sources of anxiety amongst workers-

⁴⁷ Ministry of Labour and Employment, *Occupational Safety, Health and Working Conditions Code Rules* (2020).

⁴⁸ World Health Organization, *ICD-11: Burnout as an Occupational Phenomenon* (2022).

⁴⁹ Deloitte India, *Millennial and Gen Z Survey* (2024).

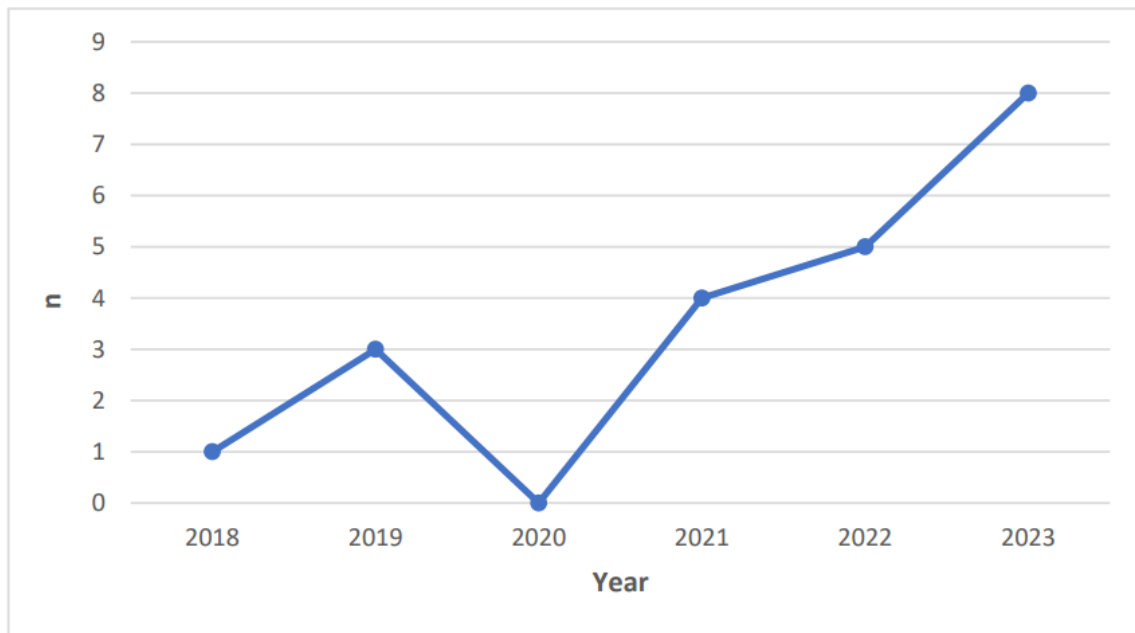


Lack of Research and Academic Attention

A key structural challenge in advancing the Right to Disconnect (RTD) debate—both globally and in India, is the limited academic and empirical research available on the subject. As highlighted in John Hopkins’ *Managing the Right to Disconnect—A Scoping Review* (2024), systematic scholarly attention to the RTD is a relatively recent development. The first explicit discussion in academic literature appeared only in 2018 with Hesselberth’s article “*Discourses on Dysconnectivity and the Right to Disconnect*” in *New Media & Society*, marking the conceptual entry of RTD into academic discourse. Since then, interest has grown gradually, reaching a modest peak of only eight published studies in 2023, an indicator of the field’s nascency.⁵⁰ Hopkins’ review, which surveyed seven major academic databases, identified a final sample of merely twenty-one journal articles that directly engage with the RTD. The image attached below⁵¹ provides an annual growth in the number of publications on the theme, which proves that it is still not often discussed in the academic discourse.

⁵⁰ Hopkins, *supra* note 2.

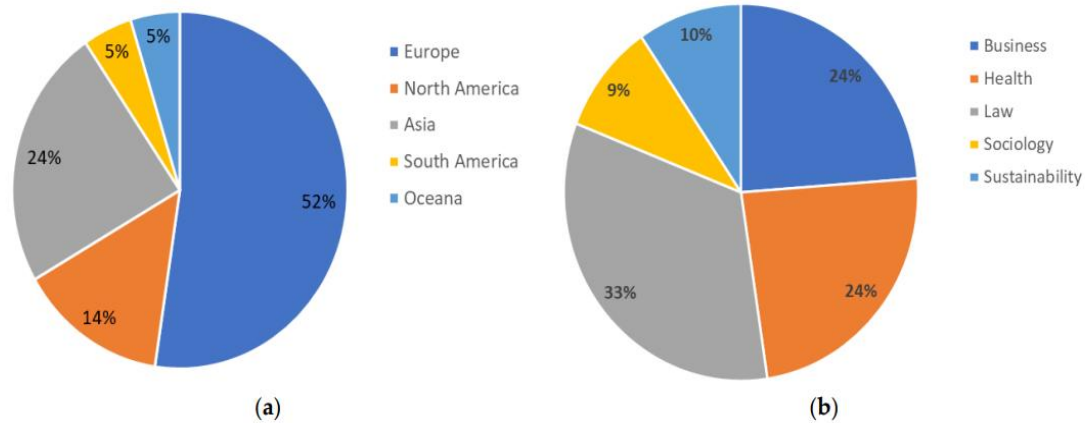
⁵¹ *Id.*



The geographical distribution of this research reveals a significant concentration in Europe, approximately fifty-two percent of the studies originate from European institutions, with far fewer from Asia (around twenty-four percent) and North America (fourteen percent).

This pattern mirrors the legislative spread of RTD laws, which remain predominantly European in character. Equally striking is the disciplinary spread. About one-third (33%) of the studies appear in law journals, while health and business journals each contribute roughly a quarter (24%) of the scholarship. The rest are scattered across diverse fields such as environmental science and interdisciplinary social research, indicating that the subject attracts multidisciplinary curiosity but lacks sustained, concentrated inquiry. The image below⁵² evidences this geographical and domain-specific trend in academic discourse on the issue-

⁵² Id.



Hopkins concludes that this scarcity of literature points to a serious research gap. Despite RTD's evident implications for labour law, occupational health, gender equity, and digital governance, the topic continues to be underexplored not only by employers and lawmakers but also by scholars themselves. In the Indian context, this neglect is even more pronounced. No comprehensive empirical study yet maps the extent of digital over-connectivity among Indian workers or its socio-legal implications. As a result, Kerala's legislative initiative stands largely unaccompanied by academic scaffolding, a gap that future Indian researchers, policy analysts, and interdisciplinary scholars urgently need to fill.

CONCLUSION AND WAY FORWARD

The introduction of the Kerala Right to Disconnect Bill, 2025 marks a pioneering moment in India's labour law journey. For the first time in the country, a legislative intervention explicitly recognises the entitlement of private-sector employees to disengage from work-related digital communications outside designated working hours. This step is significant because it acknowledges that the rights to rest, personal time and autonomy are not luxuries reserved for leisure, but essential elements of dignified work and meaningful human life. The Bill arrives at a time when the “*always on*” culture, spurred by mobile devices, remote working and the blurring of professional and personal boundaries, has generated tangible harm to workers' well-being. Empirical studies link after-hours digital availability with elevated stress levels, reduced psychological detachment from work, poor sleep quality and higher risks of burnout. By seeking to restore temporal boundaries, the legislation responds to these risks and aligns with globally-emerging norms around decent digital work. In this sense, Kerala's Bill aligns with Amartya Sen's capability approach, which emphasizes expanding individuals' substantive freedoms. here, the freedom to rest and reclaim personal time. RTD enhances human agency by restoring control over one's temporal autonomy, thereby fulfilling the constitutional vision of dignified living under Article 21.

Despite these positive aspects, the road ahead demands careful stewardship. Because the full text of the legislation has not yet been published, a clear mapping of its operational mechanics, such as definitions of “*working hours*”, the scope of “*emergency communications*” and enforceability mechanisms, is still pending. Without such clarity, ambiguities may undermine the Bill's efficacy. In addition, India's labour markets, especially outside formal employment, present unique challenges: large informal sectors, widely varying contractual regimes and limited regulatory capacity. Effective implementation will require not only legal text but institutional readiness, employer-employee awareness, monitoring capacities and cultural change in workplace norms.

The Way Forward: Policy and Legislative Recommendations

- ✓ **National Framework Legislation:** The central government should introduce a model RTD framework within the labour codes or as a standalone “*Digital Labour Rights Act*,” establishing uniform definitions and minimum standards for all states.
- ✓ **Sectoral Customization:** High-demand sectors such as IT, healthcare, and logistics may require flexible RTD norms, developed through collective bargaining and tripartite consultations involving employers, unions, and the State.
- ✓ **Employee Awareness and Corporate Training:** Awareness campaigns emphasizing mental health, stress management, and digital hygiene should accompany legal reforms. Studies indicate that awareness-based interventions can reduce burnout rates by up to 30% within one year.⁵³
- ✓ **Incentivized Compliance:** Fiscal incentives, such as tax rebates or CSR credits, may be offered to companies adopting RTD policies voluntarily.
- ✓ **Integration with Mental Health Policy:** RTD should be aligned with the *Mental Healthcare Act, 2017*, reinforcing the State’s duty to promote psychosocial well-being.
- ✓ **Digital Infrastructure for Monitoring:** Development of anonymized data dashboards could enable labour departments to track compliance trends while respecting individual privacy.

Such reforms would transform RTD from a symbolic right into an enforceable guarantee, capable of redefining the contours of India’s digital work culture. Kerala’s initiative, if effectively implemented, could serve as the constitutional and policy blueprint for India’s future digital labour governance. To conclude, the Bill asserts that being disconnected is not a sign of laziness, but a reflection of dignity. As Bryan Driscoll put it:

“The right to disconnect recognises that workers are not machines and that their capacity to give their best depends on their ability to rest and recharge.”⁵⁴

⁵³ Magnavita, Tripepi & Chiorri, *Int. J. Environ. Res. Public Health* 2021, 18, 3330.

⁵⁴ Bryan Driscoll, *The pros and cons of right-to-disconnect legislation*, Atlassian Leadership Blog (2023), <https://www.atlassian.com/blog/leadership/right-to-disconnect-legislation>.