



Law &amp; Policy Group

GRIST

# Ireland publishes code on right to disconnect from work

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Employees in Ireland now have the right to generally disconnect from work outside of normal working hours, including the right not to respond immediately to emails, telephone calls or other messages. The measures feature in a code of practice published by Ireland's Workplace Relations Commission (WRC) on 1 Apr 2021, took immediate effect, and apply to all types of employment. The code was developed by the WRC and is one measure featured in the government's remote working strategy published in January 2021.

The code, which includes practical guidance and best practices, aims to foster workplace cultures that enable employees to disconnect from work, work-related devices and communications. However, the code does not offer an absolute right to disconnect, and recognizes that business and organizational needs could require occasional out of hours working for some employees. The Irish Business and Employers Confederation (Ibec), has welcomed the code, noting it is "positive" that the code focuses on best practice, "rather than layering on further legislation in circumstances where the Organisation of Working Time Act 1997 already provides a very effective and defined entitlement to disconnect."

Employers do not have to follow the code, but failure to do so will be taken into account by the WRC, labor and criminal courts. The government also published the Our Rural Future plan on 29 Mar 2021, which is a blueprint to facilitate remote and flexible work for rural citizens, and a consultation was launched on 1 Apr 2021 on the right to request remote working, and invites input through 7 May 2021.

## Highlights

- Employees do not have to routinely perform work, and cannot be penalized for refusing to attend to work matters, outside of normal working hours. Employees must also respect another colleague's right to disconnect.
- Employers and employees are expected to work together to determine appropriate working arrangements and policies. In particular, the code recommends employers engage proactively with employees and trade unions to develop a right to disconnect policy that includes situations where certain employees would need to work outside of normal working hours due to business and operational needs, including those who work across different time zones. A sample right to disconnect policy layout and template clauses are included in the code.

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- Employers should train managers and staff to address employees' rights, reinforce appropriate behaviors, and address situations where an employee's reluctance or inability to disconnect could be linked to excessive workload, performance issues, or the organization's culture.
- Employees should be encouraged to first resolve any issues informally or use their employer's grievance procedures — and may refer to the code's best practices. However, employees can also refer any related issues to the WRC.

## Related resources

### Non-Mercer resources

- [Tánaiste signs Code of Practice on Right to Disconnect](#) (Department of Enterprise, Trade and Employment, 1 Apr 2021)
- [Code of Practice on right to disconnect](#) (Workplace Relations Commission, 1 Apr 2021)
- [Right to disconnect focus on best practice welcomed](#) (Ibec, 1 Apr 2021)
- [Consultation on right to remote work](#) (Department of Enterprise, Trade and Employment, 1 Apr 2021)
- [Our rural future: Government's blueprint to transform rural Ireland](#) (Department of Rural and Community Development, 29 Mar 2021)

### Mercer Law & Policy resource

- [Ireland launches remote work strategy, with right to disconnect](#) (3 Feb 2021)

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