

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

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DIGITAL OVER-CONNECTIVITY AS A PSYCHOSOCIAL HAZARD: EXAMINING THE RIGHT TO DISCONNECT WITHIN OHS FRAMEWORK

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Abstract

Occupational Safety and Health (OSH) laws have traditionally concentrated on protecting workers from physical hazards, accidents, and occupational diseases in the workplace. With the advancement of technology, globalization, and the rise of information and communication technology (ICT), modern workplaces increasingly require employees to remain digitally connected beyond standard working hours, leading to new forms of occupational risks such as stress, fatigue, burnout, and disruption of work–life balance. In this context, the concept of the Right to Disconnect has emerged internationally as a legal and policy measure to address these challenges. Various countries have recognized or implemented frameworks to regulate the right. The International Labour Organization (ILO) has also highlighted psychosocial hazards as part of the broader spectrum of occupational health, emphasizing the importance of mental well-being in the workplace. In India, the Occupational Safety, Health and Working Conditions Code, 2020, along with other labour laws such as the Factories Act and state-specific Shops and Establishments Acts, regulates working hours, welfare measures, and safety standards. While these laws primarily address physical and environmental hazards, they provide a framework within which issues related to mental and psychosocial health can be examined. This paper provides an overview of the Right to Disconnect, its international recognition, and its relevance to occupational safety and health, highlighting the evolution of OSH from traditional safety concerns to include emerging digital-era risks and mental well-being.

Key Words: Digital over – connectivity, Phsyco social hazards, Right to disconnect, Occupational heath and safety, working hours regulations.

INTRODUCTION

The way people work has changed a lot in the twenty-first century. New technology, globalisation, and the growth of information and communication tools have changed when, where, and how people work. Work used to be mostly in offices with fixed hours, but now it is more common to work from home or other flexible places, using technology. While this has made work more efficient, productive, and easier to access, it has also brought new challenges for people's health and wellbeing. One big problem is that employees are often expected to be available all the time, even outside their usual work hours. This "always-on" culture can mess up personal life, increase stress, and cause tiredness, burnout, and other mental health issues.

Occupational Safety and Health (OSH) laws used to focus mainly on physical dangers, like workplace accidents, harmful substances, and unsafe conditions. However, the idea of workplace health has grown to include mental and psychosocial well-being, showing that work-related dangers are not just physical. Stress, anxiety, overwork, and burnout can greatly affect how productive someone is, how happy they are at work, and their overall health. International groups like the International Labour Organization (ILO) now recognize mental health as a key part of workplace safety.

The Right to Disconnect has come up because of these new challenges. It is the idea that workers should be allowed to stop work communication during their personal time without facing any problems. Several countries have made laws or policies to support this right. For example, France added it to its Labour Code in 2017, while Spain and Ireland also have similar rules. The European Union has addressed this through the Work-Life Balance Directive. These steps show that the idea of workplace safety is changing, and now it includes mental health and well-being in addition to physical safety.

In India, laws like the Occupational Safety, Health and Working Conditions Code, 2020, the Factories Act, 1948, and state Shops and Establishments Acts cover working hours, welfare, and physical safety. But they don't deal with new issues like digital overconnectivity and the "always-on" culture. With more remote work, IT jobs, and knowledge-based jobs, workers face new risks that are not covered by old laws. Recognizing these risks shows the need to include mental well-being, psychosocial safety, and work-life balance as important parts of workplace safety, reflecting how work has changed.

UNDERSTANDING THE RIGHT TO DISCONNECT

The Right to Disconnect is the idea that employees should be able to refuse to respond to work communications outside their normal working hours without facing punishment. It helps improve work-life balance by letting workers disconnect from work-related technology and messages during their personal time, which reduces stress, burnout, and mental health problems linked to the always-on culture. Key parts of the Right to Disconnect are:

- a) Protection from after-hours contact – Workers don't have to respond to work messages or calls after their working hours.
- b) Prevention of disciplinary action – Employees shouldn't be punished for not replying to work emails or calls during personal time.
- c) Addressing digital overlap – This right is a response to digital age, where technology blurs the lines between professional and personal life.
- d) Exceptions for emergencies – In real emergencies, employers can still ask for work during non-working hours.

Pillars of the Right to Disconnect

The Right to Disconnect depends on three main things:

- a) Working Hour Limits – Rules in labor codes or laws that set limits on daily and weekly working hours and overtime.
- b) Right to Rest Periods – Laws that give workers time off, like breaks, weekly rest, and annual leave.
- c) Right to Privacy – This may be protected by laws or even constitutional rights in some countries.¹

Need for the Right to Disconnect

In today's fast-paced and work-focused society, the Right to Disconnect has become very important. Work often takes over personal life, which affects mental, physical, and social health, so it is essential for people to have clear boundaries between work and home.

- a) **Mental and Physical Health Concerns** – Long working hours and being on call after work are linked to serious health problems like anxiety, stress, heart issues, weight gain, and loss of appetite. Anxiety disorders alone affect about 264 million people globally,

¹ Naj Ghosheh, "Telework and the right to disconnect: International Experiences", International Labour Organisation (2022)

showing how overwork harms mental health.² Constant work interruptions during personal time prevent people from relaxing and recovering properly, making them feel mentally drained and socially distant.

- b) **Weakening of Social Bonds** – Strong relationships need time, attention, and meaningful interaction. When people are always working, even at home, family and friends are ignored. This can lead to loneliness, emotional stress, and lower life satisfaction. Keeping healthy social relationships is important for both mental and social well-being.³
- c) **Need for Downtime and Recreation** – People need time to rest and enjoy hobbies or activities to stay productive and healthy. Constant reminders about work during personal time prevent proper relaxation. Without proper downtime, people become burned out, tired, and less motivated. Taking time off for fun, hobbies, or just relaxing is important for long-term performance.⁴
- d) **Impact of Excessive Screen Time** – Spending too much time on computers and mobile phones causes eye strain, headaches, and tiredness. Work demands after office hours keep people on screens for longer, blocking needed breaks. Continuous tech use for work interferes with personal life, making it hard to enjoy things not related to work.
- e) **Decline in Work Performance** - Studies show that workers who completely switch off from work after the workday tend to do better than those who stay connected all the time. Keeping a balance between work and personal life helps people feel more rested, focused, and excited about work, which leads to better performance and efficiency.
- f) **Psycho-Social Stress and Job Strain** - When work demands are high, people work long hours, and they feel they must always be available, it can cause psycho-social stress. This kind of stress can increase the chance of getting serious health problems like heart disease, diabetes, and other illnesses. Job strain, which happens when work is hard and people have little control, has similar risks to smoking. About 77% of workers deal with work stress, and 57% say it leads to feelings of being drained, less motivated, and overall unhappy.⁵

² World Health Organization, *Anxiety Disorders*, WHO Fact Sheet (2021), available at: <https://www.who.int/news-room/fact-sheets/detail/anxiety-disorders> (last visited Sep. 28, 2025).

³ Khurana and Khurana, “Everything you want to know about Right to disconnect” (2019) , available at <https://www.mondaq.com/india/employee-rights-labour-relations/775698/everything-you-want-to-know-about-right-to-disconnect> (last visited Sep. 28, 2025).

⁴ *ibid*

⁵ American Psychological Association, “*Work in America Survey: Workplaces as Engines of Psychological Health & Well-Being*” (2023), available at: <https://www.apa.org/pubs/reports/work-in-america/2023-workplace-health-well-being> (last visited Sep. 28, 2025).

EVOLUTION OF OCCUPATIONAL SAFETY AND HEALTH AND THE EMERGENCE OF THE RIGHT TO DISCONNECT

The history of Occupational Safety and Health (OSH) is connected to changes in how people work through different industrial periods. Each time there was a big change in work, new dangers appeared, and new safety rules were needed to keep workers healthy both physically and mentally. Before the industrial age, workplaces, agricultural or artisanal didn't have formal safety systems.

First Industrial Revolution

During the First Industrial Revolution, which was in the late 1700s to early 1800s, machines started changing how things were made. The steam engine made factories, mills, and mines run continuously. However, workers were at risk from many dangers, like working with harmful materials (like coal dust or lead), working with dangerous machines that had no safety, poor lighting and air quality, and unsanitary conditions that led to disease. Child labor was common, especially in places like textile factories and mines. To fix these issues, governments passed some early laws, such as the Factory Acts in the UK in 1833 and 1844, which set basic safety rules, like fixing working hours and protecting workers from dangerous machines. These early steps started the idea that industrial work should not harm people's health or lives, marking the beginning of formal workplace safety.

Second Industrial Revolution

The Second Industrial Revolution, from the late 1800s to early 1900s, brought electricity, steel, and large factories. Work became more complex and bigger, which led to new dangers like electrocution, chemical burns, explosions, and accidents in big industrial areas. Overcrowding and long hours made physical stress worse. To handle these risks, companies and society started using more organized safety rules. Inspections, safety gear, and set working times were introduced. The idea that employers are responsible for worker safety gained importance. Safety was not just about avoiding fatal accidents but also about protecting workers from long hours, repetitive tasks, and harmful substances.

Third Industrial Revolution

The Third Industrial Revolution, in the middle of the 20th century, was marked by automation, electronics, and computers. This period shifted work from physical labour to brain-based and

office jobs. While many physical injuries decreased, new issues came up, like injuries from repeated tasks, eye strain, and back problems from sitting too long. Also, mental stress increased because employees had to keep working long hours, meet tight deadlines, and manage more work. In response, safety efforts included things like better-designed workspaces, proper lighting, and break times. Workers and leaders started seeing mental health issues as important risks, recognizing that safety covers both the physical and mental well-being.

Fourth Industrial Revolution

The Fourth Industrial Revolution, in the 21st century, is known for digital technology, constant connectivity, remote work, and the always-on culture. While technology has made work more flexible and efficient, it has also created new stress and work risks. Always being connected through phones, emails, and work platforms has made it hard to separate work from personal time. Workers often feel they need to respond outside of normal hours, which causes tiredness, sleep problems, anxiety, and burnout. Unlike earlier industrial periods, where the main risks were physical or mental, today's biggest danger comes from constant digital work demands and being unable to stop working.

In this situation, the Right to Disconnect is an important safety measure. Just as past industrial changes needed help to avoid accidents, overwork, and diseases, today's workplace needs safeguards to protect mental health and ensure enough rest. The idea is clear: occupational health isn't only about staying safe from physical injury; it's also about protecting workers from the ongoing stress and social pressures of modern work. Letting workers cut off work communication after hours helps prevent stress-related problems, improves performance, and keeps the workforce healthy and sustainable.

Looking at all these changes in the industrial world, a clear pattern appears: every big change in work brought new dangers, and that always led to new safety measures. From the beginning, when workers were protected from mechanical injuries, to the later stages where they needed protection from chemical, electrical, and structural risks, to the recent focus on ergonomic and mental stress issues, the development of OSH shows an ongoing effort to adapt. Today, the Right to Disconnect continues this tradition by addressing the new psychosocial and digital challenges of work, while reinforcing the main idea that workers' well-being is central to a healthy and sustainable industry.

EMERGENCE OF THE RIGHT TO DISCONNECT IN THE GLOBAL ARENA

Universal Declaration of Human Rights

The idea of disconnecting from work after working hours starts with Article 24 of the Universal Declaration of Human Rights (UDHR). It says that everyone has the right to rest and leisure, including limits on how long they work and taking paid time off. The Right to Disconnect became more popular in the 21st century, especially as digital communication grew.

France

The Right to Disconnect first came up in France through court rulings. On 2 October 2001, the French Supreme Court's Labour Chamber said workers didn't have to use their personal space for work. In 2004, the court also said not answering work calls after hours couldn't be seen as breaking the rules. These early rulings helped lead to making this right part of the law.

The law was made official by the **El Khomri Law of 2016**, which updated labor laws for the digital world. Article 55 of the French Labour Code added the Right to Disconnect, requiring companies to set up ways to manage digital tools. If workers and employers couldn't agree, the company had to make a document about when workers can disconnect. In practice, companies with over 50 workers had to talk about disconnection during annual meetings on workplace well-being. Smaller companies had to give employees a document explaining the rules.

Spain

Spain included the Right to Disconnect in its Organic Law 3/2018 on Data Protection and Digital Rights. Article 88 says workers, whether in public or private sectors, can disconnect outside of normal work hours, which helps with rest, leave, and family privacy. This was reinforced by the Organic Law 10/2021 on Remote Work, where Article 18 gave remote workers the same right. This reflects the growing need to keep work and personal life separate, especially with digital work.

Italy

Italy added the Right to Disconnect through Act No. 81 of 2017. This right mainly applies to "smart workers" who split their time between the office and remote work. However, instead of applying to all workers, the law lets employers and employees agree on when the right applies, so they can make flexible arrangements based on personal and work needs.

Canada

In Ontario, Canada, the Working for Workers Act 2021 (Bill 27) requires some employers to create clear policies on disconnecting from work. The law defines disconnecting as not being available for work-related messages like emails, phone calls, or video chats. Employers with over 25 workers must have a policy by March 1 each year, while smaller companies aren't required. The law doesn't say exactly what the policy must include, but the government may add more details later.

Australia

On 12 February 2024, the Australian government passed the Fair Work Legislation Amendment (Closing Loopholes No. 2) Bill 2023, which added the Right to Disconnect. Under the updated Fair Work Act 2009, employees can refuse work-related communications outside normal hours, as long as their choice is reasonable. Any disputes go to the Fair Work Commission, which can make decisions to stop employers from punishing workers who disconnect.

International Labour Standards relevant to right to disconnect

Even though the International Labour Organization (ILO) hasn't made a special rule for the Right to Disconnect, several existing ILO standards are closely related to how workers, especially those working remotely or digitally, should be treated. These standards help guide how to set up safe, healthy, and balanced work conditions, even when people are working from home or online.⁶

- a) The ILO Occupational Safety and Health Convention, 1981 (No. 155) and Recommendation No. 164 focus on protecting workers' health and well-being, including mental health.
- b) The Hours of Work (Commerce and Offices) Convention, 1930 (No. 30) sets limits on working hours (8 hours a day, 48 hours a week), which connects directly to the idea of disconnecting outside work hours.
- c) The Night Work Convention, 1990 (No. 171) and the Part-Time Work Convention, 1994 (No. 175) also help set limits on working hours and prevent overwork.
- d) The Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) requires at least 24 hours of rest in a week, helping workers take regular breaks.

⁶ Supra Note 1 at 3

- e) The Holidays with Pay Convention (Revised), 1970 (No. 132) ensures workers get paid leave.
- f) The Protection of Wages Convention, 1949 (No. 95) and Recommendation No. 85 guarantee proper and timely pay for workers, which also applies to remote workers.
- g) The Homework Convention, 1996 (No. 177) gives advice on working from home, focusing on stable conditions and employer responsibilities.
- h) The ILO Code of Practice on Protection of Workers' Personal Data gives guidance on keeping workers' personal information safe, which is important in workplaces that use digital tools.

CONSTITUTIONAL AND LEGAL FRAMEWORK OF RIGHT TO DISCONNECT IN INDIA

According to The Hindu, women working in professional fields like auditing, information technology, and media in India work over 55 hours a week, often at the cost of their rest and time with family.⁷

This issue is even worse in the unorganised sector, where workers face unpredictable hours and don't have job security. Also, a study by the ADP Research Institute found that almost 49% of Indian workers face mental health problems because of work stress. These numbers show a big problem of overworking and digital fatigue.⁸ As French politician Benoît Hamon said, "Employees leave the office, but their work stays with them. They are tied by an electronic leash like a dog. Texts, messages, and emails take over their lives until they break down." This has led to a growing call for a Right to Disconnect, which is important to legally protect workers' right to rest and recover.

Constitutional Necessity

Even though Indian courts have not officially recognized the Right to Disconnect, the idea is supported by the Constitution. Article 21 of the Indian Constitution protects the right to life and personal liberty. The Supreme Court has said that "life" under this article means more than just staying alive. It includes the right to live with dignity, enjoy free time, and stay healthy

⁷ Vignesh Radhakrishnan, "EY Employee death : Working women get only 7 to 10 hours of rest in a day, data shows, The Hindu, <https://www.thehindu.com/data/ey-employee-death-working-women-get-only-7-to-10-hours-of-rest-in-a-day-data-shows/article68678015.ece> accessed on october 3, 2025

⁸ ADP Research institute, Workplace stress and it's impact on mental health (2023)

both physically and mentally. In a case called *State of Punjab v. M.S. Chawla*,⁹ the Court said that the right to life includes the right to health and medical care. In *CESC Ltd. v. Subash Chandra Bose*,¹⁰ the Court explained that health means being physically, mentally, and socially well. In *Kirloskar Brothers Ltd. v. Employees State Insurance Corporation*,¹¹ the Court said it's the employer's duty to help workers live a meaningful and respectful life. These court decisions show that the Right to Health, which includes both physical and mental aspects, is part of Article 21.

Therefore, the Right to Disconnect is a natural part of the right to live with dignity and stay healthy. Employers have a legal duty to support this right by creating a work environment that balances work and personal life and avoids too much work-related stress. The need to protect this right is also supported when Article 21 is considered with the Directive Principles of State Policy, especially Articles 38, 39, 42, 43, and 47.

These policies encourage the government to focus on social welfare, set fair working conditions, ensure proper wages, and protect worker health. Together, they form the base for recognizing and supporting the Right to Disconnect as a key part of social and economic fairness.

Legal Framework

Currently, India does not have laws that clearly protect the Right to Disconnect. The country's labor laws are old and do not address this modern issue despite increasing concerns about work stress and burnout.

In 2018, a Private Member Bill was introduced by MP Supriya Sule, which aimed to give employees the right to refuse calls, emails, and messages after working hours. The Bill also said that employers couldn't punish workers (like demoting or firing them) for doing this. But the Bill has not become law. .

The Code on Wages Act (2019) and the Occupational Safety, Health and Working Conditions Code (2020) discuss things like working hours and employee welfare, but they don't have clear rules about the right to disconnect after work. Section 13 of the Code on Wages Act, 2019 allows the government to set how many hours constitute a normal workday. If an employee works more than this, they are entitled to overtime pay at double the regular rate. Section 25 of the Occupational Safety, Health and Working Conditions Code (2020) sets the maximum

⁹ AIR 2001 SC 1706

¹⁰ 1992 AIR SCW 202

¹¹ AIR 1996 SC 3261

number of working hours per day and week. It says no worker should be asked to work more than eight hours a day or 48 hours a week, following international standards. Overtime is allowed, but employers must pay double the regular wage.

Now, Kerala is planning to be the first Indian state to pass a law for the Right to Disconnect, specifically for private sector employees, in 2025.

- It gives private sector workers the right to refuse online meetings, phone calls, emails, video conferences, and messages after their official working hours.
- It protects them from being punished (like being demoted or fired) for using this right.
- It suggests setting up a Private Sector Employment Grievance Redressal Committee in each district, led by a regional joint labour commissioner, with the help of a district labour officer and deputy labour commissioner. These committees will handle complaints and check how well the law is followed.

Again in December 2025, A private member bills is introduced by Supriya Sule , Right to Disconnect Bill, 2025 would give employees a legal right to “disconnect” from work once official working hours (or holidays) end. That means no obligation to respond to calls, emails or messages outside office hours.

If a company fails to respect this right, the Bill proposes a penalty: about 1% of the total remuneration of the organisation’s employees. For any after-hours work that’s done by an employee, it must be treated as overtime, and compensated at standard wage rates.

CONCLUSION

The phenomenon of digital over-connectivity has fundamentally altered the contours of modern employment, blurring the once-clear boundaries between professional and personal life. Within the Occupational Health and Safety (OHS) framework, this constant state of digital engagement emerges not merely as an organizational issue but as a psychosocial hazard with tangible effects on workers’ mental health, well-being, and productivity. Persistent connectivity through emails, instant messaging, and digital platforms induces chronic stress, emotional exhaustion, and deteriorating work-life balance, thereby necessitating regulatory recognition of the “right to disconnect” as a core component of occupational health standards.

The right to disconnect signifies more than a technological privilege; it represents a safeguard for psychological sustainability in the digital era. Contemporary employment law has yet to fully integrate this right into statutory OHS frameworks, though global trends such as France

and evolving European Union strategies demonstrate growing awareness of its necessity. In the Indian context, where labour codes continue to prioritize physical safety and traditional welfare measures, inclusion of mental health and psychosocial well-being remains limited. Integrating the right to disconnect would align national labour policy with international standards of decent work, emphasizing the holistic protection of employee health.

Ultimately, recognizing digital over-connectivity as a psychosocial hazard demands a shift in regulatory, institutional, and managerial perspectives. Employers must view digital disconnection not as a limitation on productivity, but as a preventive OHS measure essential for sustainable performance and human dignity at work. As the future of labour increasingly merges with technology, embedding the right to disconnect within occupational safety laws becomes imperative to ensure that digital progress enhances rather than erodes mental and social well-being.

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