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# Remote Working, Flexibility and The Right To Disconnect



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**The Code of Practice for Employers And Employees On The Right To Disconnect** (“the Code”) was long overdue but can benefit employers and employees equally by addressing issues of accessibility and burnout.

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On 1 April 2021, the Minister for Enterprise, Trade and Employment, Leo Varadkar, signed a new Code of Practice giving all employees the Right to Disconnect, effective immediately. Although it has most relevance for workers who can work remotely, this welcome and progressive Code addresses two of the prevalent issues of our time; accessibility and burnout.

The rapid advancement of technology has revolutionised the way we work. The speed and simplicity of email has gradually made it acceptable to email an employee or colleague at any time, even on annual leave. The advent of the smartphone means that emails can be delivered and read instantaneously. That level of accessibility is expected and commonplace, to the detriment of employees’ health and safety.

The other significant challenge is the great disruption the pandemic has effected, shifting the majority of office workers into a remote working situation. This shift has had positive aspects for many employees. However, it has led to longer working hours, with employees starting earlier due to the lack of a commute and/or finishing later due to an inability to separate work life and home life. This has resulted in employees experiencing burnout and the Code aims to ensure that “flexible working” doesn’t end up equating to “always available”.

The Code provides detailed guidance on creating and implementing a Right to Disconnect Policy. It recommends addressing both the needs of the business and the individual employees, such as those with caring duties or disabilities. For example, if the business is a multinational business, it will have to deal with communications between different time zones but, while this may be a challenge, progressive companies have already come up with clever solutions, such as agreeing certain times for international meetings.

One of the key recommendations of the Code is that the Right to Disconnect be sown into the company culture, including in relevant policy documents, during the employee induction process, as part of management training on how to lead remote teams effectively, and form part of an effective time management system. The Code also recognises that, if we are to embrace flexible working, email etiquette will be key, for example making better use of existing technology, such as out of office messages and the “delay send” function.

Some have argued that the Code will conflict with the National Remote Work Strategy and stymie Ireland’s economic growth, deterring multinational companies from setting up here. In doing so, they ignore that the flexibility underscoring the Code might be an attraction to such employers and that, through the implementation of a well-crafted policy and time management system, employers can facilitate flexible and healthy working while still giving themselves visibility of working hours and productivity.

Interestingly, research has shown that increasing working hours does not correlate to an increase in productivity, as fatigue ultimately causes productivity to drop. It is common knowledge that burnout and fatigue cost companies billions of dollars a year in lost productivity, and that employees who are well-rested and physically and mentally fit are more likely to be engaged - and therefore more productive - at work. Organisations – including many multinationals - that prioritise their employees’ wellbeing, and see it as an investment rather than an obstacle, reap multiple benefits, including greater productivity and increased employee retention. In some cases, this will require a seismic shift in workplace culture, requiring buy-in from the top, and both employers and employees will have to adapt so that there is a win/win situation. But, used well, the Code can start employers on the road to improved employee wellbeing and greater productivity.

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