Hybrid working
and the right to disconnect

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Key Points

- After the pandemic remote and hybrid styles of working are going to be extended across many jobs, with the proportion working mainly from home expected to double compared to pre-pandemic.

- There has been a notable shift in worker preference away from remote working towards offices and hybrid arrangements in recent months.

- We need to ensure that flexible and remote working works for workers, not just employers. Whilst it is often popular, there are often invisible consequences that we need to deal with - around one third of workers reporting worsening mental health and an inability to switch off from work.

- Two thirds of remote workers back a new Right to Disconnect, including majorities in each main political party and demographic.

Following the recent new code of practice introduce by the Irish government to support a digital right to switch off, Prospect is urging the government to bring in new rules for a UK Right to Disconnet as part of the forthcoming Employment Bill.
Overview

The global pandemic has had a huge impact on the nature of work, with huge economic hits to particular sectors, millions furloughed, large scale redundancies and uncertainty about the future for millions.

Alongside this there has been the mass transition to remote working for millions of people, accelerating a trend that had been on the rise before the pandemic. This transition has caused workers and businesses to change their view of remote working, with some businesses now planning to close their offices completely and make full-time remote working a permanent feature.

Prospect have longed supported flexibility in attitudes to remote working, however we are concerned that decisions about remote working are being made by businesses without reference to the views of their workforces and with little appreciation or understanding of the long-term negative consequences that can be associated with permanent remote working, or how to mitigate those effects.

In April 2021 we commissioned polling from Opinium, asking a nationally representative sample of 2,428 workers for their opinions. Of these, 617 were workers who were normally office-based but had been working at home full time in the pandemic (we call these ‘new remote workers’).

We asked workers about their experiences in the pandemic, their hopes and expectations for the future, and about some of the negative issues associated with remote working.

“Bringing my work space into my home has blurred the line between my work and personal lives and it's become harder to stop my work intruding into my life.”

Anon – Polling from Opinium, April 2021
Evidence on the impact of remote working and digital always-on culture

In terms of future work location what workers want is a hugely mixed picture: with 26% wanting to be permanently office based and only 12% completely home-based. 25% of workers want to be based at home most or all of the time, this is a big change from last November when YouGov found that 50% wanted to be mostly home-based and only 7% wanted to be in the office full-time. **This suggests that there has been a marked shift in attitude towards home working as the pandemic has progressed.**

Interestingly, younger workers (under 35) are the most likely to want some access to offices (64% want to be at least partly office based vs under 50% of over 35s).

Overall more workers (40%) would prefer some form of hybrid working, with some time at home and some in the office than those who would opt for either extreme (38%).

In terms of expectations, only 43% of workers expect to be mainly based in offices in the future- down from 63% who worked in offices before the pandemic. If extrapolated across the workforce this would indicate a **drop from 20.1m workers being mainly office based to around 13.7m.**

On the other hand the number of workers who expect to be mainly based at home in the future is 17%, nearly double the 9% pre-pandemic figure. This would equate to a rise from 2.9m home workers to around 5.4m.

**Worryingly, only 22% of workers said they had been consulted about their future pattern of work** with 37% saying they do not think they will be consulted by their employer.
Remote Working: the good and the bad

When it comes to experiences of remote working, there is clear evidence of a split picture.

The strongest evidence for a positive impact is in relation to general work life balance. 58% of workers identify a positive impact here compared with 15% who identify a negative impact. Older workers (over 55) are the most likely to have had a positive experience with younger workers (under 35) the least likely.

The picture is more mixed when remote workers are asked if they are finding it easier to switch off from work, with around a third saying yes and a similar number saying they are finding it harder.

Amongst those who are finding it harder, the overwhelming impression given in free text responses is of a growing difficulty in drawing boundaries between work and home life.

Typical responses include:

“Switching off means walking a few metres away from my desk. That isn't switching off for me.”

“Bringing my work space into my home has blurred the line between my working and personal life and it's becoming harder to stop my work intruding into my life.”

“I enjoy working from home but because I have no change of environment it can be hard to forget about work tasks.”

“I feel like I am living from work rather than working from home.”

This mixed picture continues when it comes to work-related mental health. 23% of workers say their work-related mental health has improved over the last year, while 30% say it has got worse. For new remote workers, the figures are 33% and 35% respectively. Again, it seems that there are roughly a third of remote workers who have had positive experiences of working from home in the pandemic, and around a third for whom the experience has been largely negative.

When asked what had contributed to deteriorating mental health, new remote workers cited:

- Lack of interaction with colleagues (51%)
- Uncertainty about the future (47%)
- Inability to switch off from work (42%)
- High workload (35%)

It is interesting that the inability to switch off is ranked so highly, and it is more important than overworking when explaining worsening mental health among remote workers.

In terms of additional workload, our research found that 30% of new remote workers reported working longer unpaid hours during the last year, with half of those (16%) reporting working at least an additional four hours of unpaid work per week.
The future of remote working?

There is also evidence of worrying trends for the future of remote working.

Already 23% of remote workers report that their employer has introduced remote monitoring software at work. Among remote workers, the research found that:

- 5% said their employer had introduced keystroke monitoring
- 6% said their employer had introduced camera monitoring
- 10% said their employer had introduced email/chat response time monitoring
- In total 23% were aware of the introduction of some form of monitoring, 77% were not.

Previous research from Prospect has documented the strength of opposition to this monitoring: https://prospect.org.uk/news/workers-are-not-prepared-for-the-future-of-working-from-home/

Our research also found that 47% of new remote workers said they think it will be harder for those working from home to get ahead at work in the future (eg promotions, pay rises) compared to those who are going in to the office. Revealing a high degree of concern about the possibility for discrimination between employees based on their work location in the future.
The Right to Disconnect

One possible solution to the problems raised by the impact of remote working on mental health and the rise of an ‘always on’ culture is the idea of a Right to Disconnect. This is an idea that has been gaining ground in recent years. From the well-establish ‘El Khomri Law’ in France, to the regulations in the Republic of Ireland introduced in April 2021, the basic principle is a requirement placed on employers to agree with their workforce a set of rules around when and how employees can be contacted for work purposes.

In our research we polled workers about this idea and found that:

- 59% of all workers support the introduction of a Right to Disconnect (17% oppose)
- Among new remote workers, 66% support and 14% oppose
- There is over 50% support among every age group, in every region, and among supporters of every political party

International examples

- Germany’s Ministry of Employment worked with unions to develop a “minimum intervention in leisure time” policy, while leading employers such as Volkswagen and Daimler have implemented restrictions on electronic communications outside working time.
- France’s El Khomri law or “right to disconnect” doesn’t stipulate when employees can or can’t look at their phone, but rather requires companies with more than 50 employees to negotiate protocols with staff. This has already resulted in pay-outs from employers to workers whose “right to disconnect” had not been respected. UNI’s French affiliates have negotiated a collective agreement covering Orange in France that included a right to disconnect.
- The Italian Senate has passed legislation which includes requirements for written agreements identifying rest periods and arrangements to enable workers’ disconnection from technological equipment.

1 [http://www.spiegel.de/international/germany/no-contact-for-german-labor-ministry-employees-after-work-new-guidelines-a-919453.html](http://www.spiegel.de/international/germany/no-contact-for-german-labor-ministry-employees-after-work-new-guidelines-a-919453.html)
4 [http://www.senato.it/app/bgt/showdoc/17/DDLMESS/0/1022243/index.html](http://www.senato.it/app/bgt/showdoc/17/DDLMESS/0/1022243/index.html)
Spain’s Data Protection and Digital Rights Act provides that employees shall be entitled to disconnect any digital devices outside working time to ensure respect for resting periods, holidays, and personal and family privacy.\(^5\) The unions CC.OO. and UGT have also negotiated an agreement with Telefonica – as well as with other employers, including in the banking sector – that covers the right as well.

In Greece draft legislation on remote working would require employers to respect the private lives of remote workers, and also ban the use of cameras that some employers have adopted to check when employees are working.\(^6\)

Argentina recently passed a law which aims to provide a “right to rest and disconnection [from work] outside of working hours”.

In Ireland existing working time legislation has been successfully used to challenge the expectation that employees are available outside working hours.\(^7\) Following a consultation on the issue, at the urging of the Irish Financial Services Union,\(^8\) The Irish government has introduced a new Code of Practice on the “Right to Disconnect” which requires employers to engage proactively with employees and/or their trade unions to develop a Right to Disconnect Policy that takes account of the needs of the business and its workforce, and put in place the necessary communications, procedures, training and support to embed it.\(^9\)

In Australia unions representing police staff in Victoria won a “right to disconnect” as part of their latest round of workplace negotiations, a success that the Australian Council of Trade Unions is seeking to replicate in other sectors.\(^10\)

The New York City legislature has debated a bill that would make it illegal for private employers with 10 or more employees to require workers to check and respond to electronic communications during non-work hours.\(^11\)

The Canadian government has committed to “co-develop, with employers and labour organizations”, a “right to disconnect”, beginning with the establishment of an Advisory Committee with representatives from employers, unions and others.\(^12\)

Some action is being taken at international levels. UNI has already secured the right to disconnect in global agreements with Telefonica and Orange. Some expect a new European directive to follow.\(^13\)

EU Jobs Commissioner Nicolas Schmidt recently described constant availability with no ability to sign off a “horror vision of the digital age”,\(^14\) and the European Parliament has now called for European-wide legislation “that enables those who work digitally to disconnect outside their working hours” and “establish minimum requirements for remote working and clarify working conditions, hours and rest periods".\(^15\)

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6 https://www.thenationalherald.com/greece_economy/artrho/greek_labor_ministry_preparing_legislation_for_remote_online_working_584620/


13 https://brusselsreporter.com/featured/2020/eu-jobs-commissioner-workers-must-have-right-to-disconnect/


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What next?

Prospect are calling on the government to use the forthcoming Employment Bill to introduce a UK Right to Disconnect policy.

As a first step, we are asking BEIS to include the idea of a Right to Disconnect in the consultation on flexible working rights they are set to launch later this year.

We believe that the Canadian model of a Right to Disconnect policy co-designed by government, unions, and employers will have the best chance of fulfilling the aim of supporting employee mental health, preventing burnout, and enabling clear and appropriate boundaries to be drawn between work and private life.

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