

RIGHT TO DISCONNECT OVERVIEW

This bill proposes to establish a "right to disconnect" for employees in Vermont, granting them the legal right to ignore communications from their employer during nonworking hours. The bill defines nonworking hours based on the agreement between the employer and employee. Exceptions are made for communications regarding emergencies or scheduling changes within 24 hours of the next shift. Employers would be required to establish a workplace policy outlining this right. Enforcement involves an administrative penalty assessed by the Commissioner of Labor for a documented pattern of violations.

BACKGROUND

Modern technology, particularly smartphones and ubiquitous internet access, has blurred the traditional boundaries between work life and personal life. Employees are often reachable and may feel implicitly or explicitly expected to monitor and respond to work-related communications (emails, texts, calls, messages) outside of their scheduled work hours. This "always-on" culture can lead to increased stress, burnout, and difficulty detaching from work responsibilities.

Several countries, notably France, have implemented "right to disconnect" laws to address these concerns, recognizing the importance of downtime for employee well-being and mental health. This Vermont bill seeks to introduce similar protections for workers in the state, acknowledging the challenges posed by constant connectivity in the modern workplace.

PROBLEM

The expectation or pressure for employees to be constantly available for work communications outside of their regular hours leads to several issues:

- **Increased Stress and Burnout:** The inability to mentally disconnect from work contributes significantly to employee stress, anxiety, and burnout, potentially impacting both mental and physical health.
- **Work-Life Imbalance:** Constant connectivity makes it difficult for employees to maintain healthy boundaries, infringing on personal time needed for family, rest, and other activities.
- **Unpaid Work:** Non-exempt employees, who are typically paid hourly and eligible for overtime, may end up performing uncompensated work if they spend time reading and responding to communications during nonworking hours.
- **Reduced Productivity:** While seemingly promoting responsiveness, an "always-on" culture can lead to decreased focus and productivity during actual working hours due to fatigue and lack of adequate rest.
- **Negative Impact on Well-being:** Lack of sufficient downtime can negatively affect sleep, relationships, and overall quality of life.

SOLUTION (Bill Specifics)

The bill aims to establish clearer boundaries and protect employee personal time by:

1. **Establishing the Right to Disconnect (21 V.S.A. § 495q(a)(4)):**
 - Grants employees the explicit right to ignore communications from their employer during "nonworking hours."
2. **Defining "Nonworking Hours" (21 V.S.A. § 495q(a)(2)):**
 - Specifies that nonworking hours are those times before and after an employee's assigned work hours, as established by a written agreement between the employer and employee. This implies the need for clearly defined work schedules.
3. **Providing Limited Exceptions (21 V.S.A. § 495q(b)):**
 - Allows employers to contact employees during nonworking hours only for:
 - **Emergencies:** Defined as unforeseen situations threatening employees, customers, or the public; disrupting/shutting down operations; or causing physical/environmental damage.
 - **Scheduling:** Specifically related to changes in an employee's schedule within 24 hours of their next assigned shift start time.
4. **Requiring Employer Policy (21 V.S.A. § 495q(c)):**
 - Mandates that every employer establish a workplace policy outlining the employees' right to disconnect during nonworking hours.
 - Stipulates that this policy cannot reduce employees' rights to compensation for work performed or their rights to take time off.
5. **Enforcement through Administrative Penalty (21 V.S.A. § 495q(d)):**
 - Allows employees to file complaints with the Commissioner of Labor regarding a "pattern of violation" (defined as three or more documented instances).
 - Authorizes the Commissioner, upon finding a violation, to assess an administrative penalty of **not less than \$100.00** against the employer.

KEY DEFINITIONS:

- **Right to Disconnect:** The employee's right to ignore employer communications outside of nonworking hours (subject to exceptions).
- **Nonworking Hours:** Time outside of scheduled work hours defined by employer-employee agreement.
- **Emergency:** An unforeseen, serious situation requiring contact (threats, operational shutdown, damage).
- **Scheduling:** Contact regarding schedule changes within 24 hours of the next shift.

- **Pattern of Violation:** Three or more documented instances of violating an employee's right to disconnect.

EFFECTIVE DATE:

The act would take effect on July 1, 2025.

This legislation aims to promote a healthier work-life balance for Vermont employees by setting clear expectations around communication outside of agreed-upon work schedules.