

April 2021

# Workplace Relations Commission: Code of Practice for Employers and Employees on the Right to Disconnect

The Workplace Relations Commission (WRC) has prepared a Code of <u>Practice</u> to give guidance on best practice on the Right to Disconnect which comes into effect today, 1 April 2021. The Code applies to all types of employment, whether an employee is working remotely, in a fixed location, at home. Such Codes are not legally binding in the very strict sense but, very importantly, account is taken of them by the WRC and the Labour Court in the event of claims coming before them for determination. The policy considerations behind the new Code are to do with contractual terms, rest periods, work / life balance, and health and safety. The essential reason for the Code is the fact that employees often feel obliged to respond to work-related issues outside their contracted hours. The Code recognises that there can be legitimate reasons why employees may need to be contacted outside normal hours and that different roles may require employees to be flexible and responsive depending on the service being provided, the needs of customers/clients and so on.

The right to disconnect results in an employee not having to routinely respond to work issues, not being penalised for disconnecting and placing a duty on colleagues to respect their decision to disconnect. Right to Disconnect policies should take account of the particular needs of the business and its employees.

For further information in relation to the issues covered by this article please contact a member of our Litigation and Dispute Resolution Team.

Dillon Eustace April 2021



# DILLON EUSTACE

# Dublin

33 Sir John Rogerson's Quay, Dublin 2, Ireland. Tel: +353 1 667 0022 Fax: +353 1 667 0042.

## Cayman Islands

Landmark Square, West Bay Road, PO Box 775, Grand Cayman KY1-9006, Cayman Islands. Tel: +1 345 949 0022 Fax: +1 345 945 0042.

Tower 49, 12 East 49th Street, New York, NY 10017, U.S.A. Tel: +1 646 770 6080.

Tokyo
12th Floor, Yurakucho Itocia Building, 2-7-1 Yurakucho, Chiyoda-ku, Tokyo 100-0006, Japan. Tel: +813 6860 4885 Fax: +813 6860 4501.

This document is for information purposes only and does not purport to represent legal advice. If you have any queries or would like further information relating to any of the above matters, please refer to the contacts above or your usual contact in Dillon Eustace.

Copyright Notice:
© 2021 Dillon Eustace. All rights reserved.