

Brussels / September 30 2025

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**POSSIBLE ACTION IN THE AREA OF WORKERS' RIGHT
TO DISCONNECT AND TELESWORK**

**CONTRIBUTION TO A SECOND-PHASE
SOCIAL PARTNER CONSULTATION**

The European Confederation of Independent Trade Unions (CESI) is a confederation of more than 40 national and European trade union organisations from over 20 European countries, with a total of more than 6 million individual members. Founded in 1990, CESI is a recognised European sectoral social partner and advocates improved employment conditions for workers in Europe and a strong social dimension in the EU.

Digitalisation and new work modalities have transformed the organisation of work. While telework and mobile working can enhance flexibility, participation in the labour market, and work-life balance, they also bring significant risks. Chief among these are the erosion of rest time, blurred boundaries between work and private life, increased psychosocial risks, and challenges to equal treatment and workplace cohesion.

CESI has already underlined in the first phase of consultation that EU action is necessary to set minimum standards and protect workers' health, safety, and rights across Member States. In this second-phase consultation, CESI reiterates its commitment to clear and enforceable rules on the right to disconnect and fair telework, grounded in occupational safety and health, equality, and respect for social partner autonomy.

Answer to question 1 on section 7.1. of the second-phase social partner consultation document on proposed objectives of EU action

CESI welcomes the Commission's identification of the dual objectives: (1) reducing the negative effects of the 'always-on' culture fostered by digitalisation, and (2) fostering transparency and improving working conditions for fair and quality telework. Both are of fundamental importance.

The rise of digital tools has enabled new flexibility, but it has also blurred the boundaries between work and private life. Too often, telework and mobile working arrangements translate into constant availability expectations. Employees are contacted outside of working hours, directly or indirectly pressured to respond quickly, and subject to implicit norms of 'ideal worker' behaviour. The consequences can include stress, sleep disorders, exhaustion and burnout. Without clear rights and enforceable boundaries, flexibility risks becoming a trap of permanent connectedness. A binding right to disconnect would restore balance by guaranteeing that workers can fully enjoy their rest periods and family time. From an occupational safety and health (OSH) perspective, the duty of employers to prevent psychosocial risks must extend to remote and digital contexts.

Overwork and lack of rest can also undermine long-term productivity. Workers who never ‘switch off’ become less motivated, less concentrated and more prone to illness. By contrast, clear limits on availability promote recovery, resilience and motivation. This ultimately benefits both workers and organisations: employees remain healthier, absenteeism declines, and productivity is sustained. A European right to disconnect would thus not only ensure fairness for workers but also create a level playing field for employers, ensuring that those who respect workers’ boundaries are not undercut by competitors demanding 24/7 availability.

While telework offers flexibility and opportunities for groups with disabilities, care responsibilities, or those in remote areas, it also carries risks of isolation. Working from home can mean fewer social contacts, less integration into company structures and weaker links to colleagues and trade unions. CESI therefore stresses that the Commission’s objectives must also consider social integration measures, ensuring that teleworkers are not cut off from workplace life or representation structures. Employers should actively facilitate team-building, opportunities for in-person interaction and the continued exercise of information, consultation and participation rights.

Finally, the objectives must explicitly address the dangers of excessive digital surveillance. Modern software and AI-driven tools can monitor online presence and communications in real time. Such practices can undermine trust, violate privacy and create a permanent climate of pressure. Respect for data protection and proportionality must therefore be recognised as central objectives in shaping the digital work environment.

In sum, CESI believes that the Commission’s proposed objectives are correct but should be made broader and more explicit to:

- Protect health and well-being by ensuring enforceable disconnection,
- Safeguard productivity and motivation through rest and recovery,
- Guarantee equal treatment, reversibility, and non-discrimination in telework,
- Prevent isolation by promoting workplace cohesion and union access,
- Protect privacy and data rights against undue surveillance.

Answer to question 2 on section 7.2.1 on possible avenues for EU action addressing the emerging ‘always-on work’ culture

The ‘always-on’ culture is an urgent challenge of digital work. CESI strongly believes that binding EU legislation is necessary. Fragmentation across Member States is growing: Some have introduced laws on the right to disconnect, others rely on collective agreements and many lack rules altogether. Non-binding recommendations would perpetuate inequality and leave vulnerable groups unprotected. Binding minimum standards is the only way to guarantee a basic uniform protection and create clarity for both workers and employers.

Key elements of EU legislation should include:

- A clear legal definition: The right to disconnect should be anchored in a self-standing directive as proposed in the European Parliament resolution 2019/2181(INL) of 21 January 2021 with recommendations to the Commission on the right to disconnect or be incorporated into the existing EU Working Time Directive. Such incorporation should take the form of a targeted, narrow amendment to the directive.
- Enforceable rights: The right to disconnect must not be reduced to a 'good practice'. Control mechanisms and proportionate sanctions for violations are essential.
- Clarity on working time arrangements: It should provide for employment contracts to distinguish clearly between agreed working time, on-call and stand-by periods (or other duty arrangements) and genuine rest time, preventing disguised availability demands.
- Supportive measures: Training for managers and workers is needed to ensure responsible use of digital tools and to embed a culture of respect for rest time.
- Flexibility for exceptions: Certain roles - e.g. senior managers - may require availability outside standard hours. Even here, however, health and rest must be respected.

While EU legislation must set the baseline, social partners must retain autonomy to adapt implementation at sectoral and company level. This ensures solutions are tailored to specific industries and work cultures, while guaranteeing that no worker is left unprotected.

Answer to question 3 on section 7.2.2 on possible avenues for EU action to improve working conditions for fair and quality telework

CESI supports EU intervention to guarantee fair and quality telework. Given the importance and the particularity of telework, this should take the form of a directive on telework and the right to disconnect or be incorporated into the existing EU Working Time Directive. Such incorporation should take the form of a targeted, narrow amendment to the directive.

Telework should be set to be:

- Voluntary and reversible: Workers must not be forced into telework and must be able to return to on-site work.
- Equal in rights: Teleworkers must enjoy the same rights as office workers – equal pay, equal career opportunities, equal training, equal leave rights and equal protection against discrimination.
- Safe and healthy: Employers must conduct risk assessments, ensure ergonomic standards and respect OSH obligations in remote contexts.
- Tied to employer responsibilities: Employers must provide and maintain adequate equipment (hardware and software), bear the costs of telework (internet, energy, maintenance), provide insurance coverage for risks associated with remote workplaces, respect data protection and privacy, and prohibit invasive surveillance and continuous monitoring.

- Preventing isolation: Telework must not lead to social exclusion. Employers should facilitate hybrid interaction, support access to trade unions and worker representatives and invest in digital tools that foster cooperation rather than isolation.

At the same time, detailed arrangements should remain with the applicable social partners, ensuring practical adaptation.

Answer to question 4 on the willingness of the European social partners to enter into negotiations with a view to concluding an agreement under Article 155 TFEU.

CESI is not involved in the cross-sectoral social dialogue. Therefore, it can only answer the question in a conclusive manner.

However, on October 6 2022 CESI, together with EPSU, already concluded a framework agreement with EUPAE on digitalisation in central government administrations, which is also repeatedly referred to in the European Commission's consultation document. In their framework agreement, the social partners – CESI and EPSU, through their joint delegation TUNED, and EUPAE – clarified that telework, based on digitalisation, constitutes an equivalent form of work organisation.

Accordingly, telework is voluntary and reversible. Employees who perform telework enjoy the same rights and obligations as those working on-site in offices, including equal pay, equal protection rights – for example in cases of pregnancy, parental leave, or care leave – as well as equal access to education and training. Comprehensive protection against discrimination also applies.

Employees may submit a request for telework; any rejection by the employer must be accompanied by a written and transparent justification. Telework must always be based on a joint analysis of tasks and duties, with the employer providing the necessary equipment and support. The workload must not overwhelm employees, and the regulations on health and safety at work apply in full.

In the context of ongoing digitalisation, the right to disconnect is expressly recognised. Employees have the right to switch off digital work devices outside agreed working hours without suffering any disadvantages as a result. This right complements the existing provisions on working time regulations and is intended to safeguard physical and mental health as well as the reconciliation of work and private life.

CESI continues to expect the European Commission to implement this framework agreement in accordance with Article 155 TFEU by means of a Council decision in the form of a directive.