DISCONNECTING IN AN AGE OF CONNECTIVITY: THE ROLE OF CORPORATE GOVERNANCE AND POLICY IN LEGISLATING THE RIGHT TO DISCONNECT

CYNTHIA RAMKELLAWAN*

ABSTRACT

The modern age of digital connectivity has revolutionized how society conceptualizes the value of labor and time, thereby redefining the employer-employee relationship. The advent of technology, followed by its rapid growth as a necessary component of corporate identity and communication, has made what was once an easily defined boundary, boundaryless. In response, legislative and governing bodies in a growing number of countries have attempted to intervene. Such legislative action has aimed to protect the rights of individual employees striving to strike a balance between their professional and personal lives.

In an attempt to reconcile the defining characteristics of today's labor force and our relationship with technology, this article analyzes current questions, legal issues, and challenges related to individual freedoms as defined by recent legislative trends, where policies have been adopted in an effort to protect employees' *right to disconnect*. After a brief summary contextualizing the relationship between today's workforce, employment landscape, and a growing reliance on technological advances, this paper highlights the legislative initiatives made by U.S. jurisdictions such as California, New York, and New Jersey as of mid-2025. Comparisons are then drawn between the evolution of social benefits now considered commonplace in the United States, such as retirement benefits and healthcare insurance, in predicting what's in store for the right to disconnect as a universally recognized right. However, in noting that the United States has yet to indicate that federal legislation concerning the right to disconnect is on the horizon, this article highlights its evolution on a larger, global scale before concluding with a discussion on the role of corporate governance in creating a degree of necessary momentum.

* Cynthia Ramkellawan, Assistant Professor of Law, Florida A&M University College of Law. Warm thanks, and heartfelt appreciation to Vanessa Nordelo, Aja Lake, Breona Gamble, Christina Epperson, and Ashley Sepulvdea for their exceptional research assistance as well as the FAMU College of Law for its generosity and unwavering support of this scholarly endeavor. Additionally, I am grateful to the Editors of the NORTH DAKOTA LAW REVIEW for their thorough edits and review of this article. All errors are the author's own.

I. INTRODUCTION 32
II. EMPLOYMENT IN THE AGE OF CONNECTIVITY 35
III. ANALYSIS OF LEGISLATIVE TRENDS AND EFFORTS IN AMERICAN JURISDICTIONS 38
A. CALIFORNIA 39
B. NEW YORK CITY 42
C. NEW JERSEY 47
D. CALIFORNIA, NEW YORK CITY, & NEW JERSEY: COMPARATIVE ANALYSIS 50
IV. DRAWING ON PAST PARALLELS: FEDERALLY PROTECTED EMPLOYMENT RIGHTS & BENEFITS 52
A. EMPLOYEE RETIREMENT BENEFITS: PENSION PLANS 52
B. EMPLOYEE HEALTH INSURANCE: EMPLOYER-SPONSORED HEALTHCARE BENEFITS 55
C. AN EVOLVING WORKFORCE DRIVES THE LAW'S LEGISLATIVE AGENDA 57
V. DRAWING ON GLOBAL APPROACHES TO REGULATING EMPLOYEE RIGHTS TO DIGITAL DISCONNECTION 58
A. FRENCH MODEL 59
B. GERMAN MODEL 59
1. *The Volkswagen Group's Approach to Ensuring Digital Disconnection Through Corporate Governance* 60
C. IMPLICATIONS FOR AMERICAN LAW AIMED AT PROTECTING THE RIGHT TO DISCONNECT 61
VI. CONCLUSION 62

I. INTRODUCTION

This paper analyzes recent global trends pertaining to the right to disconnect, and its possible adoption in American states in light of historical views on economic and individual liberties. Although there may not be a universal legal definition for the phrase "right to disconnect" at this time, due in part to variations across jurisdictions, this concept generally refers to the practice of disengaging from work-related communications. Where adopted,

the right to disconnect generally (1) encompasses the ability to refuse work-related communications beyond working hours; (2) protects covered employees from retaliation in response to their exercise of such right; (3) provides circumstances for reasonable exceptions, such as in cases involving emergencies or specialized roles; and (4) requires that covered employers establish clear policies and guidelines on this point.

The right to disconnect has emerged as a labor concern in recent years due to the evolving nature of the labor force and work environments. In response to the COVID-19 pandemic, various industries shifted to a remote work arrangement.[1] The digital transformation of work resulted in many benefits.[2] Such benefits include "improved work-life balance, opportunities for flexible working hours and physical activity, reduced traffic, and time spent commuting and a decrease in air pollution."[3] Benefits of this nature can contribute to better physical health and enhanced mental wellness.[4] Likewise, remote and teleworking policies can be mutually beneficial to employers in that they "can also lead to higher productivity and lower operational costs for many companies."[5] The advent of technology in our current modern age has made all of the above possible.

While highlighted as potentially beneficial for the future of work across varying industries, it is just as important to note that in the absence of adequate preparation, structured frameworks, and comprehensive health and safety measures, remote work arrangements can negatively affect employees' overall well-being across multiple dimensions.[6] The consequences may include social disconnection and isolation; chronic exhaustion and psychological burnout; depressive symptoms; increased domestic violence risks; various physical injuries including musculoskeletal disorders, visual fatigue and eye-related problems; heightened substance use including tobacco and alcohol; sedentary lifestyle complications from extended sitting periods;

---

1. *See Crucial Changes Needed to Protect Workers' Health While Teleworking*, WORLD HEALTH ORGANIZATION [WHO] & INTERNATIONAL LABOUR ORGANIZATION [ILO] (2022), https://www.who.int/news/item/02-02-2022-crucial-changes-needed-to-protect-workers-health-while-teleworking [https://perma.cc/9G6C-V94W] [hereinafter WHO/ILO, *Workers' Health*]; *see also* WORLD HEALTH ORGANIZATION [WHO] & INTERNATIONAL LABOUR ORGANIZATION [ILO], HEALTHY AND SAFE TELEWORK: TECHNICAL BRIEF 1 (2021) [hereinafter WHO/ILO, TECHNICAL BRIEF].

2. *See* WHO/ILO, *Workers' Health*, *supra* note 1*; see also* WHO/ILO, TECHNICAL BRIEF, *supra* note 1, at V, 4, 7.

3. WHO/ILO, *Workers' Health*, *supra* note 1*; see also* WHO/ILO, TECHNICAL BRIEF, *supra* note 1, at V.

4. WHO/ILO, *Workers' Health*, *supra* note 1*; see also* WHO/ILO, TECHNICAL BRIEF, *supra* note 1, at 9-10.

5. WHO/ILO, *Workers' Health*, *supra* note 1.

6. *See id.*

excessive screen exposure; and weight management challenges leading to obesity-related health concerns.[7]

Remote and telework arrangements have further highlighted the negative implications of certain industries that promote a culture where employees are constantly expected to be on call and available.[8] Acknowledging the long-term effects of this always-on culture, rule-making bodies across different jurisdictions have considered the role of contract law, government regulation, and corporate governance in providing safeguards for employers and employees alike.[9] Such digital disconnection policies emphasize the benefits associated with remote and telework arrangements while prioritizing the long-term physical health and mental well-being of the work force.[10] Although telework has become increasingly widespread in the United States, the absence of a comprehensive federal framework remains evident; by comparison, nations such as France and Ireland have enacted legislation guaranteeing the right to disconnect.[11] An analysis of this recent trend and movement towards legislation, though, is insightful and telling of the future role of the right to disconnect in the American workplace.[12]

This article begins with a brief overview of modern employment practices and demographics in the digital age. Part III then analyzes recent efforts made by state and local governments in codifying the right to disconnect. Although these efforts have yet to reach enactment, their progression mirrors historical trends observed in the development of other employer-sponsored benefits such as pension plans and healthcare, as expanded upon in Part IV. Part V then considers the development of digital disconnection policies in other nations. This section considers the benefits of legislative mandates with

---

7. *Id.* ("'The pandemic has led to a surge of teleworking, effectively changing the nature of work practically overnight for many workers', said Dr Maria Neira, Director, Department of Environment, Climate Change and Health, World Health Organization. 'In the nearly two years since the start of the pandemic, it's become very clear that teleworking can as easily bring health benefits, and it can also have dire impact. Which way the pendulum swings depends entirely on whether governments, employers and workers work together and whether there are agile and inventive occupational health services to put in place policies and practices that benefit both workers and the work.'").

8. *See* Kathrin Reinke, Lisa Niederkrome & Sandra Ohly, *Boundary Work Tactics and Their Effects on Information and Communication Technology Use After Hours and Recovery*, 23 J. PERS. PSYCH. 36, 36 (2023).

9. *See* Emma Corcoran & Ute Krudewagen, *A Look at Global Employee Disconnect Laws for U.S. Counsel*, DLA PIPER (Apr. 19, 2024), https://www.dlapiper.com/en/insights/publications/2024/04/a-look-at-global-employee-disconnect-laws-for-us-counsel [https://perma.cc/2ACM-7T9F].

10. *See* TINA WEBER & DRAGOŞ ADĂSCĂLIȚEI, EUROFOUND, RIGHT TO DISCONNECT: IMPLEMENTATION AND IMPACT AT COMPANY LEVEL 41-42 (2023).

11. U.S. GOV'T ACCOUNTABILITY OFF., GAO-25-107078, TELEWORK: PRIVATE SECTOR STAKEHOLDER AND EXPERT VIEWS (2025).

12. *See* Corcoran & Krudewagen, *supra* note 9.

broad, comprehensive coverage, as well as the use of corporate policies and self-regulation all aimed at protecting the right to disconnect.

II. EMPLOYMENT IN THE AGE OF CONNECTIVITY

Members of today's workforce represent five distinct generations, born between the years 1925 and 2020.[13] The lived experiences of individuals in each of these groups have molded their communication styles, preferences, and attitudes towards work-life balance.[14] Employers are likely to agree that recognizing and honoring the unique qualities of each group will in turn aid them in fostering a more collaborative and positive work environment. Employers may also benefit from understanding each group's respective relationship with technology, and how best to leverage such knowledge.

An assessment of the labor force is critical now, more than ever, as digital technologies continue to evolve and mold the world around us. Said technologies have played a major role in shaping our daily lives and are the products of an age and time characterized as the Fourth Industrial Revolution.[15] This current era of rapid technological growth has fundamentally altered industries, economies, and societies by blurring the line between our physical

---

13. *See Generational Differences in the Workplace*, PURDUE GLOB., https://www.purdueglobal.edu/education-partnerships/generational-workforce-differences-infographic/ [https://perma.cc/T2UX-XVWX] (last visited Oct. 21, 2025). Traditionalists include individuals born between 1925 and 1945; Baby Boomers include individuals born between 1946 and 1964; Generation X includes individuals born between 1965 and 1980; Millennials include individuals born between 1981 and 2000; and Generation Z includes individuals born between 2001 and 2020. *Id.*

14. *See id.* Traditionalists have been shaped by the Great Depression, World War II, radio, and movies, and typically prefer to receive and share communications through personal touch and handwritten notes, as opposed to electronic messages. *Id.* Baby Boomers have been shaped by events such as the Vietnam War and Civil Rights Movement. *Id.* They tend to prefer communication styles that encourage efficiency, such as phone calls and face-to-face contact. *Id.* In this way, their preferences mirror those of traditionalists. Members of Generation X have been shaped by events such as the AIDs epidemic, the fall of the Berlin Wall, and the dot-com bubble. *Id.* Much like the generation before them, Generation Xers prefer face-to-face communications, and phone calls. *See id.* Millennials have been shaped by events such as 9/11 and the introduction of the internet as part of our daily lives. *See id.* Unlike their predecessors, Millennials prefer digital means of communication, such as text messages and emails. *See id.* Generation Z has been shaped by life after 9/11, the Great Recession, as well as the widespread availability of technology throughout their childhoods. *Id.* Their preferred styles of communication include the use of social media and other digital platforms. *Id.*

15. *See* Klaus Schwab, *The Fourth Industrial Revolution: What It Means, How to Respond*, WORLD ECON. F. (Jan. 14, 2016), https://www.weforum.org/stories/2016/01/the-fourth-industrial-revolution-what-it-means-and-how-to-respond/ [https://perma.cc/U5DN-U5BC]. The First Industrial Revolution began around 1784, and featured developments in mechanization and steam power. *See id.* The Second Industrial Revolution followed in 1870, with the onset of mass production, assembly lines, and the implementation of electrical energy. *See id.* Almost a century later, circa 1969, the Third Industrial Revolution, or Information Age, ushered in a period of automation, computers, and electronics. *See id.*

and digital worlds.[16] The relationship we adopt with digital tools developed during this era has the potential to disrupt labor markets; automation will very likely continue growing as a suitable substitute for human labor, as it has in earlier industrial revolutions.[17] However, it is also possible that this trend will result in a net increase in safe and rewarding jobs, provided that steps are taken to ensure that our common human values are aligned with the pace of future technological progress.[18]

While the Fourth Industrial Revolution has been instrumental in facilitating the development of technologies such as artificial intelligence, cloud computing, and mobile platforms, all while increasing access and global connectivity, such innovations have also worked to blur the boundary that previously defined an employee's work life as separate and distinct from their personal life.[19] Although these technologies have enabled greater scheduling flexibility and widespread remote collaboration, they have also contributed to the "always-on" culture, as described in this article's introduction, in

---

16. *See generally* Klaus Schwab, *The Fourth Industrial Revolution*, BRITANNICA, https://www.britannica.com/event/The-Fourth-Industrial-Revolution-2119734 [https://perma.cc/K93C-JZ4J] (last visited Oct. 21, 2025) ("The Fourth Industrial Revolution heralds a series of social, political, cultural, and economic upheavals that will unfold over the 21st century. Building on the widespread availability of digital technologies that were the result of the Third Industrial, or Digital, Revolution, the Fourth Industrial Revolution will be driven largely by the convergence of digital, biological, and physical innovations. Like the First Industrial Revolution's steam-powered factories, the Second Industrial Revolution's application of science to mass production and manufacturing, and the Third Industrial Revolution's start into digitization, the Fourth Industrial Revolution's technologies, such as artificial intelligence, genome editing, augmented reality, robotics, and 3-D printing, are rapidly changing the way humans create, exchange, and distribute value. As occurred in the previous revolutions, this will profoundly transform institutions, industries, and individuals.").

17. *See generally id.* ("The result of all this is societal transformation at a global scale. By affecting the incentives, rules, and norms of economic life, it transforms how we communicate, learn, entertain ourselves, and relate to one another and how we understand ourselves as human beings. Furthermore, the sense that new technologies are being developed and implemented at an increasingly rapid pace has an impact on human identities, communities, and political structures. As a result, our responsibilities to one another, our opportunities for self-realization, and our ability to positively impact the world are intricately tied to and shaped by how we engage with the technologies of the Fourth Industrial Revolution. This revolution is not just happening to us—we are not its victims—but rather we have the opportunity and even responsibility to give it structure and purpose.").

18. *See generally id.* ("All previous industrial revolutions have had both positive and negative impacts on different stakeholders. Nations have become wealthier, and technologies have helped pull entire societies out of poverty, but the inability to fairly distribute the resulting benefits or anticipate externalities has resulted in global challenges. By recognizing the risks, whether cybersecurity threats, misinformation on a massive scale through digital media, potential unemployment, or increasing social and income inequality, we can take the steps to align common human values with our technological progress and ensure that the Fourth Industrial Revolution benefits human beings first and foremost.").

19. *See generally* WEBER & ADĂSCĂLIȚEI, *supra* note 10; Schwab, *supra* note 15 (explaining that the Fourth Industrial Revolution introduced pervasive digital technologies that enable continuous connectivity and remote access, thereby diminishing the separation between work and personal spheres).

which employees are expected to be accessible at all hours of the day.[20] Expectations of this degree are unsustainable, unrealistic, and, in short, have no place in the Fourth Industrial Revolution we should aim to cultivate.[21] It should come as no surprise that workers across industries have consistently reported experiences of severe burnout from their inability to disconnect mentally from work.[22] Constant streams of notifications and expectations of round-the-clock availability have heightened stress levels and deteriorated work-life balance.[23] Workplace challenges of this nature have resulted in the emergence of legislation and corporate policies aimed at protecting an employee's right to disconnect.[24]

It is noteworthy that internationally, these workplace protections have gained considerable traction over the past two decades as numerous jurisdictions have enacted varying forms of legislation regulating the right to

---

20. *See generally* WEBER & ADĂSCĂLIȚEI, *supra* note 10, at 4, 27.

21. *See generally id.* at 2 ("The 'always on' culture and working additional hours, which often lead to insufficient rest periods, have been shown to be detrimental to work-life balance, health and well-being, and workplace satisfaction."); Reinke, Niederkrome & Ohly, *supra* note 8.

22. *See generally* Shannon King, *Understanding the Right to Disconnect*, RIPPLING (Dec. 3, 2024), https://www.rippling.com/en-AU/blog/understanding-the-right-to-disconnect [https://perma.cc/BK9B-H4W8] ("The boundaries between work and private life have blurred, especially after the COVID-19 pandemic. With remote work and constant digital connectivity, employees often find themselves working beyond traditional work hours, leading to concerns about burnout and deteriorating work-life balance, which can affect both employee well-being and overall business health.").

23. *Id.* Under Australia's Right to Disconnect legislation, the law recognizes an employee's legal entitlement to disengage from work-related communications and tasks outside their regular working hours without threat of punitive action, including disciplinary action, adverse performance evaluations, or impacts on career progression. *Id.* The legislative framework primarily "aims to promote healthier work-life balance and protect employee well-being" by creating clear demarcation between professional and personal time. *Id.* Key objectives include reducing workplace burnout through limiting continuous work engagement, enhancing overall productivity by allowing employees adequate time to rest and recharge, and supporting mental health by recognizing the importance of psychological recovery periods. *Id.* Its provisions apply "generally to national system employees protected by the Fair Work Commission and covered under relevant enterprise agreements, modern awards, or workplace policies," encompassing both full-time and part-time workers regardless of whether they work on-site, remotely, or in hybrid arrangements. *Id.* Although casual employees may not have identical explicit rights due to their flexible working arrangements, employers should still respect reasonable boundaries regarding after-hours contact. *Id.* Notably, businesses with fewer than 15 employees are granted a compliance extension until August 2025, while larger organizations must implement these protections immediately. *See id.*

24. *See generally id*. Under the Australian framework, employees have the right to refuse work-related "emails, phone calls, text messages, and other communications once their workday has officially ended." *Id.* However, the law recognizes legitimate exceptions permitting after-hours contact, including qualified emergencies that may "pose immediate risks to health, safety, or the business's operations," critical business needs such as system outages or security breaches, and situations involving pre-agreed arrangements for specific roles or projects requiring extended availability. *Id.* Compliance mandates that employers develop comprehensive policies defining ordinary working hours, after-hours contact protocols, and applicable exceptions, while implementing training programs for managers and employees alongside monitoring systems to ensure adherence and provide reporting mechanisms for policy violations. *See id.*

disconnect.[25] This global momentum toward recognizing an employee's rights to digital disconnection has established an emerging international consensus that may serve as both precedent and influence for future policy development efforts in the United States.[26] The widespread adoption of such measures across diverse legal systems and economic frameworks suggests a fundamental shift in how modern labor law will address the challenges of digital connectivity in the contemporary workplace.[27] While the United States currently lacks comprehensive federal legislation, or other governing policies concerning the right to disconnect, several states have begun examining such measures.[28] The potential for wide-scale adoption on a local, state, and federal level is analyzed in further detail in Part III below.

III. ANALYSIS OF LEGISLATIVE TRENDS AND EFFORTS IN AMERICAN JURISDICTIONS

The following section examines pioneering state-level approaches to legislative frameworks aimed at protecting the right to disconnect under consideration in the United States. Particular focus will be placed on regulatory efforts made in California, New York City, and New Jersey. These three jurisdictions represent the vanguard of American efforts to establish formal workplace boundaries regarding after-hours communications.[29] Each seems to offer distinct, yet similar, approaches to implementation, scope, and enforcement mechanisms. By comparing the substantive provisions, coverage requirements, and penalty structures across these proposed measures, this section illuminates both the emerging consensus around core right to disconnect principles and the significant variations in how states and local governments may choose to acknowledge, protect, and enforce these worker protections. This comparative examination reveals not only the policy innovations

---

25. *See generally* WEBER & ADĂSCĂLIȚEI, *supra* note 10 (detailing the extent to which legislative measures have been implemented internationally, in examining their impact on workplace norms).

26. *See generally* Corcoran & Krudewagen, *supra* note 9 (noting that the proliferation of such laws abroad provides a comparative model for U.S. policymakers considering similar protections).

27. *See generally* EUR. L. INST., GUIDING PRINCIPLES ON IMPLEMENTING WORKERS' RIGHT TO DISCONNECT (2023) (emphasizing the role of guiding principles in shaping future legislative and regulatory responses to the challenges posed by constant connectivity).

28. *See* Corcoran & Krudewagen, *supra* note 9.

29. *See generally id.* (acknowledging the impact that international right to disconnect legislation has on U.S. companies, as well as the introduction of such legislation in California); M. Adil Yaqoob, *The "Right to Disconnect" in the U.S.? What Employers Need to Know About Emerging Proposals*, AKERMAN: HR DEFENSE BLOG (Sep. 10, 2025), https://www.hrdefenseblog.com/2025/09/the-right-to-disconnect-in-the-u-s-what-employers-need-to-know-about-emerging-proposals/ [https://perma.cc/FZV3-26C5] ("In February 2024, California lawmakers introduced Assembly Bill 2751, modeled in part on right to disconnect laws that have taken shape, in some form, in countries such as France, Belgium, and the province of Ontario, Canada, among others.").

being tested at the state level, but also the practical challenges legislators face in balancing employee welfare with business operational needs in an increasingly connected work environment.

A. CALIFORNIA

In 2024, California considered implementing legislation that, if passed, would have effectively required employers to establish policies that permit employees to disengage from work-related communications during nonworking hours.[30] Assembly Bill 2751 ("A.B. 2751") was introduced by Assembly Member Haney in February 2024 and amended in assembly one month later in March 2024.[31] Ultimately, the bill was defeated in committee in May 2024 after being held under submission by the California State Assembly Committee on Appropriations.[32] Had it been enacted, the bill would have been added to California's Labor Code as the nation's first codified recognition of an employee's right to disconnect.[33]

A.B. 2751, as amended, comprised seven subsections.[34] Subsection (a), as proposed, included definitions for key terms such as "[e]mergency,"[35] "[n]onworking hours,"[36] and "[r]ight to disconnect."[37] In addition to requiring that covered employers[38] establish workplace policies permitting employees to disregard work-related communications during nonworking hours, A.B. 2751 provided that employers would only be permitted to contact employees during such agreed upon nonworking hours on an emergency basis, as defined therein, or for scheduling purposes.[39] The bill provided employees with the right to file complaints against their employers for patterns of

---

30. *See generally* A.B. 2751, Cal. Leg., 2023-2024 Leg., Reg. Sess. (Cal. 2024).

31. *See generally AB–2751 Employer Communications During Nonworking Hours*, CAL. LEGIS. INFO., https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2751 [https://perma.cc/BY8S-T8MU] (last visited Oct. 27, 2025).

32. *See generally id.*

33. *See generally* A.B. 2751.

34. *See generally id.*

35. *See id.* § 1(a)(1) ("'Emergency' means an unforeseen situation that threatens an employee, customer, or the public; disrupts or shuts down operations; or causes physical or environmental damage.").

36. *See id.* § 1(a)(3) ("'Nonworking hours' means hours before and after an employee's assigned hours of work, whether stated in their job description or stated otherwise.").

37. *See id.* § 1(a)(5) ("'Right to disconnect' means that, except as provided in subdivision (d), an employee has the right to ignore communications from the employer during nonworking hours.").

38. *See id.* § 1(g) (providing the proposed bill "does not apply to an employee who is covered by a valid collective bargaining agreement").

39. *See id.* § 1(d).

violation with the state's Labor Commissioner.[40] Repeated complaints could subject covered employers to fines "of not less than one hundred dollars."[41]

While under review, the bill received support and opposition from key associations and organizations based in California.[42] More specifically, the bill received support from the California Employment Lawyers Association and TechEquity Collaborative.[43] Further, a survey conducted by Clarify Capital found that eighty-three percent of 800 surveyed employees supported the bill.[44] Such data reflects the sentiments shared widely by employees as it relates to the importance of work-life balance, workplace happiness and satisfaction, as well as burnout.

Although favored by employees, A.B. 2751 faced significant opposition from employer organizations.[45] Such opponents argued that the law served

---

40. *Id.* § 1(e); *see also id.* § 1(a)(4) ("'Pattern of violation' means three or more documented instances of violating the right to disconnect.").

41. *Id.* § 1(f).

42. *See generally Hearing on A.B. 2751 (Haney) – As Amended March 21, 2024 Before the Lab. & Emp. Pol'y Comm. of the H. Assemb. Comm. on Appropriations*, 2023-2024 Cal. Leg., Reg. Sess., at 2 (Cal. 2024).

43. *See id*. ("This bill is supported by the California Employment Lawyers Association and TechEquity Collaborative, with the former arguing, 'workers in companies with Right to Disconnect policies have reported higher levels of job satisfaction and fewer health issues based on a study published by the European Union.' This bill is opposed by a large coalition of employer organizations led by the California Chamber of Commerce (CalChamber), which argues, 'This blanket rule is a step backwards for workplace flexibility. It fails to consider California's longstanding laws regarding hours worked, exempt employees, and fails to account for the uniqueness of different industries and professions.'").

44. Emma Parker, *Workplace Sentiments on the Right to Disconnect*, CLARIFY CAP., https://clarifycapital.com/right-to-disconnect-workplace-sentiments [https://perma.cc/GC8A-PNM2] (last visited Oct. 27, 2025). The Clarify Capital Study results provided:

> 83% of employees support the 'right to disconnect' bill, while 9% felt neutral and 8% opposed it. Though 3 in 4 business executives support the bill, they're 75% more likely than employees to oppose it (14% vs. 8%). Nearly 3 in 5 employees feel obligated to respond to work-related communications outside of work hours. When factoring in company size, employees working at small companies (10-49 employees) feel the most obligated (67%). Among work locations, hybrid employees feel the most obligated (65%). On average, 40% of employees are available for work-related communications for 9 or more hours per workday. Hybrid and remote employees are the most likely to report this (47% and 43%, respectively). 33% of business executives expect their employees to respond to work-related communications outside of regular work hours.

Id. Regarding the survey methodology:

> For this study, we surveyed 800 employees and 200 business executives to understand their perceptions toward the 'right to disconnect' bill (California Assembly Bill 2751). Overall, 39% of employees reported working on-site, 24% reported working remotely, and 37% reported working hybrid. Additionally, 55% reported working at large companies (250 or more employees), 24% reported working at medium companies (50 to 249 employees), 14% reported working at small companies (10 to 49 employees), and the remaining 8% reported working at micro companies (1 to 9 employees).

Id.

45. *See Employer Communications During Nonworking Hours: Hearing on A.B. 2751 (Haney) – As Amended March 21, 2024 Before the H. Assemb. Comm. on Lab. & Emp.*, 2023-2024 Cal. Leg., Reg. Sess., at 3-4 (Cal. 2024). Registered opponents on file included major California

as an inflexible, blanket rule with a one-size-fits-all approach that disregarded existing, valid laws on workplace hours and exemptions.[46] Such opponents emphasized that rather than penalizing employers for otherwise legal employment practices, restricting work schedules and communications may adversely affect employees.[47]

Although California's Right to Disconnect bill failed while under committee review, it signaled recognition of a larger looming issue, and potential

---

employer organizations such as Acclamation Insurance Management Services, Allied Managed Care, American Petroleum and Convenience Store Association, Brea Chamber of Commerce, Building Owners and Managers Association, California Association of Licensed Security Agencies, Guards & Associates, California Association of Sheet Metal & Air Conditioning Contractors National Association, California Association of Winegrape Growers, California Business Properties Association, California Chamber of Commerce, California Credit Union League, California Farm Bureau, California Financial Services Association, California Fuels and Convenience Alliance, California League of Food Producers, California State Council of The Society for Human Resource Management (CALSHRM), California Trucking Association, Carlsbad Chamber of Commerce, Cawa - Representing the Automotive Parts Industry, Coalition of Small and Disabled Veteran Businesses, Construction Employers' Association, Corona Chamber of Commerce, Cupertino Chamber of Commerce, Danville Area Chamber of Commerce, Family Business Association of California, Flasher Barricade Association, Fontana Chamber of Commerce, Garden Grove Chamber of Commerce, Glendora Chamber of Commerce, Greater Coachella Valley Chamber of Commerce, Greater Concord Chamber of Commerce, Greater Conejo Valley Chamber of Commerce, Greater High Desert Chamber of Commerce, Greater Irvine Chamber of Commerce, Greater Riverside Chambers of Commerce, Housing Contractors of California, Huntington Beach Chamber of Commerce, LA Canada Flintridge Chamber of Commerce, Laguna Niguel Chamber of Commerce, Lodi District Chamber of Commerce, Long Beach Area Chamber of Commerce, Mammoth Lakes Chamber of Commerce, Modesto Chamber of Commerce, Naiop California, National Federation of Independent Business, Newport Beach Chamber of Commerce, Oceanside Chamber of Commerce, Palos Verdes Peninsula Chamber of Commerce, Rancho Mirage Chamber of Commerce, Redondo Beach Chamber of Commerce, Roseville Area Chamber of Commerce, San Marcos Chamber of Commerce, San Pedro Chamber of Commerce, Santa Ana Chamber of Commerce, Santa Maria Valley Chamber of Commerce, Santee Chamber of Commerce, Simi Valley Chamber of Commerce, Society for Human Resource Management, Society of Human Resources Management, South Bay Association of Chambers of Commerce, Southwest California Legislative Council, Torrance Area Chamber of Commerce, Tri County Chamber Alliance, Tulare Chamber of Commerce, Vacaville Chamber of Commerce, West Ventura County Business Alliance, and Western Growers Association. *Id.*

46. *See id.* at 3 ("A coalition of organizations, including the California Chamber of Commerce, are opposed and state, 'The bill will effectively subject all employees to a rigid working schedule and prohibit communication between employers and employees absent an emergency. This blanket rule is a step backwards for workplace flexibility. It fails to consider California's longstanding laws regarding hours worked, exempt employees, and fails to account for the uniqueness of different industries and professions. It would prevent the Governor and State agencies from contacting their staff outside of normal work hours, which would lead to basic functions of the state being imperiled. One of the only groups of people exempt from this would be the legislature, which would be a disincentive for someone to work for an Assemblymember or Senator.'").

47. *See generally id.* (acknowledging arguments in opposition to A.B. 2751); Letter from Cali. Chamber of Com., to Members, Assemb. Comm. on Lab. & Emp. (Apr. 9, 2024), https://strgnfibcom.blob.core.windows.net/nfibcom/AB-2751-Committee-Letter-JK-Asm.-LE-4.9.24.pdf [https://perma.cc/8GQN-JUHU] (position letter opposing A.B. 2751 (Haney) – as amended March 21, 2024); *AB 2751: The Implications of California's Proposed "Right to Disconnect" Bill*, CASTLE L.: BLOG (Apr. 29, 2025), https://www.castleemploymentlaw.com/ab-2751-the-implications-of-californias-proposed-right-to-disconnect-bill/ [https://perma.cc/PM9X-8CYE] ("[C]ritics of AB 2751 argue that the bill may introduce inflexible work schedules, complicating the dynamic needs of industries reliant on fluid working hours or swift responses.").

employment right by the nation's most populous state.[48] Among its proponents and opponents alike, there appears to be a shared acknowledgment of the effects of the modern workplace on employees that result in worker burnout across industries.[49] Arguments raised by the bill's opponents are reassuring in that some critics have recognized the need to establish clear expectations, boundaries, and corporate cultures with limited government involvement.[50] Further, while recognized as the nation's first state-wide bill protecting the right to disconnect, A.B. 2751 was likely influenced by legislation in other jurisdictions, such as New York City, where proposed laws have aimed to promote work-life balance.

B. NEW YORK CITY

Following initiatives passed by the French legislative body, in 2018, members of New York City's Council proposed Int. No. 0726-2018.[51] The initiative's official title was "A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to private employees disconnecting from electronic communications during non-work hours."[52] The bill was initially introduced in March 2018 and was subsequently referred to the Committee on Consumer Affairs and Business Licensing.[53] A committee hearing was held in January 2019, at which point the bill

---

48. *See generally* Amy Tikkanen, *List of U.S. States by Population*, BRITANNICA, https://www.britannica.com/topic/largest-U-S-state-by-population [https://perma.cc/9U2U-AACJ] (last visited Oct. 27, 2025) ("As of 2023, . . . [t]he U.S. state with the largest population is California, which has some 39,000,000 residents.").

49. *See generally* Allen Smith, *Right-to-Disconnect Bill Defeated*, SHRM (May 20, 2024), https://www.shrm.org/topics-tools/employment-law-compliance/right-to-disconnect-bill-defeated [https://perma.cc/T2NC-LKEQ] ("The bill's one-size-fits-all approach limits the autonomy employers and HR professionals need to establish effective workplace cultures. An effective solution to this issue requires a collaborative approach that promotes a focus on clear communication and encourages employers to set transparent expectations for after-hours work at the outset of employment and for specific projects. Instead of overly broad government mandates that penalize routine, legitimate business practices, we call for solutions that prioritize culture and empower workers. . . . Backers argued that the bill would help maintain boundaries between work and personal life, which many professionals have found to be increasingly blurred amid the rise of the smartphone and remote work. Opponents argued the bill would impose rigid work schedules, amount to a step backward for flexibility in the workplace, and run counter to the work culture of Silicon Valley. A $44.9 billion deficit has loomed over the California State Assembly Committee on Appropriations' work. State officials estimated the bill would have created costs for government agencies that would have needed to establish right-to-disconnect policies for employees. Lawmakers have already agreed to slash spending in several areas, but the state still faces a $27.6 billion shortfall.").

50. *See generally supra* notes 45-49 and accompanying text.

51. *See generally* N.Y.C., N.Y., No. 726-2018 (2018).

52. *Id.*

53. *See Minutes of the Proceedings for the Stated Meeting of Thursday, March 22, 2018, 1:56 p.m.*, N.Y.C. Council, Reg. Sess. at 1283-86 (N.Y. 2018).

was laid over, or postponed, for further consideration.[54] However, the bill did not advance beyond this stage of the legislative process prior to the end of the Council session.[55] New York City's Right to Disconnect bill was the first of its kind and, if enacted, would have made it "unlawful for private employees in the city of New York to require employee[s] to check and respond to email and other electronic communications during non-work hours."[56] This local law was aimed at protecting the right to disconnect of private-sector employees in New York City.[57]

As provided in the bill's text, the bill proposed an amendment to "Title 20 of the administrative code of the City of New York," that would have added a new chapter titled, "Disconnecting from Work."[58] The proposed new chapter consisted of six sections, providing a legislative framework for

54. *See generally Meeting Minutes of the N.Y.C Council Comm. on Consumer Affs. & Bus. Licensing on Thursday, January 17, 2019, 10:00 a.m.*, N.Y.C. Council, Reg. Sess. at 1 (N.Y. 2018).

55. *See generally* Int. No. 0726-2018, *A Local Law to Amend the New York City Charter and the Administrative Code of the City of New York, in Relation to Private Employees Disconnecting from Electronic Communications During Non-Work Hours*, N.Y.C. COUNCIL, https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3458217&GUID=8930D471-5788-4AF4-B960-54620B2535F7 [https://perma.cc/L2RJ-K262] (last visited Oct. 27, 2025).

56. *See id.*

57. *See id.*

58. *See generally* N.Y.C., N.Y., No. 726-2018, § 3 (2018).

relevant definitions,[59] targeted conduct,[60] retaliation and interference,[61] other legal requirements,[62] and enforcement and penalties.[63] Covered employees

---

59. *See id.* § 20-1401. Provided definitions include:

> Electronic communications. The term 'electronic communications' means electronic mail, text messages or other digital means of conveying data electronically.
>
> Emergency. The term 'emergency' means a sudden and serious event, or an unforeseen change in circumstances, that calls for immediate action to avert, control or remedy harm.
>
> Employee. The term 'employee' means any 'employee' as defined in section 190(2) of the labor law who is employed for hire within the city of New York for more than eighty hours in a calendar year who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law, and not including those who are employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207.
>
> Employer. The term 'employer' means any 'employer' as defined in section 190(3) of the labor law with ten or more employees, but shall not include employees of (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207. In determining the number of employees performing work for an employer for compensation during a given week, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation per week fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding calendar year, and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.
>
> Retaliation. The term 'retaliation' means any threat, discipline, discharge, demotion, suspension, reduction in employee hours, or any other adverse employment action against any employee for exercising or attempting to exercise any right guaranteed under this chapter.

Id.

60. *See id.* § 20-1402. The targeted conduct is outlined as:

> Disconnecting from work. a. 1. It shall be unlawful for any employer to require an employee to access work-related electronic communications outside of such employee's usual work hours, not including overtime, except in cases of emergency.
>
> 2. All employers shall be required to adopt a written policy regarding the use by employees of electronic devices to send or receive emails, text messages, or any other digital, work-related communication, during non-work hours. Such policy shall include:
>
> (i) The usual work hours for each class of employees of the employer;
>
> (ii) The categories of paid time off, including, but not limited to, vacation days, personal days and sick days to which employees are entitled. Use of such paid time off shall be considered non-work hours.
>
> b. The provisions of this chapter do not apply to (i) any employees whose terms of employment require them to be on call twenty-four hours a day on days when they are working, in which case it shall only apply on such employee's days off, including paid time off, (ii) work study programs under 42 U.S.C. [§] 2753, (iii) employees for the hours worked and compensated by or through qualified scholarships as defined in 26

U.S.C. [§] 117 and (iv) independent contractors who do not meet the definition of employee under section 190(2) of the labor law.

Id.

61. *See id.* § 20-1403. On retaliation, the proposed chapter provides:

Retaliation and interference prohibited. No employer shall engage in retaliation or threaten retaliation against an employee for exercising or attempting to exercise any right provided pursuant to this chapter, or interfere with any investigation, proceeding or hearing pursuant to this chapter. The protections of this chapter shall apply to any person who mistakenly but in good faith alleges a violation of this chapter. Rights under this chapter shall include, but not be limited to, the right to: file a complaint for alleged violations of this chapter with the department, communicate with any person about any violation of this chapter, participate in any administrative or judicial action regarding an alleged violation of this chapter, and inform any person of his or her potential rights under this chapter.

Id.

62. *See id.* § 20-1405. The proposed chapter states:

Other legal requirements. a. Nothing in this chapter shall be construed as creating or imposing any requirement in conflict with any federal or state law, rule or regulation, nor shall anything in this chapter be construed to diminish or impair the rights of an employee or employer under any valid collective bargaining agreement.

Id.

63. *See id.* § 20-1406. On enforcement and penalties, the proposed chapter provides:

Enforcement and penalties. a. The department shall enforce the provisions of this chapter. In effectuating such enforcement, the department shall establish a system utilizing multiple means of communication to receive complaints regarding non-compliance with this chapter and investigate complaints received by the department in a timely manner.

b. Any person alleging a violation of this chapter shall have the right to file a complaint with the department within two years of the date the person knew or should have known of the alleged violation. The department shall maintain confidential the identity of any complainant unless disclosure of such complainant's identity is necessary for resolution of the investigation or otherwise required by law. The department shall, to the extent practicable, notify such complainant that the department will be disclosing his or her identity prior to such disclosure.

c. Upon receiving a complaint alleging a violation of this chapter, the department shall investigate such complaint and attempt to resolve it through mediation. The department shall keep complainants reasonably notified regarding the status of their complaint and any resultant investigation. If the department believes that a violation has occurred, it shall issue to the offending person or entity a notice of violation. The commissioner shall prescribe the form and wording of such notices of violation. The notice of violation shall be returnable to the administrative tribunal authorized to adjudicate violations of this chapter.

d. The department shall have the power to impose penalties provided for in this chapter and to grant an employee or former employee all appropriate relief. Such relief shall include: (i) for each instance of an employee being required to access work-related electronic communications outside of the standard work hours: two hundred fifty dollars; (ii) for each instance of unlawful retaliation not including discharge from employment: full compensation including wages and benefits lost, five hundred dollars and equitable relief as appropriate; and (iii) for each instance of unlawful discharge from employment: full compensation including wages and benefits lost, two thousand five hundred dollars and equitable relief, including reinstatement, as appropriate.

e. Any entity or person found to be in violation of the provisions of sections 20-1402 of this chapter shall be liable for a civil penalty payable to the city not to exceed five hundred dollars for the first violation and, for subsequent violations that occur within two years of any previous violation, not to exceed seven hundred and fifty dollars for the second violation and not to exceed one thousand dollars for each succeeding violation.

included individuals hired on a full-time or part-time basis "within the city of New York for more than eighty hours of work in a calendar year."[64] Covered employers included any private employer with ten or more employees, including chain businesses.[65] As used therein, "electronic communications" referred to emails, texts, or other digital messages.[66] Pursuant to Section 20-1402 of the bill, covered employers would have been required "to adopt a written policy regarding the use by employees of electronic devices to send or receive emails, text messages, or any other digital, work-related communication, during non-work hours."[67] Additionally, it would have made it "unlawful for any employer to require an employee to access work-related communications outside of such employee's usual work hours, not including overtime, except in cases of emergency."[68] The bill aimed to protect employees from retaliation and would have required that employers notify employees of their right to disconnect in writing.[69] The bill also would have provided employees with the right to file complaints against their employers for alleged violations with the New York City Department of Consumer Affairs.[70] Penalties included civil liability, payable both to affected employees and the city.[71]

While under review, the bill received support and opposition from key city councilmembers, worker advocacy groups, legal and labor experts, as well as business groups and employers.[72] In January 2019, testimony

---

> f. The department shall report annually on its website the number and nature of the complaints received pursuant to this chapter, the results of investigations undertaken pursuant to this chapter, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications pursuant to this chapter, and the average time for a complaint to be resolved pursuant to this chapter.

Id.

64. *Id.* § 20-1401.

65. *See id.* Chain businesses refers to:

> [A]ny employer that is part of a group of establishments that share a common owner or principal who owns at least thirty percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in general business law section 681; provided that the total number of employees of all such establishments in such group is at least ten.

Id.

66. *Id.*

67. *Id.* § 20-1402(2).

68. *Id.* § 20-1402(a)(1).

69. *See id.* §§ 20-1402, 20-1403 (subjecting employers to a fine of up to $50 per employee for failure to provide notice).

70. *See id.* § 20-1406(b).

71. *See id.* § 20-1406(d)-(e).

72. *See generally A Local Law to Amend the New York City Charter and the Administrative Code of the City of New York, in Relation to Private Employees Disconnecting from Electronic*

provided during the hearing on the proposed right to disconnect reflected concerns for work-life balance, but opposition to enactment in light of insufficient research, enforcement challenges, and anticipated, disruptive, consequences on business operations.[73]

Although New York's Right to Disconnect bill was laid over in committee, it signaled domestic recognition of the importance of work-life balance, even in the city that never sleeps. It also paved the way for legislative efforts, such as those discussed above in California, and more recently, in neighboring state, New Jersey.

C. NEW JERSEY

In September 2024, New Jersey Assembly Bill No. 4852 ("A.B. 4852") was introduced before the 221st Legislature of the State of New Jersey (2024-

---

Communications During Non-Work Hours, Hearing on Int. No. 0726-2018 Before the Comm. on Consumer Affs. & Bus. Licensing, N.Y.C. Council, Reg. Session (N.Y. 2019).

73. Testimony from National Mobilization Against SweatShops (NMASS) supported the right to disconnect as a means to combat exploitation and long work hours and agreed with its potential to provide for necessary work-life balance. *See id.* (statement of Yanin Pena, Nat'l Mobilization Against SweatShops). Testimony from Casey Adams, Director of City Legislative Affairs for the New York City Department of Consumer Affairs (DCA), agreed with the need for employees to disconnect during nonworking hours but asserted that the DCA did not support the legislation due to anticipated enforcement challenges and perceived, insufficient research. *See id.* (statement of Casey Adams, Dir. of City Legis. Affs., N.Y.C. Dep't of Consumer Affs.). Testimony from the Partnership for New York City further opposed enactment of the bill on the basis that it would intrude on employer-employee relationships, particularly in business settings where companies may operate across various time zones. *See id.* (statement of Kathryn Wylde, President & CEO, Partnership for N.Y.C.). Testimony from the Real Estate Board of New York (REBNY) also opposed enactment on the basis that such vague regulatory requirements might hinder business operations, particularly in emergency settings. *See id.* (statement of Zachary Steinberg, Vice President of Pol'y, Real Est. Bd. of N.Y.). Testimony from organization, Bryant Park Corporation and 34th Street Partnership opposed enactment on the basis that it would negatively impact its ability to manage public spaces effectively noting that communication with vendors and contractors were an essential aspect of its business. *See id.* (statement of Dan Biederman, President, Bryant Park Corp. & 34th St. P'ship). Testimony from Tech:NYC supported the need to address work-life balance but noted that the legislation would impact its global operations and otherwise flexible work arrangements. *See id.* (statement of Bryan Lozano, External Affs. Manager, Tech:NYC). Testimony from the Brooklyn Chamber of Commerce also supported the bill's objectives, but expressed concerns for smaller businesses that likely lack resources necessary for compliance. *See id.* (statement of Samara Karasyk, Chief Pol'y Off., Brook. Chamber of Com.). Testimony from Alliance for Downtown New York also expressed support for work-life balance as proposed in the bill, but expressed concerns about tits impact on rapidly growing businesses, as well as an employee's personal preference for non-standard communications. *See id.* (statement of All. for Downtown N.Y.). Testimony from the New York City Hospitality Alliance also opposed the billed on the basis that it would micromanage work practices and essential communications in the hospitality industry. *See id.* (statement of Andrew Rigie, Exec. Dir., N.Y.C. Hosp. All.). Testimony from New York Building Congress similarly expressed concerns for the legislative framework defining emergencies, and suggested that the law include exclusions for parties such as construction firms. *See id.* (statement of N.Y. Bldg. Cong.). Testimony from the Manhattan Chamber of Commerce similarly objected to the bill's enactment in light of the burden it could place on local businesses and lack of clarity surrounding emergency situations. *See id.* (statement of Jessica Walker, President & CEO, Manhattan Chamber of Com.).

2025).[74] The bill was subsequently referred to the Assembly Labor Committee for review.[75] As of mid-2025, the bill remained pending in committee, with no record hearings, amendments, or votes, awaiting further action.[76] It's also worth noting, though, that, feedback has begun to emerge from various business groups and other stakeholders.[77] New Jersey's Right to Disconnect bill, much like that of New York and California, aims to protect employees from being required to engage in work-related communications during non-standard working hours.[78] If enacted, it would likewise be the first of its kind in an evolving landscape concerning employee rights.

A.B. 4852 consists of two subsections.[79] Subsection 1(a), as proposed, includes definitions for key terms such as "[e]mergency,"[80] "[e]mployer,"[81] "[n]onworking hours,"[82] "[p]attern of violation,"[83] "[r]ight to disconnect,"[84] and "[s]cheduling,"[85] New Jersey's right to disconnect bill would require that employers establish workplace policies permitting employees to disconnect from communications during nonworking hours, which would in turn be agreed upon between covered employees and employers in a written agreement.[86] Similar to the legislation proposed in California and New York, New

---

74. *See generally* A.B. 4852, 221st Leg., Reg. Sess. (N.J. 2024) ("This bill requires a public or private employer to establish a workplace policy that provides an employee the right to disconnect from communications from the employer during nonworking hours. The bill defines the right to disconnect to mean that, except for an emergency or for scheduling, as defined, an employee has the right to ignore communications from the employer during nonworking hours. Further, the bill requires nonworking hours to be established by written agreement between an employer and employee. An employee may file a complaint of a pattern of violation with the Commissioner of Labor and Workforce Development. A pattern of violation is punishable by a fine of not less than $100.").

75. *See generally New Jersey Assembly Bill 4852*, LEGISCAN, https://legiscan.com/NJ/bill/A4852/2024 [https://perma.cc/5WCZ-PEAS] (last visited Jan. 14, 2026).

76. *See generally id.*

77. *See generally id.*

78. *See generally* A.B. 4852, 221st Leg., Reg. Sess. (N.J. 2024); discussion *supra* Sections III.A, III.B.

79. *See generally* A.B. 4852, 221st Leg., Reg. Sess. (N.J. 2024).

80. *Id.* § 1(a) ("'Emergency' means an unforeseen situation that threatens an employee, customer, or the public; disrupts or shuts down operations; or causes physical or environmental damage.").

81. *Id.* ("'Employer' means the State and political subdivisions of the State and private employers.").

82. *Id.* ("'Nonworking hours' means hours before and after an employee's assigned hours of work, whether stated in the employee's job description or stated otherwise.").

83. *Id.* ("'Pattern of violation' means three or more documented instances of violating the right to disconnect.").

84. *Id.* ("'Right to disconnect' means, except as provided in subsection b., an employee has the right to ignore communications from the employer during nonworking hours.").

85. *Id.* ("'Scheduling' means changes to a schedule within 24 hours.").

86. *See id.* § 1(d) ("An employer shall establish a workplace policy that provides employees with the right to disconnect from communications from the employer during nonworking hours. Nonworking hours shall be established by written agreement between an employer and employee.

Jersey's bill includes an exception for emergency situations and scheduling as defined therein.[87] If enacted, the bill will provide employees with the right to file a complaint against employers who exhibit a pattern of violation with the Commissioner of Labor and Workforce Development.[88] If found liable, civil penalties could be assessed against employers of at least $100.[89]

Since its proposal, the bill has received support and opposition from key proponents and opponents. Assemblywoman Heather Simmons, who introduced the bill for consideration, has been a strong advocate for the work-life balance that the law aims to safeguard.[90] Referenced reports from the World Health Organization and International Labour Organization highlight the need for boundaries in a post-COVID-19 environment, where telework resulted in increased communications and longer working hours, further blurring the line between professional and personal lives.[91] The Society of Human Resource Management (SHRM) and Garden State Council-SHRM have, however, been strong opponents of the bill, arguing that its "one-size-fits-all" approach will limit employer autonomy and workplace culture.[92] SHRM and

---

An employer may contact an employee during nonworking hours for an emergency or for scheduling.").

87. *Compare* A.B. 2751, Cal. Leg., 2023-2024 Leg., Reg. Sess. (Cal. 2024), *and* N.Y.C., N.Y., No. 726-2018 (2018), *with* A.B. 4852, 221st Leg., Reg. Sess. (N.J. 2024).

88. *See* A.B. 4852, 221st Leg., Reg. Sess., §1(c) (N.J. 2024) ("The policy shall not include any provision which reduces rights provided to workers pursuant to law, including, but not limited to, all rights to be compensated for work performed, including, but not limited to, rights provided by this act, P.L.1965, c.173 (C.34:11-4.1 et al), and P.L.1966, c.113 (C.34:11-56a et seq.), and all rights to take time off from work, including, but not limited to, rights provided by P.L.1989, c.261 (C.34:11B-1 et seq.), P.L.2013, c.82 (C.34:11C-1 et seq.), P.L.2018, c.10 (C.34:11D-1 et seq.), P.L.1948, c.110 (C.43:21-25 et seq.), and P.L.2008, c.17 (C.43:21-39.1 et al).").

89. *See id.* § 1(d) ("An employee may file a complaint concerning a pattern of violation of this section with the Commissioner of Labor and Workforce Development. When the commissioner finds that an employer has violated this act, the commissioner shall be authorized to assess a civil penalty of not less than $100. The penalty may be recovered in a summary proceeding pursuant to the 'Penalty Enforcement Law of 1999,' P.L.1999, c.274 (C.2A:58-10 et seq.).").

90. *See generally Simmons Introduces Bill Establishing Right to Disconnect from Work*, N.J. ASSEMB. DEMOCRATS (Oct. 16, 2024), https://www.assemblydems.com/CivicAlerts.aspx?AID=12356 [https://perma.cc/QRY3-BG67] ('"While remote work has created numerous opportunities, as we transition back to in-person settings, we're seeing high value being placed on after-hours personal time,' said Assemblywoman Simmons (Gloucester, Salem, Cumberland). 'This bill is meant to ensure both employers and employees have a structure to not only improve their relationship but also to make sure businesses can recruit and retain a modern workforce who are increasingly prioritizing their personal lives."').

91. *See id.* (referencing WHO/ILO, TECHNICAL BRIEF, *supra* note 1).

92. *See generally* Ginger Christ, *SHRM Challenges New Jersey's 'Right to Disconnect' Bill*, HRDIVE, (Dec. 4, 2024), https://www.hrdive.com/news/shrm-challenges-new-jersey-right-to-disconnect-bill/734587/ [https://perma.cc/XFB7-BJV7] ('"The legislation creates a catch-22 for an employee who cannot be simultaneously disconnected to comply with the law and connected to the employer to respond to an emergency,' the organizations wrote in a Nov. 19 letter sent to the bill's author. 'An employee needs to be connected to determine the nature of the communication from their employer.' The organizations offered to work with Simmons and the New Jersey Legislature 'to develop policies that prioritize employee well-being while ensuring business continuity and

the Garden State Council-SHRM expressed concerns regarding enforcement and the bill's definition of the term "emergency."[93] As with similar objections shared in California and New York, concerns of this nature seem to center around the law's impact on long-term global competition and business practices.[94] However, the organizations have likewise expressed interest in working with proponents of the bill, as well as the New Jersey legislature, to create policies that will foster a health work environment and support employee well-being while maintaining operational efficiency and organizational success for impacted employers.[95]

D. CALIFORNIA, NEW YORK CITY, & NEW JERSEY: COMPARATIVE ANALYSIS

Trends in California, New York City, and New Jersey concerning employee rights and the role of technology in the modern workplace are telling of forthcoming policies and legislation. Although the bill presented in New York City failed to reach enactment, a similar framing has been put forward by proponents in California and New Jersey. Similarly, while California's initiative ultimately failed in committee, if enacted, it would have resulted in a state-wide effort to regulate workplace expectations during nonworking hours. As of 2025, New Jersey's initiative remains pending, and if it were to gain traction, next steps would include a committee hearing and vote, followed by an Assembly floor vote, introduction to the State Senate for referral, and subsequent voting and reconciliation, as needed.[96]

As noted above, New York City, California, and New Jersey each attempted to enact legislation that would make it unlawful for employers to require that their employees access work communications during nonworking hours. Proposed legislation in each of these jurisdictions aimed to required that employers adopt written policies and/or agreements on the matter.[97] While New York City's proposed law limited coverage to private employers with ten or more employees, legislation proposed in California

---

success.' 'SHRM and GSC-SHRM recognize the need for clear expectations regarding when and how work gets done, but our experience shows that blanket approaches to challenges in the workplace usually fail to deliver the expected results and often harm those they are designed to help,' the letter said.").

93. *See id.*

94. *See generally New Jersey Assembly Bill 4852*, *supra* note 75; discussion *supra* Sections III.A, III.B, III.C.

95. *See generally New Jersey Assembly Bill 4852*, *supra* note 75.

96. *See generally id.*

97. *See* A.B. 2751, Cal. Leg., 2023-2024 Leg., Reg. Sess. (Cal. 2024); A.B. 4852, 221st Leg., Reg. Sess. (N.J. 2024); N.Y.C., N.Y., No. 726-2018 (2018).

and New Jersey applied to all private and public employers.[98] Legislative initiatives in each of these jurisdictions included provisions accounting for the rights of employees covered by valid collective bargaining agreements.[99] Additionally, each jurisdiction provided employees with the right to file claims with an administrative agency armed with enforcement powers, including the ability to impose civil penalties and fines.[100] While each piece of proposed legislation also provided exemptions for emergencies,[101] critics of government regulation in this area have consistently expressed concerns regarding such vague classifications.[102] Opponents have likewise pointed to potential challenges with enforcement, as well as the need for specified exemptions and freedoms to contract between employers and employees.[103]

Although New York City's bill failed, California's subsequent proposed legislation reflected the closet attempt at enactment of the right to disconnect in American jurisprudence.[104] Further, while New Jersey's bill remains pending, acknowledgement from organizations primarily concerned with employer rights, reflecting a willingness to work with the bill's proponents, seems to suggest that local and state efforts are moving in a direction that consistently recognizes the value in one's right to disconnect.[105] This is an important note, as the United States has yet to enact federal law on point.[106]

---

98. *Compare* N.Y.C., N.Y., No. 726-2018, § 20-1401 (2018), *with* A.B. 2751, Cal. Leg., 2023-2024 Leg., Reg. Sess. (Cal. 2024) (Legislative Counsel's Digest provides: "[t]his bill would require a public or private employer . . . ."), *and* A.B. 4852, 221st Leg., Reg. Sess., § 1(a) (N.J. 2024) (defining "[e]mployer" as "the State and political subdivisions of the State and private employers").

99. *See* A.B. 2751, Cal. Leg., 2023-2024 Leg., Reg. Sess., § 1198.2(g) (Cal. 2024); A.B. 4852, 221st Leg., Reg. Sess., § 1(e) (N.J. 2024); N.Y.C., N.Y., No. 726-2018, § 20-1405 (2018).

100. *See* A.B. 2751, Cal. Leg., 2023-2024 Leg., Reg. Sess., §1198.2(e) (Cal. 2024); A.B. 4852, 221st Leg., Reg. Sess., § 1(d) (N.J. 2024); N.Y.C., N.Y., No. 726-2018, § 20-1406 (2018).

101. *See* A.B. 2751, Cal. Leg., 2023-2024 Leg., Reg. Sess., §1198.2(a)(1), (d) (Cal. 2024); A.B. 4852, 221st Leg., Reg. Sess., § 1(a)-(b) (N.J. 2024); N.Y.C., N.Y., No. 726-2018, § 20-1402 (2018).

102. *See generally* discussion *supra* Sections III.A, III.B, III.C.

103. *See supra* notes 93-94 and accompanying text.

104. See generally Kimberly C. Carter et al., *California's Exploration of the "Right to Disconnect" – What Does It Mean?*, 50 EMP. RELS. L.J. 22 (2024) (discussing how California's proposal represents a pivotal moment in American labor law, signaling potential alignment with global trends); Anthony Zaller, *California Proposed "Right to Disconnect" Bill Creates Right to Refuse to Work Overtime*, ZALLER L. GRP., PC (Apr. 19, 2024), https://www.californiaemploymentlawreport.com/2024/04/california-proposed-right-to-disconnect-bill-creates-right-to-refuse-to-work-overtime/ [https://perma.cc/J3TB-UBRJ].

105. *See generally SHRM and Garden State Council-SHRM Oppose N.J. Right-to-Disconnect Bill*, SHRM (Nov. 26, 2024), https://www.shrm.org/advocacy/shrm-and-garden-state-council-shrm-oppose-n-j—right-to-disconne [https://perma.cc/DS34-ZLBE].

106. *See* Christ, *supra* note 92 ("Some countries, including France, Argentina, Ireland and Australia, give workers the legal right not to respond to emails or calls after hours and not face negative repercussions. But these 'right to disconnect' laws haven't made headway in the U.S. yet. . . . The laws, in part, try to protect workers' time amid the blurring of boundaries that has accompanied technological advancements and the growth of remote and hybrid work. In Chile and Mexico, for example, the laws only apply to remote workers. Any right to disconnect movement in

However, if the past is any indication of the future, change is on the horizon. Historically, federal legislation advancing broad employee rights has followed a similar trajectory – one that increasingly, and hopefully, points toward formal acknowledgment of the right to disconnect.

IV. DRAWING ON PAST PARALLELS: FEDERALLY PROTECTED EMPLOYMENT RIGHTS & BENEFITS

The employer-employee relationship as framed in American law has undergone significant changes throughout the country's history.[107] Its evolution reflects shifts from laissez-faire, contractual principles, to modern, regulatory protections.[108] While, at common law, employment was largely defined by its at-will nature, with minimal safety nets, the landscape that defines our modern approach to employment has been shaped by federal and state intervention in the form of statutory benefits.[109] A brief reflection on social insurance programs that are now considered commonplace may provide a roadmap detailing the path ahead for the right to disconnect. The section that follows highlights the legal evolution of pension plans and health insurance benefits, paralleled with the right to disconnect.

A. EMPLOYEE RETIREMENT BENEFITS: PENSION PLANS

At its core, a pension empowers an individual with the prospect of retirement after a lifetime of service and commitment. The relationship between pension benefits and retirement goals closely mirrors the ways in which the right to disconnect actively supports work-life balance. Pensions serve as a source of monetary compensation, paid to employees, upon retirement. Today, pensions are governed primarily by federal statutory law and broadly comprise Social Security benefits, public employee retirement systems, and private plans.[110] Early iterations of public pensions included benefits paid to veterans serving in the American Revolutionary War, Mexican-American War, and Civil War.[111] As the private sector expanded, the

---

the U.S. would likely be led by businesses and then states, Alan King, president and CEO of Workplace Options, a global employee well-being company, previously told HR Dive.").

107. *See US Labor and Employment Law: Key Historic Legislation*, PRAC. L. THE J. (2025), https://www.reuters.com/practical-law-the-journal/government/us-labor-employment-law-key-historic-legislation-2025-09-01/ [https://perma.cc/J7TR-QXNH].

108. *See id.*

109. *See Developments in the Law—Labor and Employment*, 136 HARV. L. REV. 1587, 1588-91 (2023).

110. *See generally id.* (discussing the evolution of federally mandated benefit schemes, including Social Security, public retirement systems, and private pension plans, as the cornerstone of modern employment law).

111. *See generally* Theda Skocpol, *America's First Social Security System: The Expansion of Benefits for Civil War Veterans*, 108 POL. SCI. Q. 85 (1993); *1600s-1800s*, SOC. SEC. SPECIAL

American Express Company became the first entity to establish a private pension plan in 1875.[112] Following suit, companies in the manufacturing, utilities, and banking industries began offering defined benefit plans that provided employees with a specific monthly benefit upon retirement.[113]

Such initiatives in the private sector reflect the evolution of the relationship between employers and employees throughout American history.[114] As the United States entered the Progressive Era between the 1890s and 1920s, employers responded to employee demands for increased labor rights, economic reform, and improved working conditions.[115] During this time, private pension plans offered by employers increased significantly.[116] This trend continued with the implementation of the Revenue Act of 1913, 1921, and 1926, which incentivized employer participation with tax exemptions.[117] Although such trends reflect the evolving dynamics of the employer-employee relationship as well as the needs of the workforce, a lack of regulatory oversight resulted in inconsistent, private pensions, leaving employees with little to no protection.[118] This typically meant that employers had wide discretion regarding eligibility, vesting, and funding.[119] Plans could be changed without notice and employees were provided with little to no information about the status or funding of their pension plans.[120] Further, if a company went

---

COLLECTIONS, https://www.ssa.gov/history/1600.html [https://perma.cc/V6ZR-LANZ] (last visited Oct. 28, 2025); *Revolutionary War Veteran and Widow Pensions*, NAT'L PARK SERV. (Aug. 8, 2023), https://www.nps.gov/articles/000/revolutionary-war-veteran-and-widow-pensions.htm [https://perma.cc/L4R4-3L35]; *Military Records: Mexican War*, NAT'L ARCHIVES, https://www.archives.gov/research/military/mexican-war [https://perma.cc/3W7R-XS8V] (last visited Oct. 28, 2025) (illustrating how military service benefits laid the foundation for subsequent, statutory, pension schemes).

112. *See History*, PENSION BENEFIT GUAR. CORP. (July 21, 2025), https://www.pbgc.gov/about/who-we-are/history [https://perma.cc/3NYP-CLU9].

113. *See id.*

114. *1600s-1800s*, *supra* note 111 ("The first private pension plan in American industry was adopted by American Express. It provided benefits for employees 60 years of age or over who had 20 years service with the company and were incapacitated for further performance of duty.").

115. *See The Progressive Era Key Facts,* BRITANNICA, https://www.britannica.com/summary/The-Progressive-Era-Key-Facts [https://perma.cc/LPC6-AG8K] (last visited Oct. 28, 2025); *Congress And The Progressive Era*, U.S. CAP. VISITOR CTR., https://www.visitthecapitol.gov/exhibition/congress-and-progressive-era [https://perma.cc/RNW9-EZAJ] (last visited Oct. 28, 2025).

116. *See generally A Timeline of the Evolution of Retirement in the United States*, GEO. UNIV. L. CTR. (Mar. 26, 2010), https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi [https://perma.cc/X8U9-5Y2H].

117. *See id.* at 1.

118. *See History*, *supra* note 112.

119. *See generally id.* ("Until 1974, there was little or no protection for pensions. . . . Workers everywhere were in jeopardy of losing their pensions when companies went out of business, and there was nowhere they could turn for help.").

120. *See id.*

bankrupt or mismanaged allocated funds, employees were at risk of losing all benefits.[121]

Finally, "[i]n 1974, Congress passed the Employee Retirement Income Security Act (ERISA)."[122] Signed into law ninety-nine years after the creation of the first private pension plan in 1875, Congress designed ERISA to protect employees and establish minimum standards for plan components such as participation, vesting, benefit accrual, and funding.[123] While ERISA does not mandate that private employers provide their employees with retirement benefits, it establishes a framework for compliance with those plans when employers choose to provide them. [124] Additionally, ERISA created fiduciary responsibilities for plan managers, mandated particular aspects of reporting and disclosure, and created mechanisms for civil enforcement.[125]

Much like ERISA's enactment in response to failures such as Studebaker's decline,[126] the right to Disconnect has emerged on a global scale, in response to widespread burnout, mental health concerns, and off-centered work-life balance in the modern digital age.[127] Prior to the enactment of ERISA, pensions were largely unregulated, providing little to no safeguards for recipients.[128] Similarly, as of 2025, the United States has yet to enact federal legislation on point and initiatives made in a handful of states have yet to find success.

However, ERISA's enactment in response to widespread concerns regarding employee benefits of this nature followed a pattern, wherein corporations increasingly recognized and supported this right on a contractual level.[129] While pensions grew, with its peak of adoption circa the 1950s

---

121. *Id.*

122. *Id. See generally* Employment Retirement Income Security Act of 1974, Pub. L. No. 93-406, 88 Stat. 829 (codified as amended in scattered sections of the U.S. Code.). It is worth noting that Congress passed ERISA in direct response to events involving automobile manufacturer, Studebaker, in 1963. Studebaker's decision to terminate its employee pension plan impacted approximately 8,5000 auto workers in its South Bend, Indiana plant. Employees lost either some or all of their previously guaranteed pension plan benefits. *See generally History*, *supra* note 112.

123. *Id.*; William J. Wiatrowski, *ERISA at 50: BLS Tracks the Evolution of Retirement Benefits*, U.S. BUREAU OF LAB. STATS. (2024), https://www.bls.gov/opub/mlr/2024/article/erisa-at-50-bls-tracks-the-evolution-of-retirement-benefits.htm [https://perma.cc/2TLN-EVVD].

124. *Id.*

125. *Id.*

126. *See History*, *supra* note 112 ("The late Senator Jacob Javits of New York . . . found [the Studebaker] situation a threat to the private pension system and, in 1967, introduced pension reform legislation to protect the benefits of millions of workers covered by private pension plans."); *see also supra* note 122.

127. *See* WHO/ILO, TECHNICAL BRIEF, *supra* note 1, at 13; WEBER & ADĂSCĂLIȚEI, *supra* note 10, at 2.

128. Wiatrowski, *supra* note 123.

129. *See generally 50 Years of ERISA and EBSA*, U.S. DEP'T OF LAB., https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-50th/timeline

through the 1980s, such implementation in the private sector signaled a desire on the part of employers to help ensure employee satisfaction through long-term financial security.[130] Similarly, widespread adoption of policies that support the right to disconnect in the private sector could signal to employees that their employers are invested in their immediate well-being and desire to set appropriate boundaries.[131] This may then, in turn, lead to state, and eventually, federal, legislation aimed at providing employers and employees alike with oversight protections and consistency.

B. EMPLOYEE HEALTH INSURANCE: EMPLOYER-SPONSORED HEALTHCARE BENEFITS

A review of the evolution of employer-sponsored health insurance benefits reveals a similar pattern that may likewise be telling of what is next for the right to disconnect. Today, employer-provided health insurance is commonplace.[132] Much like other employer-sponsored benefits, health insurance of this nature was molded during the twentieth century by significant changes in society, triggered by demands made by members of the workforce, and reinforced by legislative initiatives.[133] Between the 1870s and 1920s, early forms of health coverage and sickness funds were often offered through union-sponsored programs.[134] One of the earliest forms of such funds and programs, the Granite Cutters' Union, established the first national sick benefits program in 1877.[135] Plans of this era tended to protect loss of income, as opposed to medical expenses, but were on the rise in light of the dangerous work conditions and health risks impacting industrial workers.[136] Around this

---

[https://perma.cc/BXN2-ZUYT] (last visited Nov. 28, 2025) (demonstrating the increasing prevalence of pension benefits in the United States).

130. *See generally* Wiatrowski, *supra* note 123.

131. *See generally id.*

132. *See generally* Gary Claxton et al., *Employer Health Benefits 2024 Annual Survey*, KFF 7 (2024), https://files.kff.org/attachment/Employer-Health-Benefits-Survey-2024-Annual-Survey.pdf [https://perma.cc/CF56-ZBBQ] ("Employer-sponsored insurance covers 154 million nonelderly people."); *Health Insurance Coverage of Population Ages 0-64*, KFF: STATE HEALTH POL'Y DATA (2023), https://www.kff.org/state-health-policy-data/state-indicator/health-insurance-coverage-population-0-64/ [https://perma.cc/GV8Y-ZSQY].

133. *See generally* COMM. ON EMP.-BASED HEALTH BENEFITS, INST. OF MED., EMPLOYMENT AND HEALTH BENEFITS: A CONNECTION AT RISK 49-85 (Marilyn J. Field & Harold T. Shapiro eds., 1993) (describing how shifts in labor mobilization, employee advocacy, and federal and state legislation shaped the modern employer-based health insurance system).

134. *See id.* at 51.

135. *See id.* at 54.

136. *Id.* at 51 ("By the beginning of the nineteenth century in Europe, guilds, unions, mutual aid societies that crossed occupational lines, fraternal associations, and other private groups had already developed various forms of collective action …. Such efforts became more widespread as the Industrial Revolution took hold and the hazards of workplace injury and related wage loss became a major concern.").

time, organizations such as the American Association of Labor Legislation began promoting the need for mandated health insurance.[137] Although such efforts failed to gain traction, by 1929, Baylor University Hospital became one of the first entities to offer prepaid hospital plans.[138] Then, in the 1940s, employer-based policies began to grow, due in part to various exemptions and legislatively driven incentives regarding tax advantages and wage controls.[139] Further, the introduction of federal programs such as Medicare and Medicaid in 1965 suggested broader societal trends assigning value to healthcare coverage.[140] The creation of Medicare and Medicaid programming provided publicly funded health insurance for an aging population, as well as low-income individuals, and also established a precedent for federal involvement in healthcare.[141] Such involvement continued into the decades that followed.

Prior to the 1970s, government regulations concerning employer-sponsored health benefits focused on policy concerns regarding collective bargaining and taxation.[142] However, shortly after the creation of Medicare and Medicaid programing, Congress enacted a series of additional measures geared towards regulating healthcare. In 1973, Congress passed the Health Maintenance Organization (HMO) Act, "which mandated that most employers offer their employees a federally qualified HMO if one was available."[143] A year later, Congress enacted ERISA, largely preempting state laws in an attempt to provide a more uniform body of controlling legislation.[144] Further, Congress influenced the evolution of employer-sponsored health benefits by enacting the Health Insurance Portability and Accountability Act (HIPAA)

---

137. *Id.* at 58.

138. *Id.* This programming also became the model for Blue Cross and Blue Shield's federation of U.S. based health insurance organizations and companies. *See id.* at 65-66.

139. *See generally id.* at 68-71. In an effort to curb inflation and avoid the economic instability experienced after World War II, during this timeframe in particular, the U.S. government implemented wage freezes. Noting that such policies were not likely to be well received by the labor force, and in an attempt to prevent strikes, the War Labor Board provided an exemption for employer-offered health insurance benefits. This exemption allowed employers to offer health benefits outside the age cap restrictions. As a result, more and more companies began providing health insurance benefits to their employees as a means of attracting and retaining workers, without fearing violation of the wage controls. Such employer contributions were also exempt from income taxations, which meant that they were cost-effective and appealing to employees and employers alike. Additionally, an amendment made to the Internal Revenue Code in 1954 excluded employer contributions to health insurance from taxable income, thereby encouraging widespread adoption. *See generally id.*

140. *Id.*

141. *Id.*

142. *See id.* at 82.

143. *Id. See generally* Health Maintenance Organization Act of 1973, Pub. L. No. 93-222, 87 Stat. 914 (codified at 43 U.S.C. § 300e).

144. *See* COMM. ON EMP.-BASED HEALTH BENEFITS, *supra* note 133, at 82-83.

of 1996, which aimed to ensure the portability of health coverage and provide patients with privacy protections.[145] Most recently, in 2010, the enactment of the Patient Protection and Affordable Care Act (ACA) mandated employer-sponsored coverage for businesses with fifty or more full-time employees, while also expanding the realm of health insurance to include essential health benefits, coverage for pre-existing conditions, and individual mandates.[146]

C. AN EVOLVING WORKFORCE DRIVES THE LAW'S LEGISLATIVE AGENDA

Much like the evolution of pension and retirement benefits in the United States, this summary suggests that the role of healthcare and health benefits experienced a transformation both alongside and in response to the needs of the workforce. Both retirement benefits and health benefits saw initial implementation on a smaller, privatized scale.[147] Shifts in industrialization, economic factors, and the resulting workforce coincided with this evolution.[148] Similarly, federal laws providing tax exemptions and protections seem to have prompted the initial widescale adoption of both employer-sponsored retirement benefits and healthcare programming towards the middle of the twentieth century.[149] In both cases, federal legislation followed, resulting in widespread, uniform regulation of the industry.

Parallels can be drawn between these historical trends and the emergence of the right to disconnect. While healthcare benefits signaled physical and financial protections for covered employees, similarly, the right to disconnect attempts to provide safeguards for an individual's mental health and well-being. Here too, the role of the private sector in leading the way as policy enforcers focused on prioritizing an employee's right to disconnect cannot be understated, as this may ultimately prompt the development of state-level, and eventually, federal laws that ensure consistent oversight and protections for both employers and employees alike. An analysis of the evolution of the right to disconnect in foreign jurisdictions such as France and Germany seem to confirm its significance and eventual place in American life.

---

145. *See Health Insurance Portability and Accountability Act of 1996 (HIPAA)*, CDC: PUB. HEALTH L. (Sep. 10, 2024), https://www.cdc.gov/phlp/php/resources/health-insurance-portability-and-accountability-act-of-1996-hipaa.html [https://perma.cc/ATP6-EGLC]. *See generally* Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (codified as amended in scattered titles of the U.S.C.).

146. *See About the Affordable Care Act*, U.S. DEP'T OF HEALTH & HUM. SERVS., https://www.hhs.GOV/healthcare/about-the-aca/index.html [https://perma.cc/7ZBY-V57M] (last visited Oct. 28, 2025). *See generally* Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010) (codified as amended in scattered titles of the U.S.C.).

147. *See generally* discussion *supra* Section IV.A.

148. *See generally id.*

149. *See generally id.*

V. DRAWING ON GLOBAL APPROACHES TO REGULATING EMPLOYEE RIGHTS TO DIGITAL DISCONNECTION

Digital disconnection rights are becoming increasingly common on a global scale.[150] For example, developments in European countries such as France and Germany may provide valuable insights for American policymakers grappling with how best to address after-hours workplace communications. In 2017, French legislative efforts established statutory rights aimed at protecting an employee's right to disconnect using a legally enforceable framework, backed by potential sanctions.[151] In contrast, Germany adopted an industry-driven approach, relying primarily on collective bargaining agreements and voluntary corporate policies rather than comprehensive statutory mandates.[152] Such policies have been implemented by major German corporations, including the Volkswagen Group.[153] By analyzing how these distinct European models have functioned in practice—from France's top-down legislative framework to Germany's collaborative, employer-led initiatives—this section evaluates the potential implications for the policy development of digital disconnection legislation in America, considering both the benefits of statutory certainty and the flexibility of industry-specific solutions in addressing the complex intersection of technology, labor relations, and worker well-being.

---

150. *See generally* Naj Ghosheh, ILO, *Telework and the Right to Disconnect: International Experiences* (2022), https://www.ilo.org/wcmsp5/groups/public/—-europe/—-ro-geneva/—-ilo-lisbon/documents/genericdocument/wcms_836190.pdf [https://perma.cc/6ES7-4GA4]; Klaus Müller, *The Right to Disconnect*, BRIEFING: EUROPEAN ADDED VALUE IN ACTION – EUROPEAN PARLIAMENTARY RESEARCH SERVICE (2020), https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/642847/EPRS_BRI(2020)642847_EN.pdf [https://perma.cc/KP7C-BMPV] ("A number of EU countries have recently taken affirmative steps to regulate the (tele)work-related use of digital communication in order to provide employment protection to employees. Eurofound (2020) classifies the provisions addressing teleworking in different Member States as follows: 'balanced promote-protect' approach: specific legislation introducing a legal framework for the right to disconnect (Belgium, France, Italy and Spain); 'promoting' approach: legislation on the use of telework, with provisions identifying its potential advantages but not its potential disadvantages (Czechia, Lithuania, Poland and Portugal); 'general' regulatory approach: only general legislation regulating the use of tele/remote work (Austria, Bulgaria, Estonia, Germany, Greece, Croatia, Hungary, Luxembourg, Malta, the Netherlands, Romania, Slovenia and Slovakia); no specific legislation governing tele- or remote working (Cyprus, Denmark, Finland, Ireland, Latvia and Sweden)." (emphasis omitted) (footnote omitted)).

151. *See generally* CODE DU TRAVAIL [C. TRAV.] [LABOR CODE] art. L2242-8 (Fr.).

152. Pascal R. Kremp, *Employment and Employee Benefits in Germany: Overview* (Country Q&A, Thomson Reuters Practical Law) (Mar. 1, 2024), https://uk.practicallaw.thomsonreuters.com/3-503-3433?transitionType=Default&contextData=(sc.Default)&firstPage=true.

153. *See* Müller, *supra* note 150, at 3.

A. FRENCH MODEL[154]

In 2017, France became one of the world's first nations to adopt comprehensive legislation governing the right to disconnect.[155] The law requires employers with fifty or more employees to either negotiate agreements with employees or unions, or create "charters of good conduct" that specify when employees are not required to respond to after-hours electronic communications.[156] The law aims to protect work-life balance and ensure employees are compensated for after-hours work communications.[157] However, it lacks clear enforcement mechanisms and exempts smaller employers.[158]

B. GERMAN MODEL

Germany, on the other hand, has chosen a voluntary, industry-driven approach, identifying "social partners" (i.e., employer associations, trade unions, and government entities) as driving forces propelling the right to disconnect.[159] Major companies like Volkswagen, BMW, and Puma have voluntarily adopted policies restricting after-hours emails.[160] In 2013, the German Labor Ministry itself banned after-hours communications, except for emergencies.[161] This approach reflects the German work culture's emphasis on productivity during work hours and the essential need to protect personal

---

154. *Id.* ("France is considered the EU pioneer in legally recognising the right to disconnect. As early as 2013, a national cross-sectoral agreement on quality of life at work encouraged businesses to avoid any intrusion into employees' private lives by defining periods when their electronic communication devices could remain switched off. This right was subsequently made law on 8 August 2016 and is now regulated by Article L.2242-17 of the French Labour Code. The new law – focusing on the *droit à la déconnexion* (right to disconnect) – requires companies with 50 employees or more to establish a dialogue between employer and employees (via representatives) in order to regulate the use of digital tools beyond working hours, to specify employees' rights to switch off, and to ensure these rights are enforced. Furthermore, the right to disconnect has to be included in the mandatory annual negotiation process focussing on quality of life at work and gender equality. It only applies to businesses with 50 or more employees. Electronic requests made beyond working hours are compensatable time, just 'as if someone was having work phone conversations outside of normal business hours or reviewing files[.']").

155. *See generally* CODE DU TRAVAIL [C. TRAV.] [LABOR CODE] art. L2242-8 (Fr.).

156. *Id.*

157. *See* Paul M. Secunda, *The Employee Right to Disconnect*, 9 NOTRE DAME J. INT'L & COMP. L. 1, 27-28 (2019).

158. *See id.* at 28-29.

159. *See generally* Amol Sarva, *Why Germans Work Fewer Hours But Produce More: A Study in Culture*, HUFFPOST (Dec. 6, 2017), https://www.huffpost.com/entry/why-germans-work-fewer-ho_b_6172262 [https://perma.cc/FNK7-6MTA].

160. *Id.*

161. *See* Jeevan Vasagar, *Out of Hours Working Banned by German Labour Ministry*, TELEGRAPH (Aug. 30, 2013), https://www.telegraph.co.uk/news/worldnews/europe/germany/10276815/Out-of-hours-working-banned-by-German-labour-ministry.html https://perma.cc/UZY7-UGJJ].

time.[162] For example, the German automotive corporation, Volkswagen Group, has led the way in adopting policies that restrict e-mail communications outside of an employee's working hours.[163] The Volkswagen Group has proudly continued this tradition and practice into the 2020s.[164]

1. *The Volkswagen Group's Approach to Ensuring Digital Disconnection Through Corporate Governance*[165]

The Volkswagen Group recognizes the importance of a healthy, cared-for workforce. Its corporate governance includes various policies and procedures that acknowledge and prioritize the physical and mental well-being of its employees.[166] It spotlights the growing importance of mental health in the workplace and even further outlines a comprehensive strategy for addressing such issues, rooted in clinical and organizational principles that integrate mental health into company culture, operations, and employee support systems.[167]

Even as recent as 2023, the Volkswagen Group has implemented a digital disconnection policy as part of its broader Smart Working model, which aims to promote work-life balance and flexible working conditions.[168] Under this policy, employees have a right to discontinue the use of company telematic resources such as email communications, messaging, and the like, outside of their standard working hours.[169] The Volkswagen Group provides training and awareness initiatives for both employees and managers, where

---

162. *See generally id.*

163. *Id.*

164. *See generally* SEAT, S.A., ANNUAL REPORT 2023 (2023), https://uploads.vw-mms.de/system/production/documents/cws/002/692/file_en/aaf2dfd9b1374032fef06b22ffd832e3846e80d0/SEAT_Annual_Report_2023.pdf?1711353639 [https://perma.cc/JR68-3GYX].

165. *See generally* Sneha Solanki, *Corporate governance – Legal glossary*, THOMSON REUTERS CORPORATE LEGAL (Apr. 10, 2025), https://legal.thomsonreuters.com/blog/corporate-governance/#what-are-the-key-principles-of-corporate-governance [https://perma.cc/VLD4-FREC] ("Corporate governance refers to the rules, practices, and processes by which a corporation is directed and controlled. It creates the mechanism through which the corporation achieves its objectives, which aligns with the interests of shareholders, management, employees, customers, and the broader public.").

166. *See Statement on the Volkswagen Group's Strategy for Maintaining, Promoting and Restoring the Mental Health of Employees,* VOLKSWAGEN 2 (2020), https://uploads.vw-mms.de/system/production/documents/cws/001/881/file_en/10088426e7a0a26104f48c78566a70eb6a151951/202007_Mental-Health_en.pdf?1685441097 [https://perma.cc/HT7B-GVLX] ("As a guiding principle, mental health must be embedded as a fixed component in the company's policy, values and objectives to ensure that the conditions for a working environment which is conducive to good health are ensured both across the entire [g]roup and at all levels.").

167. *Id.*

168. *See generally* SEAT, *supra* note 164, at 20.

169. *See id.* at 66.

topics such as best practices and use of digital tools are covered in detail.[170] Further, the Volkswagen Group's digital disconnection policy specifies that a dedicated monitoring committee is tasked and provisioned with the oversight necessary to ensure compliance, as well as the resolution of any reported incidents.[171]

C. IMPLICATIONS FOR AMERICAN LAW AIMED AT PROTECTING THE RIGHT TO DISCONNECT

The French and German approach, as modelled by the Volkswagen Group, can shed insight on the future of American law in this area. In the time since France's adoption of a national framework on this point in 2017, and Germany's introduction of an approach driven by industry-specific players, New York City, California, and New Jersey each introduced legislation on point.

---

170. *See id.* at 20.

171. *See id.* at 66.

> After three years conditioned to different degrees by the COVID-19 pandemic, in 2023 the Smart Working hybrid work model and the digital disconnection policy continued to be implemented. The two initiatives allow the company to promote a flexible and dynamic working environment which facilitates a better work-life balance. . . . Smart Working is SEAT, S.A.'s hybrid model for the organisation of work which seeks to balance work in the office and flexible work [from anywhere] in order to meet the needs of both people and the company itself. This enables employees to achieve a better balance between their working and personal lives while maintaining efficiency and productivity. The system was agreed with the trade union representatives in July 2020, but the deterioration in the pandemic and the exceptional conditions that were applied forced its implementation to be postponed until May 2021. This is an optional system that is compatible with teleworking, provided employees have their managers' express approval. . . . The model allows staff to perform their tasks online from anywhere up to two days a week, organising their own timetable between 6:00am and 8:00pm. Outside the set timetable, the new digital disconnection policy, also approved in 2020, applies. The agreement also states that those who have people under their care, are breastfeeding or are victims of gender-based violence are given priority. To enjoy these conditions, staff must complete training in occupational risk prevention, as well as pass a medical fitness check conducted by the Health, Occupational Safety and Emergencies division. As of 31 December 2023, a total of 3,242 employees had opted for this working arrangement. . . . The implementation of Smart Working was carried out in parallel with the practical implementation of the company's digital disconnection policy, agreed as part of the same initiative. In its first point, this regulation defines disconnection as the right of staff to 'not make use of or connect to the telematic resources made available to them by the company [. . .] outside their working hours.' This policy also states that measures will be taken to train, provide information to and raise awareness among staff on the protection of and respect for their right to digital disconnection and on the proper use of telematic resources. A Monitoring Committee is specifically tasked with ensuring compliance with the policy by resolving any incidents or interpretation issues that arise. In 2023, it was not necessary to convene it on any occasion.

Id. (alterations in original).

VI. CONCLUSION

The emergence of right to disconnect legislation represents a critical juncture in American labor law's evolution, reflecting the fundamental tension between technological advancement and human welfare in the modern workplace. This analysis of legislative efforts in California, New York City, and New Jersey reveals both the growing momentum behind worker protection initiatives and the practical challenges inherent in regulating digital connectivity.

The historical trajectory of employer-sponsored benefits—from voluntary corporate initiatives to eventual federal regulation—provides compelling precedent for predicting the right to disconnect's future development. Like pension plans and healthcare benefits before it, digital disconnection protections appear poised to transition from corporate governance initiatives to comprehensive legislative frameworks. The European experience, particularly Germany's industry-driven approach exemplified by the Volkswagen Group's policies, demonstrates that effective worker protections can emerge through collaborative efforts between employers, unions, and government entities.

However, the American implementation of right to disconnect protections faces unique challenges rooted in the country's employment-at-will doctrine, fragmented regulatory structure, and diverse economic landscape. The failure of California's A.B. 2751 and the stalling of New York City's initiative illustrate the practical difficulties of balancing worker welfare with business operational needs. Critics' concerns about definitional ambiguity, enforcement challenges, and industry-specific variations reflect legitimate policy considerations that future legislative efforts must address.

The path forward likely requires a nuanced approach that combines federal minimum standards with state and industry-specific flexibility. Rather than the binary choice between comprehensive federal legislation and purely voluntary corporate initiatives, American policymakers should consider hybrid frameworks that establish baseline protections while allowing for sectoral adaptation. Such an approach could incorporate lessons from both the French legislative model's comprehensive coverage and the German collaborative model's industry responsiveness.

The COVID-19 pandemic's acceleration of remote work adoption has fundamentally altered the employment landscape, making digital disconnection rights not merely desirable but essential for sustainable workforce management. As the boundaries between work and personal life continue to blur, the question is no longer whether the United States will adopt right to

disconnect protections, but rather what form these protections will take and how quickly they will emerge.

The corporate governance initiatives already undertaken by progressive employers, combined with growing employee expectations for work-life balance, suggest that market forces may ultimately drive broader adoption even without immediate legislative mandates. However, the historical precedent of employment rights development indicates that comprehensive, uniform protection typically requires legislative intervention to ensure consistent application and prevent competitive disadvantages for early-adopting employers.

Ultimately, the right to disconnect represents more than a mere labor regulation—it embodies a fundamental reimagining of the employment relationship in the digital age. As American jurisdictions continue to grapple with these issues, the success of future initiatives will depend on their ability to balance worker protection with economic flexibility, creating sustainable frameworks that serve both human welfare and business innovation in an increasingly connected world.