

DECENT WORK IN THE DIGITAL AGE: THE RIGHT TO DISCONNECT UNDER THE INTERNATIONAL LABOUR FRAMEWORK

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Abstract

The digitalization of work has fundamentally altered the nature of employment, introducing both flexibility and new pressures that challenge traditional labor standards. The growing expectation of constant connectivity, or the “always-on” culture has threatened workers’ overall well-being including the issues of mental health, burnout, and stress. This paper explores the Right to Disconnect (RTD) as a concept that acknowledges workers right to be disengaged from work outside their working hours. By examining the regulations as a legal tool to draw the line between the professional and private life, this concept of RTD is evaluated from the lens of the International Labour Organization’s (ILO) Decent Work Agenda, which is built on four strategic pillars: employment creation, rights at work, social protection, and social dialogue. By examining legal and policy developments in countries such as France, Spain, and Australia, the study highlights how the Right to Disconnect can be institutionalized to protect workers from digital overreach and promote decent work agenda. Hence, the paper argues that the RTD is not merely a modern labor right but a necessary evolution of decent work in the digital era. It emphasizes the importance of embedding digital boundaries into labor standards. Ultimately, the paper calls for global recognition of RTD as part of decent work, thus ensuring that technological progress enhances rather than undermines the dignity and quality of working life.

Keywords: right to disconnect, employment law, decent work, international labour, sustainability, well-being

1. Introduction

The evolution of digital technologies has profoundly reshaped the modern workplace, enabling greater flexibility, connectivity, and productivity. However, this transformation has also introduced new challenges, particularly the erosion of boundaries between work and personal life. As employees increasingly find themselves expected to remain available beyond traditional working hours, concerns over mental health, burnout, and work-life imbalance have intensified. Among the most pressing concerns is the erosion of boundaries between work and personal life, driven by the expectation of constant connectivity. In this context, the Right to Disconnect—the ability of workers to disengage from work-related communications outside of working hours—has emerged as a critical mechanism in the 21st century for preserving mental health, ensuring work-life balance, and upholding human dignity in the digital age. The aim of having the law to protect this right is twofold: to promote work-life balance where workers cannot be overworked as they are guaranteed with the right to rest and enjoy their private life; and to ensure no punishment by employer or supervisor for the refusal of responses outside of the working hours (Leraouge & Pons, 2022). This right is therefore essential for promoting a balanced lifestyle, protecting

personal time, and reducing the impact of job-related stress. Many countries have made significant strides to protect workers from being perpetually connected to their employers through technology especially when technology plays a key role in the formation of labor culture (Kaishatayeva et al, 2024).

This digital transformation of the workplace has further redefined the shapes of labour, introducing both opportunities and challenges to the realization of Decent Work as envisioned by the International Labour Organization (ILO). This paper explores the Right to Disconnect through the lens of the ILO's Decent Work Agenda, which is grounded in four strategic pillars: employment creation, rights at work, social protection, and social dialogue. By examining legal and policy developments in selected countries such as France, Italy, Spain, and Australia, the study highlights how the Right to Disconnect can be institutionalized to protect workers, uphold labor rights and promote worker well-being and the extent to which it aligns with the ILO's framework. The ILO has long advocated for fair and humane working conditions. In this context, the rise of digital labor and the need for a Right to Disconnect (RTD) should be considered an integral part of "decent work," especially in an increasingly connected world. By aligning the Right to Disconnect with the ILO's strategic pillars, the study argues that this right is not merely a modern convenience but a necessary safeguard for human dignity and sustainable employment. It is not merely a modern labour right but a necessary evolution of decent work in the digital era. For the decent work, it needs serious attention because economic growth based on unsafe jobs, unfair pay, and unstable employment cannot last and often leaves some people behind (Hamid, 2024). Ultimately, the paper calls for global recognition of the Right to Disconnect as a core element of decent work, ensuring that technological progress enhances rather than undermines the dignity and quality of working life.

2. Methodology

This article adopts a conceptual and exploratory research methodology to investigate the relevance of the right to disconnect within the broader framework of the International Labour Organization's (ILO) Decent Work Agenda. The study is grounded in qualitative analysis and relies primarily on secondary sources, including academic literature, legal instruments, policy documents, and international labor standards. The conceptual approach enables a critical examination of theoretical perspectives and normative developments surrounding digital labor rights, while the exploratory dimension facilitates the identification of emerging trends, regulatory gaps, and practical challenges in implementation. The idea of this conceptual research method is to mainly focus on theory and ideas in law through exploring legal philosophy, principles, and concepts, among others, by studying legal texts and scholarly writings (Krishnamurty, Azash & Mamatha, 2023). This approach helps to build and clarify the meaning and structure of the legal concepts and its frameworks.

By situating the right to disconnect within the ILO's four pillars of decent work—employment creation, rights at work, social protection, and social dialogue—the article highlights its role in promoting fair working conditions, safeguarding mental health, and ensuring work-life balance in an increasingly digitalized work environment. This methodology is well-suited to unpack the evolving nature of decent work in the context of technological change and flexible work arrangements. Through the legal analysis, this study can provide the understanding of the connection of RTD and decent work agenda so

as to offer informed recommendations and conclusions aligned with its objective (Wahab, Razak & Mahmud, 2022).

3. Literature Review

ILO's Decent Work

The ILO's Decent Work Agenda, launched in 1999, aims to promote opportunities for all to obtain productive work in conditions of freedom, equity, security, and human dignity. This agenda centers on four key goals: employment creation, workers' rights, social protection, and social dialogue between workers and employers. Even so, there isn't a single agreed-upon definition of decent work (Dobbins et al., 2024). The ILO (1999) however describes it as "productive work for women and men in conditions of freedom, equity, security and human dignity," quite a broad and vague one. Yet, the idea of decent work has helped the ILO focus on promoting fair and just working conditions (Barford, Coombe & Proefke, 2021).

Venkatesan and Luongo (2019) define decent work to mean "opportunities for everyone; men, women and youth, to employment free from exploitation, where workers are treated with dignity and equality and provided just and fair remuneration as well as safe and healthy working conditions". In different studies, Dobbins and others (2024) determined seven dimensions of decent work, namely terms of employment; pay and benefits; job design and nature of work; social support and cohesion; health, safety and well-being; work-life balance; voice and representation. Duffy et al. (2017) highlighted five components of decent work: a safe work environment, access to health care, adequate earnings, hours that allow for free time and rest, and organizational values; while Mark et al. (2018) used pay, conditions, contracts, management, and representation. Rasak, Shaharudin & Hamid (2023) see decent work to more than just having a job where it includes feeling motivated, staying physically and mentally healthy, and being treated fairly. It's about respecting people's rights, meeting their basic needs, and promoting fairness in society. Rosa, Aldrena and Lace (2025) have identified job satisfaction, well-being, and quality of life as consequences of decent working conditions. Over time, this agenda has become widely recognized and is now seen as a major concept that covers many important work-related issues (Green, 2021), thus ensuring workers are protected both nationally and internationally.

Rasak, Shaharudin & Hamid (2023) propose that the four pillars of ILO's decent work collectively impact social sustainability encompassing socioeconomics variable (Yumashev, 2020) and covers the principles of human development, quality of life, and subjective well-being for the entire human population (Abbas et al., 2022). Working hours is also key component of decent work when the first ILO convention in 1919 focused on working hours. Excessive hours can be detrimental to workers' quality of life and may indicate low hourly pay (Hamid, 2024). Even Long working hours can harm both physical and mental health, increase the risk of accidents, and lead to long-term illnesses. Poor time management at work can also disrupt the balance between work and personal life. Today, workers are expected to be more dedicated than ever, making this issue even more important.

Significantly, with the transformation of digitalization at work, decent work is no more a static set of goals but as a dynamic concept that evolves in response to the shifting nature of the work environment. Hence, Saragih, Tjakraatmadjaa and Pratama (2024) suggest, as

awareness grows regarding the impact of technology on both the nature of work and the understanding of decent work, it becomes essential to adapt the concept and practices of decent work to the digital age in order to meet contemporary demands.

Right to Disconnect

Scholars have explored the multidimensional nature thus emphasizing the importance of integrating emerging labor issues such as digitalization and mental health. The Right to Disconnect (RTD) has gained scholarly attention as a response to the negative consequences of constant connectivity, including burnout, stress, and diminished work-life balance. Reilly (2025), although agrees that technological change has advantages in terms of flexibility, its disadvantages are obvious, including expectations of availability along with the adverse impacts on worker well-being. Recent literature identifies four key themes in RTD discourse: work-life balance, governance and regulation, scope and applicability, and health and wellbeing (Hopkins, 2024). Studies show that RTD policies can reduce psychological strain and improve job satisfaction, especially in remote and hybrid work settings. However, gaps remain in implementation, particularly for informal and gig workers. The literature also highlights the role of social dialogue and collective bargaining in shaping effective RTD frameworks.

According to Ponzilacqua and Silva (2022), the continuous violation of the RTD causes damage to the life of the worker and deprive him of time for leisure and family. This is followed by Araújo and Dias (2024) in a study about the right to rest of worker that associated with health and safety, when found that there must be certain limits to avoid workers exploitation and protect their right to life, leisure, rest and family. It is unethical to use the technology that harms the basic employee rights—like the right to rest, have a private life, and stay healthy at work (Lerouge & Pons, 2022). Therefore, the RTD policy could mitigate this (Reilly, 2025). Ultimately, the RTD is an important step toward creating a healthier and more balanced work environment. As work and personal life increasingly overlap, especially after the COVID-19 pandemic and the rise of remote work, it is important for countries to introduce policies that protect mental health, support work-life balance, and respect personal time (Kaur, 2025).

Josserand and Boersma (2024) believe that RTD can help people have a better balance between work and personal life, improve health, and boost productivity; but to make it work well, companies need to think about what fits their industry, create clear rules, and encourage a workplace culture that respects personal time and avoids constant online pressure. Despite the significant of RTD law, the overall protection to the different types of workers in this gig economy is anticipated when the labour law should be responsive to the labour market changes. Hence, Goyal (2024) recommends that labour law should be the safeguard against exploitation with higher priority is placed for the rights and well-being of workers.

4. Conceptual Framework

This paper adopts a conceptual framework that positions the RTD as a mechanism to reinforce the ILO's four pillars of Decent Work: Rights at work, Employment Creation, Social Protection and Social Dialogue.

Rights at Work

Work is important not just for individuals, but also for society. Work supports sustainable development, a means of social connections, gives individuals control over their lives, and

adds meaning to what they do (Blustein, Lysova & Duffy, 2023). Back to 1998, the International Labour Organization (ILO) has acknowledged four fundamental principles and rights at work, namely (1) freedom of association and the right to collective bargaining; (2) elimination of forced labour; (3) abolition of child labour; and (4) elimination of discrimination; and later in 2022, amended it to include a safe and healthy working environment. These five principles are outlined in the ILO conventions. Thus, Roessler, Hawley and McMahon (2012) consider these rights as grounded in basic human rights. Considering all these fundamental principles, rights at work has certain values, that is, human dignity. As Gutterman (2024) comment it, the right to work is a universally acknowledged human right, deeply tied to human dignity and essential for the fulfillment of other fundamental rights. According to Pereira, Santos and Pais (2019), rights at work represent a key dimension for assessing how well the concept of decent work reflects core values such as dignity, participation, freedom, non-discrimination, trust, and both procedural and interactional justice within the workplace.

Employment Creation

Employment creation is a key part of decent work, with employment opportunities highlighting the importance of having job options that support both personal and professional growth (Rasak, Shaharudin & Hamid, 2024). Decent work as a driver of sustainable development, should be advancing sustainable job design. Research shows that employee health and well-being greatly affect job performance (Chang, 2024). Job creation must be sustainable for the economic reason as the findings (Chigbu & Nekhwevha, 2023) highlight that ensuring fair, safe, and stable jobs is essential not only for protecting workers' rights but also for supporting long-term economic growth and development. In this context, decent work also means having jobs where the pay matches the worker's skills and qualifications, and where there are chances to grow in their career and earn more over time. These are usually high-skilled jobs that offer training to help workers improve and get better pay. However, more people are now working in jobs that don't match their education level. This is called overqualification, and it's happening more often because there aren't enough high-skilled jobs for the growing number of university graduates (Hamid, 2024).

Social Protection

Social protection is part and parcel of employees' benefits for the protection of occupational risks such as unemployment, disabilities, maternity and accidents. Nowadays, social protection system has become part of the countries' programs functioning to stabilize the economy as well as protecting the marginalized groups. Social protection has several functions, one of which a preventive function, to prevent poverty through supporting people coping with risks such as bad health and unemployment (Schüring & Loewe, 2021). In employment, the schemes created through the wage contribution of both employer and employee. One of the nine branches of the ILO social protection is health whereby the ILO promotes a right-based approach in ensuring health care to the workers. This should include mental health and well-being of workers. While this system works well with a more traditional type of jobs, it still does not cover many people, like those who are self-employed, work informally, or stay home to care for family. Furthermore, looking at the current trend of employment where gig jobs and online platforms grow, more people are in vulnerable work (Hamid, 2024). The system therefore needs to be updated to protect everyone in the future.

Social Dialogue

Social dialogue generally refers to the aspect of communication between governments, employers, and workers as it is key to making work fair and inclusive. Social dialogue can be the mechanism for the parties to discuss in harmony to improve pay and working conditions, supports strong businesses, and encourages social justice and economic growth. Since employer-employee relationships can become tense due to labour issues, open discussion and negotiation are essential to prevent workplace disputes. Initially, the practice of social dialogue is linked to the freedom of association. It can help bring communities together, reduce conflicts, and build a stronger, more united society. In the employment context, open and inclusive dialogues between employer and employee support cooperation and long-term social harmony (Rasak, Shaharudin & Hamid, 2023). As a part of good leadership, this dialogue also helps create peaceful, stable workplaces and better job opportunities. Sakharuk (2020) relates the importance of social dialogue in improving labour and social legislation, thus bringing it in line with the requirements of the labour market, the employers' and workers' needs. At the same time, it promotes participatory policymaking.

5. Legal Analysis

Due to the transformation of the information and communication technology along with the integration of digital technologies in every aspect of human life, the Right to Disconnect has gained traction globally. Starting with France that primarily introduced the concept when protecting the workers through the regulations, it then spreads to other countries in the Europe and nowadays has gained the global attention when countries in other continent such as Brazil, Australia, Ireland, and the Philippines, are announcing the same but different approaches, within their jurisdictions. These countries realized of its substance thus started adopting legal and policy measures to address the challenges of digital overwork. This section presents an exploration to the RTD regulations that applicable in four jurisdictions, namely France, Italy, Spain, and Australia, by highlighting their approaches. The intention is not to argue their approaches and mechanisms used, but more to appreciate the idea and steps taken in safeguarding the employee's rights in the current working environment.

France is the pioneer of the legal change for this concept when introducing the RTD in its 2016 Labour Law (*Loi Travail*). This law however was introduced not without its scope, when it mandates companies with more than 50 employees to negotiate protocols that regulate after-hours communication. While not prescriptive, it emphasizes collective bargaining and organizational responsibility. Nevertheless, France's initiative to establish a legal framework that regulates and addresses the impact of technological communication in the workplace represents a proactive and forward-thinking step. Notably, in 2004, the French Supreme Court made a ruling that implicitly acknowledged this right—though it wasn't explicitly named—by stating that an employee's failure to answer their personal mobile phone outside of working hours could not be considered misconduct. Having said this, we can say that this right is governed not only by the French Labour Code, but also through the case law and collective agreement. Hence, the social dialogue between employer and employee is another mechanism that may create more understanding in terms of communication boundary outside the working hours.

In Italy, the right to disconnect is explicitly recognized as part of "smart working" (*lavoro agile*), i.e. a flexible work arrangement that allows employees to carry out their duties partly on-site and partly remotely, without fixed schedules or locations. Here, the RTD is incorporated in the 2017 Smart Working legislation where employees can determine the rest periods, thus, disengage from work communications outside of working hours, through a formalized arrangement or agreement with the employer. For example, a parent working from home can log off after hours without being expected to respond to emails. This right, reinforced by the 2025 law, ensures at least 11 consecutive hours of daily disconnection and prohibits contact during rest periods, helping prevent burnout and protect work-life balance. Other than the law, company policies, codes of practice and collective agreements may include specific provisions on the right to disconnect. While the law looks good in protecting workers in today's apps-based work environment, this right only applies to smart workers (Cominotto, 2021). Furthermore, the law promotes individual autonomy but may lack enforcement mechanisms as the law does not provide any sanction for failure of employer to abide by the law.

Spain introduced the RTD through its Organic Law 3/2018 on the Protection of Personal Data and Guarantee of Digital Rights. With this law, employees are with disengagement from communications and digital devices outside their working hours. This is applicable to all employers and employees, private or public sectors. Other than implementation of this right through the law, it also requires employers to develop internal policies or collective bargaining agreement that respect rest periods and personal time, suitable to the organisation's context. The policies or agreement should then detail out the implementation aspect on how this right is to be carried out. Failure of employer to comply with the law may result in complaint or claim of compensation by the employee. The penalty of non-compliance is ranged between UER751 to UER7,500 (Bonilla & Campos, 2025). In general, the law of RTD in Spain has helped people understand how important it is to balance work and personal life. Many companies have started making rules to support this idea, which has led to a change in how people think about working outside of office hours. Some companies have fully accepted the idea, while others are still adjusting. Overall, the right to disconnect has started a bigger conversation about how to take care of employees and what work should look like in today's digital world.

Australia's right to disconnect law (Golding, 2024) was introduced through the amendment to the Fair Work Act 2009, aiming to protect employees' personal time by allowing them to refuse work-related contact outside of their normal working hours—unless that refusal is deemed unreasonable. This was started in 2024, for the non-small business employers; and is about to cover the small business employers in 2025. Contradicting with the previous approaches, under this law, the employees can refuse to respond unless the refusal is unreasonable. Factors considered as reasonable are: (1) the reason and method of contact; (2) how disruptive the contact is; (3) the employee's role, responsibilities, and personal circumstances; (4) whether the employee is compensated for being available or working extra hours. Additionally, the role of social dialogue is also encouraged in shaping effective and inclusive RTD policies.

6. Discussion

The comparative analysis illustrates that while the Right to Disconnect is gaining recognition, its integration into labor standards remains uneven. Countries with strong

traditions of collective bargaining and social dialogue have been more successful in embedding RTD into workplace norms. However, the absence of universal standards poses challenges for global labor governance.

From the perspective of the ILO's Decent Work Agenda, RTD reinforces all four pillars. Firstly, for the Rights at Work, it is associated to the RTD through the latest fundamental principle – safe and health work environment. The emergence of the RTD concept is a response to the adverse impacts of technological transformation and digital exploitation thus aiming to protection of workers health and well-being along with promoting work–life balance. It thus protects workers from digital exploitation and ensures respect for rest and recovery. As proposed by Araújo and Dias (2024), that the RTD should promote freedom and guarantee the dignity of the worker, besides balance the constant hypos sufficiency in the labor relationship. Furthermore, the first ILO convention focused on working hours, implying that long working hours should be avoided. Poor time management at work can disrupt the balance between work and personal life while excessive hours may harm both physical and mental health, increase the risk of accidents, and lead to long-term illnesses (Ferraro, Pais & Santos, 2015).

Secondly, employment creation encourages sustainable job design that values productivity without compromising well-being. To ensure long-term success and satisfaction, organizations should promote a healthy balance between work and personal life (Chang, 2024). To support decent work, it's important to create jobs that respect the RTD. Research shows that poor work–life balance, often caused by long hours and constant digital communication, can lead to stress, anxiety, and lower quality of life—especially for women in traditional roles. While flexible work arrangements can help, they may also blur boundaries and create an 'always-on' culture. Therefore, job creation should focus on roles that allow workers to disconnect and maintain a healthy balance between work and personal life (Hopkins, 2024). Overall, the RTD promotes a healthier and more balanced work environment in today's digital age. As more countries move toward implementing related laws, employers are increasingly expected to adapt, creating workplaces that are both sustainable and supportive of employee well-being (Kaur, 2025).

Thirdly, in term of social protection, it addresses mental health risks, one of the aspects of safety and health, and also promotes resilience in the workforce. Regarding the RTD, it is an emerging aspect of social protection to safeguard workers from the negative effects of constant connectivity, such as burnout, stress, and poor work-life balance. By ensuring that employees have the right to disengage from work outside of official hours, RTD contributes to healthier working conditions and mental well-being, the key elements of social protection.

Lastly, for the pillar of social dialogue that promotes the negotiation, consultation and exchange of information (ILO, 2024), the implementation of the RTD relies on effective social dialogue between governments, employers, and workers. This is evident through the RTD regulation that expects the detail arrangement subject to the negotiations of employer and employee. As previously discussed, the laws in Spain and Australia require the employer to define clear inclusive policies or collective bargaining agreement that reflect needs of both parties, thus encourages a social dialogue between them. Through negotiations, the parties can agree on such policies where participatory policymaking empowers workers to shape their digital boundaries. This collaborative approach ensures

that RTD is not just a top-down directive but a shared commitment to fair and respectful working conditions. By embedding RTD into workplace practices through social dialogue can strengthen the foundation of decent work, particularly in promoting dignity, well-being, and sustainable employment for all.

Recognizing RTD as a labor right would signal a commitment to adapting Decent Work to the realities of the digital age. To advance RTD globally, the ILO could play a pivotal role in developing the guidelines.

7. Conclusion

The digitalization of work has brought undeniable benefits in terms of flexibility and efficiency, but it has also introduced new risks to workers' well-being, particularly through the erosion of boundaries between work and personal life. This paper has examined the RTD through the lens of the ILO's Decent Work Agenda, arguing that RTD is not only compatible with but essential to the realization of decent work in the digital age. By analyzing legal and policy developments in France, Italy, Spain, and Australia, the study has shown that while progress is being made, the implementation of RTD remains uneven. Recognising RTD as part of labour standards would strengthen all four pillars of Decent Work by promoting healthier, sustainable, and equitable working conditions. This will certainly ensure that technology improves work life rather than harms it. To conclude, RTD strengthens all four pillars of decent work: employment creation, rights at work, social protection, and social dialogue. This makes RTD not just a modern labour right, but a vital tool for achieving decent work in a digitally connected world.

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