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A Comparative Study of the Right to Disconnect with Policy Recommendations for Vietnam

断绝关系权与越南政策建议的比较研究

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Abstract:

This study examines the emerging right to disconnect in the digital workplace by comparing the legal frameworks in France, Belgium, Spain, Italy and Australia, and assesses the need for similar protection in Vietnamese law. These countries were selected as they represent diverse legal traditions (civil law and common law) and have enacted right to disconnect legislation. Using a comparative legal analysis method based on primary law sources, this study examines that France and Belgium require enterprises to issue internal agreements or regulations on the right to disconnect; Spain and Italy combine this right with data protection and flexible working regulations; while Australia clearly stipulates the right to refuse out-of-hours communications in law, along with dispute resolution mechanisms and sanctions. In contrast, the 2019 Vietnamese Labor Code does not recognize the right to disconnect or restrict out-of-hours communications. Based on best practices, the author proposes recommendations for Vietnam to define the right to disconnect, clarify exceptions, align overtime compensation with KPI systems, and embed sanctions for non-compliance. The novelty of this study lies in integrating recent Australian legal reforms into a cross-system comparative analysis,

Keywords: right to disconnect, comparative, policy recommendations.

关键词: 断电权、比较、政策建议。

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thereby proposing a model that is appropriate to the legal context and corporate culture in Vietnam. The findings can inform Vietnamese policymakers in drafting effective statutory provisions and better protect the mental health of workers, improve the effectiveness of human resource management, and approach international labor law trends.

摘要：本研究通过比较法国、比利时、西班牙、意大利和澳大利亚的法律框架，探讨了数字化工作场所中新兴的“断网权”，并评估了越南法律中类似保护的必要性。之所以选择这些国家，是因为它们代表了不同的法律传统（民法和普通法），并且都已颁布了“断网权”的立法。本研究采用基于主要法律来源的比较法律分析方法，研究发现，法国和比利时要求企业就“断网权”制定内部协议或规章制度；西班牙和意大利将这项权利与数据保护和弹性工作制相结合；而澳大利亚则在法律中明确规定了拒绝非工作时间通信的权利，并规定了争议解决机制和制裁措施。相比之下，2019

年《越南劳动法》并未承认“断网权”或限制非工作时间通信的权利。基于最佳实践，作者建议越南明确“断网权”，明确例外情况，将加班补偿与关键绩效指标 (KPI)

体系相结合，并纳入违规处罚措施。本研究的创新之处在于将澳大利亚近期的法律改革纳入跨体系比较分析，从而提出一种适合越南法律背景和企业文化的混合监管模式。研究结果可以为越南政策制定者制定有效的法律条款提供参考，从而更好地保护工人的心理健康，提高人力资源管理的有效性，并顺应国际劳动法的发展趋势。

1. Introduction

In recent times, with the rapid development of technology and the trend of flexible working, employees often have to "stay connected" to the workplace through email, chat and messaging applications even after work (Kurzynoga, 2024). Many studies have shown that constantly receiving and responding to work outside of working hours can easily lead to burnout, psychological stress, reduced work productivity, and even cause serious health problems such as sleep disorders and increased risk of cardiovascular disease (Tedone, 2022). Therefore, many countries have legalized the regulation of the "right to disconnect" to protect the boundary between work and personal life. For example, France introduced this right into its 2016 Labour Code (Loi n° 2016-1088), effective from 1 January 2017, requiring companies to agree or issue a "code of conduct" so that employees are not required to undertake work outside of normal working hours (Dima and Högbäck, 2020). Countries such as Belgium, Spain and Italy have also followed this step, requiring businesses to establish internal policies or industry codes on the right to disconnect (Eurofound, 2021). In Australia, the right to

disconnect was added to the Fair Work Act 2009 ('FWA') through the Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024, effective from 26 August 2024 (for businesses with 15 or more employees) and from 26 August 2025 for small businesses (Australian Parliament, 2023). Accordingly, employees have the right to refuse to monitor, read or respond to any contact outside of working hours — unless such refusal is "unreasonable" — and can complain to the Fair Work Commission if the dispute is not resolved at the enterprise (Australian Industry Group, 2024). In Vietnam, the 2019 Labor Code only provides general regulations on working hours, overtime and rest breaks (Articles 105, 107, 108, 109, 110, 111), but there are no specific regulations on the right to disconnect (Do et al, 2024). In fact, many businesses still maintain a culture of "always on" without a legal framework to handle cases of overtime abuse, leading to difficulties in protecting the health and life boundaries of employees (Phan et al, 2025).

This paper focuses on analyzing and comparing the legal framework on the "right to disconnect" in some European countries (France, Belgium, Spain) and in Australia. On that basis, the author will make specific

recommendations to improve the corresponding regulations in Vietnam, including proposing amendments to the Labor Code, developing detailed guidelines for businesses and promoting the development of internal policies, to ensure a balance between work efficiency and mental health for workers.

2. Origins, Global Spread, and Purpose of the Right to Disconnect

2.1. *Origins and Global Spread*

The idea of formally separating work from personal time can be traced back to Article 24 of the Universal Declaration of Human Rights, which guarantees “the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.” (Jain, 2024). On the national level, the notion of a “right to disconnect” first emerged in French jurisprudence when the Labour Chamber of the Cour de cassation ruled that “an employee is under no obligation either to accept work at home or to bring home his work files and tools.” (Avocats, 2016) In a subsequent 2004 decision, the same court held that an employee’s refusal to answer work calls outside his contracted hours did not constitute a valid ground for dismissal (Avocats, 2016).

Building on these judicial foundations, France became the first nation to codify the right to disconnect in 2016, when the El Khomri Law amended the Labour Code to enshrine protection against after-hours work communications (Dima and Högbäck, 2020). This legislative innovation spurred similar measures in Spain, Italy, and Belgium (Dima and Högbäck, 2020). At the European level, the European Parliament’s January 2021 resolution encouraged all member states to guarantee a right to disconnect, underscoring its importance in contemporary labor relations (Eurofound, 2023). Most recently, on 12 February 2024, Australia’s Federal Parliament enacted the Fair Work Legislation Amendment (Closing Loopholes No. 2) Bill 2023, extending statutory safeguards for employees who choose not to engage in work-related messages outside their official hours (Australian Parliament, 2023).

2.2. *Purpose*

The right to disconnect aims to achieve several important goals. First, the right to disconnect protects the physical and mental health of workers by enshrining in law the right not to be contacted outside of agreed working hours (Esphr, 2024). By curbing the “always on” culture, the right to disconnect encourages the appropriate use of communication tools and helps organizations establish clear boundaries around work-related communications. Second, the right to disconnect promotes work-life balance by ensuring rest periods and increasing the predictability of work schedules, allowing employees to plan their personal and family responsibilities without worrying about being asked to handle work outside of normal working hours (The European Law Institute, 2023). In addition to these

direct benefits, the right to disconnect is also considered an element of occupational health and safety (OHS) regulations, closely tied to general working time rules (The European Law Institute, 2023). Furthermore, the right to disconnect contributes to organizational effectiveness by reducing stress-related absenteeism and increasing employee engagement. The right to disconnect also supports diversity and inclusion initiatives by acknowledging the care responsibilities many workers have, and promotes digital health by setting standards for the use of communication technology (The European Law Institute, 2023). All of these factors underscore the role of the right to disconnect as a comprehensive tool in modern labor policy.

3. Comparative Legal Frameworks: International and Vietnamese Approaches to the Right to Disconnect

3.1. *France*

In France, the right to disconnect is specified in Article L.2242-17 of the Labor Code (amended by Law n°2016-1088, El Khomri Law), which states: “(7) Procedures for employees to fully exercise the right to disconnect and for enterprises to establish mechanisms to regulate the use of digital tools to ensure respect for rest time and personal and family life. In case of failure to reach an agreement, the employer must draw up a chart after consulting the Social and Economic Committee (CSE) or, in the absence of a CSE, the employee representative.” (Dima and Högbäck, 2020)

Accordingly, enterprises with 50 or more employees are required to include a guarantee of the right to disconnect in their collective bargaining agreements or, if not, in the internal charter (*charte interne*) (Dima and Högbäck, 2020). This charter not only specifies the “disconnect” hours (no work emails, calls or messages), but also prescribes organizational and technical measures—such as allocating response shifts, setting up automatic “out of hours” notifications—to protect employees’ rest time (Eurofound, 2023). To ensure its effectiveness, the charter must be accompanied by a training and advocacy program for both employees and managers on the appropriate use of digital tools, thereby preventing a culture of “always online”. In the event that the enterprise fails to reach an agreement with the workers’ representatives, the issuance of a charter after consultation with the CSE is mandatory and has the same legal value as a collective agreement (Eurofound, 2021). The El Khomri Law also provides a framework applicable to the overseas regions (Guadeloupe, Guyane, Martinique, La Réunion, Saint-Barthélemy, Saint-Martin, Saint-Pierre-et-Miquelon from 1 April 2017; Mayotte from 1 January 2018), ensuring uniformity in the protection of the right to disconnect throughout the French territory (European Agency for Safety and Health at Work, 2022). Without formal

compliance, companies can face fines, potentially up to €3,750, and senior managers may face up to a year's imprisonment for failing to implement the "right to disconnect," which protects employees from work-related communications outside of their scheduled working hours (Lilley, 2024).

3.2. Spain

In Spain, the right to disconnect is recognized as a digital right of workers, first codified in the Personal Data Protection and Digital Rights Guarantee Law of 2018, which is intended to implement the European Union regulation (Kubiak and Magnuska, 2021). Companies must develop an internal policy on the right to disconnect, after consulting with workers' representatives. This policy must clearly define: how to exercise the right to disconnect for all workers (including managers); measures to raise awareness and training on the appropriate use of digital tools; and commitment to guarantee this right even in the case of telework (teletrabajo) or working from home (Eurofound, 2023). However, this right is not absolute – internal policies may limit the right to disconnect in exceptional cases such as force majeure or when the business is facing serious, obvious losses that require an immediate response (Eurofound, 2023).

Failure to develop or implement a disconnection policy may result in: administrative fines of up to €6,250 for breaches of working conditions obligations; additional occupational health and safety sanctions if the failure to disconnect leads to psychological risks such as burnout or "technostress"; and compulsory overtime pay if the employee can prove that they were forced to work overtime due to not being allowed to disconnect (Kubiak and Magnuska, 2021). Any retaliation against an employee for exercising their right to disconnect will be considered unlawful or unfair dismissal (Kubiak and Magnuska, 2021).

Most recently, Spain's "Digital Detox" Law - expected to be enacted in 2025 - also emphasizes ending the situation where work emails and calls intrude on rest time, a breakthrough in promoting work-life balance in this country (Menendez-Roche, 2025).

3.3. Italy

In Italy, the "right to disconnect" has been implemented through several legal steps, starting with Law No. 81/2017 (2252017) on "lavoro agile" (flexible working) (Eurofound, 2023). This law applies to employees who sign an individual agreement with their employer, whereby they combine work at the company headquarters with remote work, using technological tools. The agreement must be in writing, clearly defining the working time frame, the minimum daily rest period and the disconnection procedure (not having to answer emails, calls, work messages outside of working hours) (Zlatanović and Škobo, 2024). However, this law does not provide for penalties when employers do not respect this right, nor does it prohibit the dismissal of employees who refuse to respond to

outside-of-hours communications (Kubiak and Magnuska, 2021). However, if the minimum rest period is violated, employees can claim compensation for damage to their physical and mental health (Kubiak and Magnuska, 2021).

By March 2021, Decree Law No. 30/2020 (transformed into Law 61/2021) emphasized: "Remote workers have the right to disconnect from digital devices and platforms without any negative consequences in terms of salary or contract." (Eurofound, 2021). At the end of 2021, the "National Protocol on Remote Work" (Protocollo nazionale sul lavoro agile, 7122021) clearly stipulates that the organization of remote work must be divided into fixed periods of time to ensure that workers have time to "disconnect", even when they are not physically present (Gianni & Origoni, 2021). Thus, in Italy, the right to disconnect has been recognized in the form of individual agreements for flexible workers, reinforced by the Decree Law and the National Protocol; However, there is still a lack of specific sanctions, leading to the quality of enforcement depending on the goodwill of businesses and the level of supervision from authorities (Kubiak and Magnuska, 2021).

3.4. Belgium

In Belgium, the right to disconnect was introduced into law in 2018 and reinforced by the Law of 2022, which states: "Private enterprises with 20 or more employees must negotiate a company-level collective agreement on the right to disconnect or, if no agreement is reached, add this provision to the Règlement de travail (labour regulations) after consultation with the workers' representatives. Both the agreement and the regulations must be submitted to the local Labour Inspectorate." (Olmen, 2022). Additionally, the agreement/regulations must provide for at least three aspects: specific measures to ensure that employees do not receive communications outside working hours; rules to ensure respect for rest, leave and personal-family life; and training activities for employees and managers on the appropriate use of digital tools and the risks of being "always online" (Cairn Legal, 2025).

Although Belgian law does not provide for specific sanctions for violations, the right to disconnect is part of the general obligation on occupational health and safety, and violations can lead to criminal or administrative sanctions according to the provisions on working conditions and benefits (Kubiak and Magnuska, 2021).

3.5. Australia

Most recently, in Australia, the "right to disconnect" was formalised in the FWA when it was amended by the Fair Work Legislation Amendment (Closing Loopholes No.2) Act 2024, which came into effect from 26 August 2024 for businesses with 15 or more employees and extended to small businesses from 26 August 2025 (Fair Work Ombudsman, 2024). This provision applies to all "national system employees" —

that is, employees in the federal industrial relations system; small businesses will be exempt until that date. Under section 333M, employees have the right to refuse to monitor, read or respond to any work communications (emails, messages, calls) from their employer or a third party (e.g. a customer) outside of agreed working hours, unless the refusal is considered “unreasonable”. Criteria for assessing “reasonableness” include:

- The nature and purpose of the communication;
- How the employee will be contacted and the level of disruption to the employee;
- The employee’s role, responsibilities and availability;
- The employee’s personal circumstances (e.g. family care responsibilities);
- Any legal requirements for outside-hours contact.

Regarding dispute resolution, both parties (employee and employer) under section 333N must first attempt to negotiate internally. If no agreement is reached, either party may make a complaint to the Fair Work Commission (FWC) (Fair Work Commission, 2024). The FWC has the authority to: require the employee to cease the refusal if it determines it is unreasonable; prohibit the employer from punishing (disciplining, dismissing) an employee for reasonable refusal; and require the business to cease unauthorized outside-hours contact. The FWC must resolve these complaints within 14 days of receipt. As to sanctions, an employer may face penalties of up to \$18,780 for an individual or \$93,900 for a corporation for each breach of a Commission order related to the right to disconnect (Fair Work Ombudsman, 2024).

3.6. Vietnam

In Vietnam, the legal framework on the right to disconnect of employees is not directly and specifically regulated in the 2019 Labor Code. Instead, this Code only contains indirectly related regulations, such as:

- **Working hours:** Article 105 stipulates that normal working hours shall not exceed 8 hours/day or 48 hours/week, with the encouragement to apply a 40-hour work week; night working hours are calculated from 10:00 p.m. to 6:00 a.m. the following day.
- **Rest hours:** Articles 109–111 stipulate mid-shift breaks (at least 30 minutes), weekly breaks (at least 24 consecutive hours), holidays, Tet holidays and paid leave.
- **Overtime:** Articles 107–108 allow for up to 50% of normal working hours per day (not to exceed 12 hours/day, 40 hours/month, 200 hours/year; some specific occupations can be up to 300 hours/year) provided that there is a written agreement and that health and safety limits are not violated.

Although these regulations set out basic working and rest hours, they do not completely prevent employers from forcing or requiring employees to continue working after hours (Do et al, 2024). In terms of sanctions, according to the provisions of Clause 4,

Article 18 of Decree 12/2022/ND-CP, individual employers who violate regulations on working hours and rest hours - specifically, failing to ensure that employees have breaks during working hours or shifts as prescribed, or mobilizing employees to work overtime exceeding the number of hours permitted by law - will be subject to administrative penalties at the following levels: Fine from VND 5,000,000 to VND 10,000,000 if the violation involves 01 to 10 employees; Fine from VND 10,000,000 to VND 20,000,000 if the violation involves 11 to 50 employees; Fine from VND 20,000,000 to VND 40,000,000 if the violation involves 51 to 100 employees; Fines from 40,000,000 VND to 60,000,000 VND if the violation involves 101 to 300 employees; Fines from 60,000,000 VND to 75,000,000 VND if the violation involves 301 or more employees. If the violator is an organization, the fine will be doubled, according to Clause 1, Article 6 of the said Decree, from 10,000,000 VND to 150,000,000 VND, depending on the number of employees violated.

4. Results and Discussion

4.1. Results

This study analyzed the legal framework for the right to disconnect in France, Spain, Italy, Belgium, Australia and Vietnam. The results showed that France clearly stipulates in the Labor Code, requiring businesses with 50 or more employees to negotiate or issue a disconnection charter, accompanied by training, and violations can be punished by a fine of up to €3,750 or managers can be imprisoned for up to one year. Spain recognizes this right in the Data Protection Law and Labor Law, requiring businesses to develop internal policies with training and awareness, and violations can be punished by a fine of up to €6,250 or occupational safety and health sanctions if they cause psychological consequences for workers. Italy regulates the right to disconnect through flexible labor agreements and the Law Decree, but there are no specific sanctions, and enforcement depends on the goodwill of businesses. Belgium requires businesses with 20 or more employees to have a collective agreement or internal regulations on the right to disconnect, linked to the obligation to ensure occupational safety and health, and violations may be subject to administrative or criminal sanctions. Australia recently amended the Fair Work Act in 2009, recognizing the right to refuse to respond to overtime work if it is unreasonable, and violations can result in fines of up to \$18,780 for an individual who unreasonably refuses or \$93,900 for businesses. In Vietnam, the 2019 Labor Code does not directly recognize the right to disconnect, but only regulates working hours, rest hours and overtime. Employers who mobilize overtime in excess of regulations can be fined from VND 5 million to VND 75 million for individuals or from VND 10 million to VND 150 million for

141
 organizations, depending on the number of employees violating. summarises the key features of relevant legislation in France, Spain, Italy, Belgium, Australia, and Vietnam:

To better compare how different jurisdictions regulate the right to disconnect, the following table

Country	Who Is Covered	Employer Obligations	Exceptions	Penalties for Non-Compliance
France	Companies with \geq 50 employees	Must negotiate or issue a charter defining disconnect hours and procedures; must consult CSE; provide training	None specified	Fine up to €3,750; managers may face up to 1 year in prison
Spain	All workers, including teleworkers	Must develop internal policy after consulting workers; includes training and awareness	Emergencies, force majeure, or serious business loss	Fine up to €6,250; health & safety sanctions
Italy	Flexible workers with individual agreements	Must include disconnection clauses in contracts; reinforce rest time and disconnect periods	Not clearly defined	No specific penalties, but damages can be claimed for health impact
Belgium	Private companies with \geq 20 employees; public servants	Must include disconnection rules in collective agreement or labor regulations; includes training	Emergencies only (for public sector)	No specific fines, but general labor law sanctions may apply
Australia	All national system employees (15 or more employees); phased for small businesses (from 26 August 2025)	Employees can refuse after-hours contact unless refusal is unreasonable; internal dispute resolution; FWC handles unresolved disputes	Based on reasonableness (e.g. emergency, role, disruption)	Up to \$18,780 for employers and \$93,900 for corporations

<p>Vietnam</p>	<p>All employees under the Labor Code</p>	<p>No specific obligation on the right to disconnect; general limits on working hours, overtime, and rest periods</p>	<p>Allowed overtime within legal limits if agreed in writing and health and safety limits are not violated</p>	<p>Fine from 5 million VND to 75 million VND for individuals (10–150 million VND for organizations) depending on number of employees affected</p>
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4.2. Discussion

The above results show that the international trend is gradually concretizing the right to disconnect, considering it a tool to protect mental health, balance work-life and improve sustainable labor productivity. France and Spain apply the direction of requiring businesses to develop policies or charters, with clear penalties. Australia has just added regulations but has provided detailed criteria to assess the "reasonableness" to protect both the rights of workers and the operational needs of businesses.

In contrast, in Vietnam, this right has not been recognized independently but only indirectly through regulations on working hours and overtime. This creates a legal gap, easily leading to a situation where workers are required to work outside of normal working hours without being fully protected, especially in the context of technology allowing 24/7 connection (Phan

et al, 2025). A survey conducted by a group of authors (Do et al, 2024) on “The Need for the Right to Disconnect in the Digital Age” found that among 260 workers, more than 93% of workers have received requests to handle work outside of working hours, of which more than 26% regularly have to respond to after-hours communications. More worryingly, nearly 50% said they feared negative consequences at work if they refused to respond to their superiors outside of working hours—a situation that is clearly having a negative impact on both physical and mental health. Furthermore, nearly 70% of respondents affirmed their desire to be completely disconnected from electronic communication devices after finishing their daily work, and about 75% believed that the right to disconnect is an essential right that should be officially recognized in the legal system.

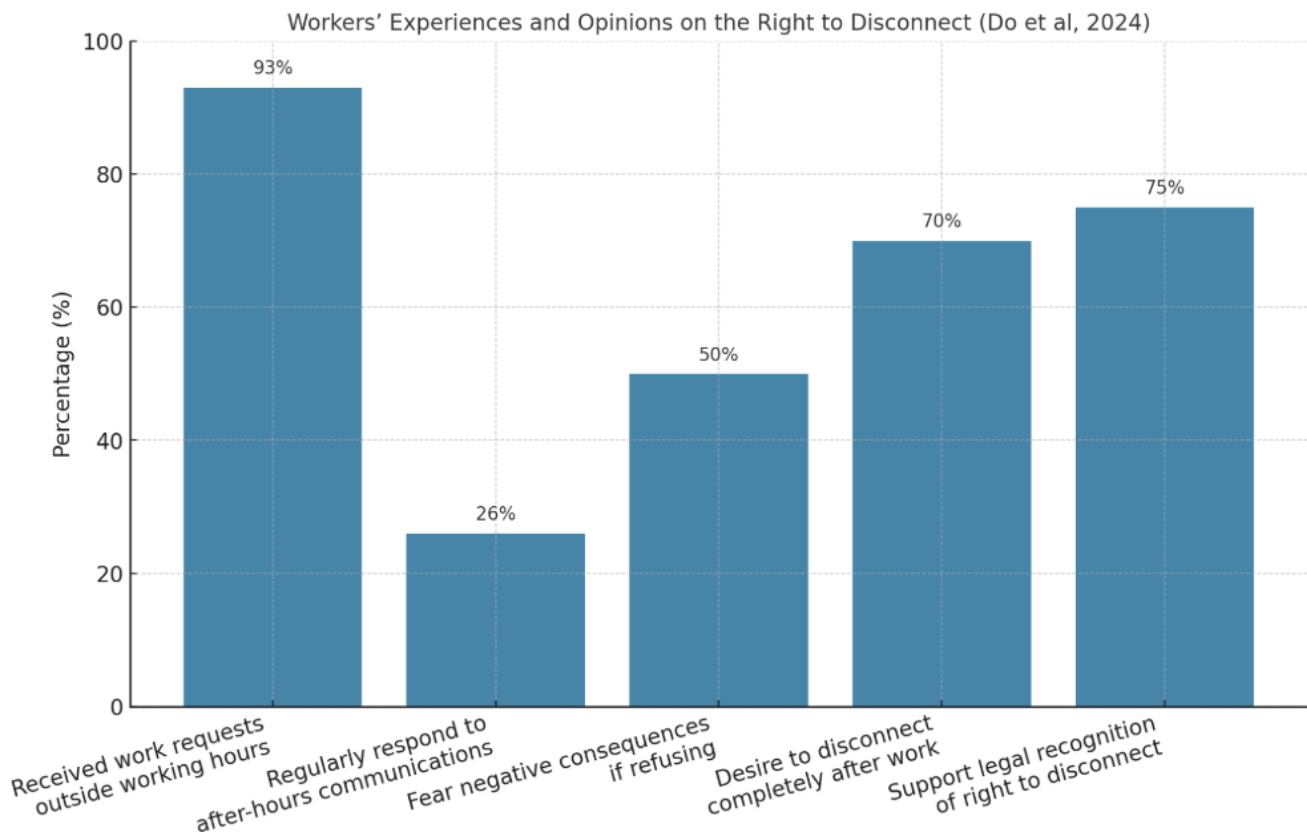


Figure 1. Workers' Experiences and Opinions on the Right to Disconnect (Do et al, 2024)

In short, Vietnam currently does not have any laws that recognize the right to disconnect, but the regulations on working hours, rest and overtime of the 2019 Labor Code are the first legal basis for legislators to consider adding this right in the future. In addition, Vietnam's growing integration into the global economy makes formal recognition of the right to disconnect particularly important (Do et al, 2024). Such a legal framework would bring Vietnam into line with international trends, strengthen protections for workers' rights, and bring Vietnam's labor laws closer to global standards—ultimately boosting the country's competitiveness. For these reasons, enacting legislation on the right to disconnect is both timely and necessary for Vietnam at the present time.

5. Policy Recommendations for Vietnam

Firstly, Vietnam needs to add a separate and specific provision on the right to disconnect in the Labor Code or its implementing guidelines, including: A clear definition of the right to disconnect, defining its scope of application and the types of communications that are considered after-hours work; a mechanism for exercising this right, detailing how to refuse work communications and the dispute resolution process; and exceptions — such as emergencies or legal requirements — in which workers may be required to respond after hours without being considered a violation. For example, the “right to disconnect” can be defined as follows: ‘The Right to Disconnect is an employee's right to refuse all forms of work communication (including but not limited to emails, calls, or work application messages) outside of agreed official working hours, unless there is an emergency or legal requirement. Exercising this right shall not be deemed unprofessional and shall not negatively impact the employee's performance appraisal, bonuses, or career progression.’ Official recognition not only protects the boundary between work and personal life, but also closes the “loopholes” that businesses can exploit to force employees to continue to handle work beyond the prescribed level (Nguyen, 2022).

In addition, the regulations guiding the implementation of the “right to disconnect” should clarify the maximum time frame during which employees can be required to connect outside working hours, which should correspond to the overtime limits prescribed in the 2019 Labor Code (Do et al, 2024). Employers must ensure that the number of overtime hours does not exceed the prescribed maximum (no more than 50% of normal hours per day, 200 hours/year; or 300 hours/year for some specific industries). At the same time, the labor contract or collective agreement must clearly state the exceptional hours - urgent situations that allow the employer to contact without violating the right to disconnect.

Clearly defining this issue not only prevents the risk of labor abuse, but also ensures that workers are treated fairly and in accordance with legal regulations on overtime. Simultaneously, this common standard will help businesses manage working hours transparently and professionally, thereby increasing employee trust and motivation, and creating a healthy and sustainable working environment.

In terms of performance evaluation, businesses need to ensure that exercising the “right to disconnect” is never a basis for deducting points, reducing bonuses, or causing disadvantage in any aspect of an employee's performance evaluation, promotion, or reward eligibility. To do this, the performance management system must be redesigned with two separate blocks of criteria. The first is the volume and results of official work completed during normal business hours—measured and evaluated against the overall KPIs of the department, division, and the entire business. The second is that tasks that arise outside of normal business hours, including responding to emails, messages, or work calls after hours, must be integrated into a sub-KPIs system, with clearly defined compensation or allowances according to overtime regulations. This separation not only makes the overall workload of employees transparent, but also encourages them to proactively participate and contribute by knowing that any extra effort will be recognized and rewarded accordingly. In addition, businesses need to publicize the evaluation process and criteria, and commit to not deducting points or having negative impacts if employees properly exercise their right to refuse contact outside of working hours. This helps eliminate the fear that “turning off the computer will mean losing the opportunity for promotion” and creates a healthy, sustainable working environment (Phan et al, 2025).

Furthermore, to ensure that businesses strictly enforce the “right to disconnect” and protect workers from “always on”, Vietnam needs to clearly stipulate sanctions for violations. Specifically, employers who force employees to accept overtime work or punish (deduct wages, cut bonuses, discipline) employees who refuse to communicate reasonably will be subject to an administrative fine of 30–40 million VND and forced to restore the employee's rights. In case of repeated violations or serious consequences (sick leave, work accidents, prolonged complaints), businesses may also be banned from participating in bidding, subject to additional penalties according to regulations on occupational safety and health, or even suspended from operating for a certain period of time. At the same time, labor inspectorates and grassroots trade unions need to be given more authority to conduct inspections, impose strict penalties, and publicize the results of handling violations, in order to create legal weight and practical deterrence. By combining administrative sanctions, internal behavioral sanctions, and a strict monitoring mechanism, Vietnam will establish an effective legal

“shield” that both protects the personal boundaries of employees and encourages businesses to establish a transparent, respectful, and sustainable work culture.

6. Conclusion

The right to disconnect is becoming one of the most important tools to protect physical and mental health and the work-life boundary in the digital age. From its origins in France to its spread to Belgium, Spain, Italy and most recently Australia, each legal environment offers valuable lessons on how to define, enforce and handle exceptions in accordance with the socio-economic conditions of each country.

For Vietnam, the current legal framework only stops at general regulations on working hours, rest breaks and overtime without directly recognizing the right to disconnect. The current state of being “always connected” is harming workers’ health, productivity, and work-life balance, with surveys indicating that over 75% of the 260 respondents believe this right should be legally recognized (Do et al, 2024).

Therefore, Vietnam needs to soon add separate regulations in the Labor Code, clearly defining the right to disconnect, the refusal mechanism, the dispute resolution process and emergency exceptions. It is necessary to link with the current overtime regulations, determine the time limit and reasonable remuneration when employees have to accept overtime work. At the same time, enterprises must develop internal charts, clearly separate official work and overtime work in the KPI system, and ensure that the right to refuse does not affect the assessment of capacity or bonuses.

With the above suggestions, perfecting the legal framework on the right to disconnect in Vietnam is not only an inevitable trend but also an urgent need, contributing to building a fair, civilized and sustainable working environment.

This study contributes to the academic literature by providing a comprehensive comparative analysis of the right to disconnect in France, Spain, Italy, Belgium and Australia, and assessing the legal gaps in Vietnam. These findings can assist Vietnamese policymakers in drafting effective legislation to protect workers’ mental health, enhance human resource management practices, and align with international labor law trends. The study provides an interdisciplinary perspective on comparative labor law and offers recommendations for Vietnamese employment legislation.

7. Limitations and Further Study

This study still has some limitations. First, the paper mainly focuses on comparing legal frameworks without analyzing in-depth the effectiveness of implementation in each country. Second, although survey data was used to reflect the demand for the right to disconnect in Vietnam, the sample size was still relatively small and limited to certain occupations, not representing the entire diverse labor market in Vietnam. Third, the study

did not delve into the views of employers on the operational impacts and costs of implementing this right.

Future research should expand the scope of the survey to include more areas, including the opinions of employers, and explore feasible models to integrate the right to disconnect into the Vietnamese labor relations system in a practical and cost-effective manner. Despite its limitations, this study still provides an important foundation for policy makers, affirming that perfecting the legal framework on the right to disconnect in Vietnam is an urgent need, contributing to building a fair, civilized and sustainable working environment.

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The author solely conducted all stages of this research, including conceptualization, analysis, and writing.

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Conflicts of Interest

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References

- [1] AUSTRALIAN INDUSTRY GROUP. (2024). Right to disconnect term. Retrieved from <https://www.fwc.gov.au/documents/sites/am2024-14/am202414-sub-aig-200524.pdf>
- [2] CAIRN LEGAL. (2025). The right to disconnect. Retrieved from <https://www.cairnlegal.be>

- [3] DO, T.H.L., NGUYEN, H.V.K., & PHAM, T.M.P. (2024). The right to disconnect for workers in the digital age – Regulations of the European Union and some suggestions for Vietnam. *Democracy and Law*, May(405), 60–64.
- [4] ESPHR. (2024). Protecting employee mental health through the right to disconnect. Retrieved from <https://esphr.co.uk/protecting-employee-mental-health-through-the-right-to-disconnect>
- [5] EUROFOUND. (2020). Right to disconnect in the 27 EU Member States. Retrieved from <https://cooperante.uni.lodz.pl/wp-content/uploads/2020/08/wpef20019.pdf>
- [6] EUROFOUND. (2021). Right to disconnect: Exploring company practices. *Publications Office of the European Union*. Retrieved from <https://www.eurofound.europa.eu/system/files/2022-02/ef21049en.pdf>
- [7] EUROFOUND. (2023). Right to disconnect: Implementation and impact at company level. *Publications Office of the European Union*. Retrieved from <https://www.eurofound.europa.eu/system/files/2022-02/ef21049en.pdf>
- [8] EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK. (2022). France: Lessons from the legislative framework on digital platform work. Retrieved from https://osha.europa.eu/sites/default/files/Lessons_from_French_legislative_framework_digital_platform_work_EN.pdf
- [9] EUROPEAN LAW INSTITUTE. (2023). Guiding principles on implementing workers' right to disconnect. Retrieved from https://europeanlawinstitute.eu/fileadmin/user_upload/p_eli/Publications/Guiding_Principles_Workers_Right_to_Disconnect.pdf
- [10] FAIR WORK COMMISSION. (2024). What is the right to disconnect? Retrieved from <https://www.fwc.gov.au/issues-we-help/right-to-disconnect-disputes/what-right-to-disconnect>
- [11] FAIR WORK OMBUDSMAN. (2024). Right to disconnect begins today. Retrieved from <https://www.fairwork.gov.au/newsroom/media-releases/2024-media-releases/august-2024/20240826-right-to-disconnect-stage-1-media-release>
- [12] FAIR WORK OMBUDSMAN. (2024). Right to disconnect. Retrieved from <https://www.fairwork.gov.au/employment-conditions/hours-of-work-breaks-and-rosters/right-to-disconnect>
- [13] GIANNI & ORIGONI. (2021). “National Protocol” on agile work in the private sector. Retrieved from https://www.gop.it/doc_pubblicazioni/926_6wtuhq_p3kf_cn.pdf
- [14] JAIN, H. (2024). The right to disconnect: Balancing work and well-being in the digital age. *NLIU Law Review*. Retrieved from <https://nliulawreview.nliu.ac.in/blog/the-right-to-disconnect-balancing-work-and-well-being-in-the-digital-age/>
- [15] KUBIAK, S., & MAGNUSKA, K. (2021). The right to disconnect: Real relief for employees or just additional obligations for employers? Retrieved from <https://codozasady.pl/upload/2021/06/the-right-to-disconnect.pdf>
- [16] KURZYNOGA, M. (2024). The right to disconnect: Rest in the digital age of work from the international, European and Polish law perspectives. *Acta Universitatis Lodzianis Folia Iuridica*, 107, 83–94. <https://doi.org/10.18778/0208-6069.107.06>
- [17] LILLEY, Z. (2024). What is France's workplace 'right to disconnect'? *The Connexion*. Retrieved from <https://www.connexionfrance.com/practical/what-is-frances-workplace-right-to-disconnect/667645>
- [18] MENENDEZ-ROCHE, M. (2025). Spanish companies forced to 'allow' employees to go offline. *Euro Weekly News*. Retrieved from <https://euroweeklynews.com/2025/01/27/spains-new-digital-detox-law/>
- [19] NGUYEN, L.G. (2021). The right to disconnect: International practice and the possibility of application in Vietnam. *State and Law Review*, 6, 24–29.
- [20] NGUYEN, N.T.P. (2022). The legal basis for recognizing the right to disconnect in European law and suggestions for Vietnam. Retrieved from <https://danchuphapluat.vn/co-so-cua-viec-ghinhan-quyen-duoc-ngat-ket-noi-trong-phap-luat-chau-au-va-goi-mo-cho-viet-nam>
- [21] PANSU, L. (2018). Evaluation of 'Right to Disconnect' legislation and its impact on employee productivity. *International Journal of Management and Applied Research*, 5(3), 99–119. <https://doi.org/10.18646/2056.53.18-008>
- [22] PHAN, D.P., NGUYEN, H.A., & NGUYEN, M.C. (2025). Invisible overtime under the laws of some countries and suggestions for Vietnam. *Democracy and Law*, 2(241), 57–64.

[23] SOULIER AVOCATS. (2016). Is the right to disconnect about to become an effective right for employees in France? Retrieved from <https://www.soulier-avocats.com/en/is-the-right-to-disconnect-about-to-become-an-effective-right-for-employees-in-france/>

[24] TEDONE, A.M. (2022). Keeping up with work email after hours and employee wellbeing: Examining relationships during and prior to the COVID-19 pandemic. *Occupational Health Science*, 6, 51–72. <https://doi.org/10.1007/s41542-021-00107-3>

[25] VAN OLMEN, C. (2022). Belgium: Labour Deal 2022: Right to disconnect. *LEGLOBAL*. Retrieved from <https://leglobal.law/2022/12/09/belgium-labour-deal-2022-right-to-disconnect/>

[26] ZLATANOVIĆ, S.S., & ŠKOBO, M. (2023). The ‘twilight’ of health, safety, and well-being of workers in the digital era – Shaping the right to disconnect. *Journal of Occupational and Health Law and Ethics*, 2(2), 129–144. <https://doi.org/10.57523/jaohlev.oa.23-003>

参考文献:

[1] 澳大利亚工业集团. (2024). 断开连接权条款. 取自 <https://www.fwc.gov.au/documents/sites/am2024-14/am202414-sub-aig-200524.pdf>

[2] CAIRN LEGAL. (2025). 断开连接权. 取自 <https://www.cairnlegal.be>

[3] DO, T.H.L., NGUYEN, H.V.K., & PHAM, T.M.P. (2024). 数字时代劳动者的断开连接权——欧盟的规定及对越南的若干建议. 《民主与法律》, 5月(405), 60–64.

[4] ESPHR. (2024). 通过断开连接权保护员工心理健康. 取自 <https://esphr.co.uk/protecting-employee-mental-health-through-the-right-to-disconnect>

[5] 欧洲生活与工作条件改善基金会 (EUROFOUND). (2020). 欧盟27个成员国的断开连接权. 取自 <https://cooperante.uni.lodz.pl/wp-content/uploads/2020/08/wpef20019.pdf>

[6] 欧洲生活与工作条件改善基金会 (EUROFOUND). (2021). 断开连接权: 公司实践探索. 欧盟出版办公室. 取自 <https://www.eurofound.europa.eu/system/files/2022-02/ef21049en.pdf>

[7] 欧洲生活与工作条件改善基金会 (EUROFOUND). (2023). 断开连接权: 公司层面的实施与影响. 欧盟出版办公室. 取自 [https://www.eurofound.europa.eu/system/files/2022-](https://www.eurofound.europa.eu/system/files/2022-02/ef21049en.pdf)

[02/ef21049en.pdf](https://www.eurofound.europa.eu/system/files/2022-02/ef21049en.pdf)

[8] 欧洲职业安全与健康局. (2022). 法国: 数字平台工作立法框架的经验教训. 取自 https://osha.europa.eu/sites/default/files/Lessons_from_French_legislative_framework_digital_platform_work_EN.pdf

[9] 欧洲法律研究所. (2023). 实施劳动者断开连接权的指导原则. 取自 https://europeanlawinstitute.eu/fileadmin/user_upload/peli/Publications/Guiding_Principles_Workers_Right_to_Disconnect.pdf

[10] 澳大利亚公平工作委员会. (2024).

什么是断开连接权? 取自 <https://www.fwc.gov.au/issues-we-help/right-disconnect-disputes/what-right-disconnect>

[11] 澳大利亚公平工作监察专员. (2024). 断开连接权今日开始实施. 取自 <https://www.fairwork.gov.au/newsroom/media-releases/2024-media-releases/august-2024/20240826-right-to-disconnect-stage-1-media-release>

[12] 澳大利亚公平工作监察专员. (2024). 断开连接权. 取自

<https://www.fairwork.gov.au/employment-conditions/hours-of-work-breaks-and-rosters/right-to-disconnect>

[13] GIANNI & ORIGONI. (2021).

私营部门灵活工作的“国家协议”. 取自 https://www.gop.it/doc_publicazioni/926_6wtuhqp3kf_cn.pdf

[14] JAIN, H. (2024).

断开连接权: 在数字时代平衡工作与福祉.

《NLIU法律评论》. 取自

<https://nliulawreview.nliu.ac.in/blog/the-right-to-disconnect-balancing-work-and-well-being-in-the-digital-age/>

[15] KUBIAK, S., & MAGNUSKA, K. (2021).

断开连接权: 对员工的真正解脱还是对雇主的额外义务? 取自 <https://codozasady.pl/upload/2021/06/the-right-to-disconnect.pdf>

[16] KURZYNOGA, M. (2024).

断开连接权: 从国际、欧洲及波兰法律角度看数字时代的休息权. 《罗兹大学法律学刊》, 107, 83–94. <https://doi.org/10.18778/0208-6069.107.06>

[17] LILLEY, Z. (2024).

法国的职场“断开连接权”是什么? 《法国连线报》. 取自 <https://www.connexionfrance.com/practical/what-is-frances-workplace-right-to-disconnect/667645>

[18] MENENDEZ-ROCHE, M. (2025).

西班牙公司被迫“允许”员工下线.

《欧洲每周新闻》. 取自

<https://euroweeklynews.com/2025/01/27/spains-new-digital-detox-law/>

[19] NGUYEN, L.G. (2021).

断开连接权: 国际实践及在越南适用的可能性.

《国家与法律评论》, 6, 24–29.

- [20] NGUYEN, N.T.P. (2022). 在欧洲法律中承认断开连接权的法律依据及对越南的建议. 取自 <https://danchuphapluat.vn/co-so-cua-viec-ghi-nhan-quyen-duoc-ngat-ket-noi-trong-phap-luat-chau-au-va-goi-mo-cho-viet-nam>
- [21] PANSU, L. (2018). 对“断开连接权”立法的评估及其对员工生产力的影响. 《国际管理与应用研究杂志》, 5(3), 99–119. <https://doi.org/10.18646/2056.53.18-008>
- [22] PHAN, D.P., NGUYEN, H.A., & NGUYEN, M.C. (2025). 一些国家法律下的隐形加班及对越南的建议. 《民主与法律》, 2(241), 57–64.
- [23] SOULIER 律师事务所. (2016). 断开连接权是否即将成为法国员工的有效权利? 取自 <https://www.soulier-avocats.com/en/is-the-right-to-disconnect-about-to-become-an-effective-right-for-employees-in-france/>
- [24] TEDONE, A.M. (2022). 下班后保持工作邮件联络与员工幸福感: 新冠疫情期间及之前关系的研究. 《职业健康科学》, 6, 51–72. <https://doi.org/10.1007/s41542-021-00107-3>
- [25] VAN OLMEN, C. (2022). 比利时: 2022劳工协议: 断开连接权. LEGLOBAL. 取自 <https://leglobal.law/2022/12/09/belgium-labour-deal-2022-right-to-disconnect/>
- [26] ZLATANOVIĆ, S.S., & ŠKOBO, M. (2023). 数字时代劳动者健康、安全与福祉的“暮色”——塑造断开连接权. 《职业健康法律与伦理学杂志》, 2(2), 129–144. <https://doi.org/10.57523/jaohlev.oa.23-003>