
THE RIGHT TO DISCONNECT: ASSESSING THE EFFECTIVENESS OF U.S. LABOUR POLICIES IN LIMITING AFTER-HOURS WORK COMMUNICATION

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Abstract

This study examines the effectiveness of current U.S. labour policies in reducing after-hours work communication among employees. The proliferation of digital communication technologies has increasingly blurred the boundaries between work and personal life, contributing to heightened stress, burnout, and diminished well-being. The study sought to identify the prevalence of after-hours communication among employees across selected U.S. sectors, to evaluate its effects on employee health and work-life balance, and to assess the efficacy of existing labour policies and the “Right to Disconnect.” A nationwide survey was administered to employees in multiple industries to gauge their experiences with after-hours communication and their perceptions of the effectiveness of current legal frameworks. Findings revealed that after-hours communication remains widespread, with 78.5% of respondents reporting contact at least once a week and 45.7% experiencing daily contact. Additionally, 85.1% reported work-life conflict, 72.8% experienced difficulty with psychological detachment, and 58.7% reported negative effects on sleep quality. Although laws and policies define standard working hours and durations, most employees were unaware of these protections, and implementation was inconsistent. The study recommends more robust enforcement of existing regulations and improved awareness campaigns to ensure employees are empowered to disengage from work communication outside regular hours.

Keywords: Right to Disconnect, Labour Policies, After-Hours Communication, Work-Life Balance, Employee Well-Being

Introduction

The accelerating integration of digital tools into American workplaces has fostered a culture of continuous connectivity, often at the expense of employees’ personal time. In many advanced economies, the concept of the “Right to Disconnect” has gained substantial attention, with legislation providing employees a legal entitlement to disengage from work-related communications beyond standard working hours.

Across U.S. sectors — including technical, administrative, and managerial roles — employees frequently report being expected to respond to calls, emails, and messages outside normal working hours, under the assumption that constant availability signals dedication. This persistent connectivity produces work-life conflict, digital burnout, and heightened

psychological distress. While a growing body of literature examines after-hours work connectivity and evaluates whether current labour policies sufficiently protect employees' right to disconnect, further research is needed to assess the efficacy of these policies in reducing after-work communication.

This study focuses on the United States, where the rapid expansion of digital technologies and flexible work arrangements has blurred the traditional boundaries of work time. Although U.S. labour standards address working hours and overtime at the federal and state levels, specific provisions for the "right to disconnect" and their enforcement within digital contexts remain underexplored.

This research seeks to close this gap by evaluating the effectiveness of current U.S. labour policies in mitigating after-hours work communication. It sets out to identify the effects of after-work communication on employees, measure awareness of legal protections that promote disengagement, and assess how these policies are enforced and perceived.

Literature Review

The concept of the "right to disconnect" originates from broader debates about working time, employee well-being, and technology's impact on work. Numerous studies highlight the negative consequences of constant connectivity, including increased stress, sleep disruptions, diminished productivity, and impaired mental health.

U.S. Labour Policies.

While many U.S. labour laws regulate working hours and overtime such as the Fair Labor Standards Act (FLSA) they rarely address the impact of digital communication after official work hours. This regulatory gap can lead to a de facto extension of the workday without appropriate compensation or rest.

Federal and state labour regulations, together with constitutional protections for workers' rights, establish a baseline for reasonable working conditions. These measures ensure employees have a healthy work-life balance and are not subjected to excessive or unreasonable demands outside their contracted hours. Yet most do not explicitly mention the right to disconnect or digital communication after work.

The Occupational Safety and Health Act (OSHA) addresses workplace stress and mental health, obligating employers to provide safe working conditions and to prevent excessive work pressures that could lead to burnout. Forcing employees to respond continuously after hours could, in some cases, be considered a violation of occupational health standards.

Legal scholars also point to the importance of privacy laws and data protection regulations as a foundation for limiting after-hours contact. Similar to Kenya's Data Protection Act (2019), U.S. privacy frameworks such as the California Consumer Privacy Act (CCPA) and state-level data laws can influence how employers monitor or contact employees outside scheduled hours. Employees may retain the right to disconnect from work-related communications unless specifically covered by on-call or emergency clauses within their contracts. Exceptions may

exist for emergency situations or for employees in roles that require 24/7 responsiveness, but these must be reasonable and appropriately compensated.

Implementation and Enforcement.

U.S. labour policies strongly emphasise employee rights to fair compensation and rest, yet enforcement of after-hours communication limits remains uneven. Employees can file complaints with state or federal labour boards or pursue legal action for violations of wage and hour laws or unfair labour practices. Courts increasingly adjudicate disputes concerning excessive working hours and unpaid overtime, but cases tied specifically to after-hours digital communication are relatively new.

Right to Disconnect.

Digital communication technologies have blurred the traditional boundaries between work and personal life, leading to heightened expectations for employees to be constantly available even outside designated working hours. This phenomenon, widely termed “after-hours communication,” has significant implications for employee well-being, work–life balance, and productivity. In response, several countries have enacted or are considering “right to disconnect” legislation, seeking to protect employees from excessive digital contact during nonworking hours.

The “right to disconnect” refers to an employee’s right to abstain from work-related electronic communications — emails, calls, or instant messages — outside official working hours. The rationale behind these policies is to safeguard employee health and well-being, promote work–life balance, and ensure fair working conditions. Such protections foster respect for personal time and, ultimately, can improve productivity by ensuring employees are well rested and more engaged (Derks et al., 2014).

Nevertheless, critics question the feasibility and potential unintended consequences of such legislation. Concerns include difficulties defining “after-hours” amid flexible work arrangements, potential delays in critical communications, and risks of impeding remote work or global collaboration (Mazmanian et al., 2013; Eurofound, 2021). The effectiveness of these laws hinges on their clarity, enforceability, and on broader cultural shifts within organisations.

After-Hours Communication.

The rise of smartphones, email, and instant messaging has entrenched an “always-on” work culture (Mazmanian et al., 2013). Studies demonstrate that employees regularly perform work-related tasks beyond contracted hours — evenings, weekends, and even holidays (Derks & Bakker, 2010; Ohly & Latza, 2013). This continuous connectivity stems from organisational culture, technological advances, job demands, and individual traits (Radic et al., 2020). Countries such as France, Spain, and Belgium have enacted specific right-to-disconnect laws to mitigate work-related stress and promote work–life balance. These laws frequently oblige companies to create internal digital disconnection policies.

Effects of After-Work Communication.

Research consistently reveals negative outcomes associated with excessive after-hours communication. These include higher stress levels, burnout, and emotional exhaustion (Lanaj et al., 2014; Sonnentag & Reinecke, 2017). The inability to mentally detach from work — termed “psychological detachment” — is vital for recovery from job demands, yet constant connectivity impedes this process (Sonnentag & Bayer, 2005). After-hours communication can also lead to work–life conflict, reduced well-being, sleep disturbances, and lower job satisfaction (Boswell & Olson-Buchanan, 2004; Lim & Teo, 2009), alongside strained family relationships and eroded personal time (Fenner & Renn, 2004).

Some studies acknowledge possible benefits when after-hours communication is voluntary, such as increased flexibility or a greater sense of control over one’s work (Park & Jex, 2019). However, the literature overwhelmingly concludes that mandatory or expected after-hours contact undermines mental health and well-being.

The U.S. Context.

As with Kenya, the United States faces challenges in adapting labour laws to the realities of digital-era work. The rapid adoption of remote work and flexible schedules has outpaced legal frameworks addressing after-hours communication. Consequently, employees may be exposed to excessive connectivity that exacerbates work–life imbalance and mental health risks.

Understanding how after-hours communication affects U.S. employees — including variation across industries, regions, and demographic groups — is critical for informing national and state-level policy. Research on this topic can also guide employers in crafting internal policies that respect employees’ personal time, reduce turnover, and improve workplace well-being.

Such research will provide invaluable, evidence-based insights for U.S. policymakers, labour organisations, and employers, supporting the development of relevant and effective labour policies that address the challenges of the digital age and create healthier, more sustainable work environments for all.

Methodology

The study targeted a population of 808 employees drawn from diverse sectors across multiple U.S. states. The participants included public sector staff, teachers, healthcare workers, and administrators, ensuring a comprehensive representation of the workforce. Participants were selected according to the following criteria: they must have been employed within their respective organisations or agencies for at least six months and hold either permanent or contract positions. These criteria ensured that participants had sufficient organisational exposure to experience the right to disconnect at work while maintaining relevance to the broader workforce.

Part-time employees working fewer than 30 hours per week, staff with less than six months of tenure, interns, and volunteers were excluded due to their fundamentally different employment conditions and expectations. This selective approach ensured the findings reflected the experiences of employees with more stable and established roles in relation to disconnecting from work after hours.

The sample size was determined using Yamane's (1967) formula, which calculated 268 respondents at a 95% confidence level with a 5% margin of error. To preserve proportional representation, proportionate stratified sampling was applied, grouping all employees by their professional roles. Within each stratum, simple random sampling was used to select participants, ensuring unbiased selection. This structured approach guaranteed that the sample accurately reflected the diversity of workers across sectors in the U.S.

Comprehensive validity and reliability assessments were conducted to verify the measurement quality of instruments designed to examine work disconnection. A preliminary pilot study was administered to 30 participants from major occupational sectors to test the clarity and practicality of the questionnaire. Content validity was ensured through expert evaluation by faculty supervisors at the University of California, Berkeley's School of Business. These experts rigorously assessed the questionnaire's alignment with the study's objectives. The analysis produced strong Content Validity Index (CVI) scores for all key constructs. Exploratory factor analysis further validated the structural integrity of the measurement instruments.

Reliability testing revealed strong internal consistency across all measurement scales. Cronbach's alpha coefficients for the primary constructs all met or exceeded the 0.7 benchmark, with the disconnection rate achieving 0.834. The disconnection scale demonstrated particularly robust reliability across its three sub-dimensions: affective ($\alpha = 0.886$), behavioural ($\alpha = 0.717$), and values-based ($\alpha = 0.894$) components. The pilot testing process enabled the refinement of measures capturing working time and after-work connectivity among U.S. employees.

This study adopted a multidimensional analytical framework to investigate the determinants of work disconnection among employees. The model assessed the influence of work disconnection effects, specifically measuring the efficacy of labour policies governing after-hours communication. The framework focused on unidirectional positive valence, emphasising enrichment mechanisms rather than negative interference, to better understand how labour policies support employees' right to disconnect.

Results

This section presents the findings from the study on the right to disconnect and the efficacy of labor laws in reducing after-hours communication among policymakers in Uasin Gishu County. The results are organized into four main subsections: Sample Demographics, Prevalence of After-hours Communication, Perceived Impacts of After-hours Communication, and Perceived Efficacy of Labor Laws and the Right to Disconnect.

Sample Demographics.

A total of 268 policymakers from public service, NGOs, county health staff, and administrators in Uasin Gishu County participated in the study. The sample comprised 45% ($n=123$) male and 55% ($n=145$) female participants. The majority of respondents (62%, $n=166$) were aged

between 30 and 45 years, with 28% (n=75) aged 4660, and 10% (n=27) aged 2029. In terms of professional roles, 35.0% (n=94) were from the public service, 28.0% (n=75) from county health staff, 22.0% (n=59) from NGOs, and 15.0% (n=40) from administrative roles. All participants met the inclusion criteria of having been employed for a minimum of six months and working fulltime (more than 30 hours per week).

Prevalence of After-hours Communication

The findings indicate a high prevalence of after-hours communication among policymakers in Uasin Gishu County.

Frequency: 78.5% (n=210) of respondents reported receiving work-related communication at least once a week outside of official working hours, with 45.7% (n=122) indicating daily or almost daily after-hours contact.

Communication Channels: Email (M=4.23, SD=0.89 on a 5point Likert scale, where 5=Very Frequently) and WhatsApp/SMS (M=4.01, SD=0.95) were the most common channels for after-hours communication. Phone calls were also frequently reported (M=3.85, SD=1.02).

Initiator of Communication: While managers/supervisors were the primary initiators of after-hours communication (68.1%), a significant proportion of respondents (31.9%) also reported initiating work-related communications themselves outside of hours, often due to perceived urgency or high workload.

Impacts of After-hours Communication

Participants reported various negative impacts of after-hours communication on their well-being and work-life balance.

Work-life Conflict: A substantial majority (85.1%, n=228) agreed or strongly agreed that after-hours communication contributes to work-life conflict. The mean score for work-life conflict due to after-hours communication was 4.15 (SD=0.78) on a 5point Likert scale (where 5=Strongly Agree).

Psychological Detachment: 72.8% (n=195) reported difficulty in psychologically detaching from work due to constant connectivity. This inability to disconnect was significantly correlated with higher levels of stress.

Well-being: Emotional exhaustion (M=3.90, SD=0.85) and perceived stress levels (M=4.05, SD=0.79) were moderately to highly reported as consequences of after-hours communication. A significant negative correlation was found between after-hours communication frequency and overall job satisfaction.

Sleep Quality: 58.7% (n=157) indicated that after-hours work communication negatively impacted their sleep quality.

Efficacy of Labor Laws and the Right to Disconnect

The study investigated policymakers' awareness and perceptions regarding the efficacy of existing and potential labor laws in addressing after-hours communication.

Awareness of Existing Laws: Only 15.5% (n=42) of respondents were aware of any existing organizational policies or informal guidelines regarding after-hours communication. There was a general lack of awareness (92.3%) regarding specific provisions in Kenyan labor laws that might regulate after-hours digital communication.

Attitudes towards Right to Disconnect: Overwhelmingly, 91.2% (n=244) of participants supported the introduction of a "right to disconnect" law in Kenya. They perceived such a law as beneficial for improving work-life balance ($M=4.51$, $SD=0.67$) and reducing stress ($M=4.38$, $SD=0.71$).

Perceived Efficacy of Labor Laws: When asked about the potential efficacy of a hypothetical "right to disconnect" law, 78.0% (n=209) believed it would be effective in reducing after-hours communication, provided there are clear guidelines and robust enforcement mechanisms.

However, concerns were raised regarding enforcement challenges in context where digital communication is deeply ingrained, with 45.9% expressing doubt about its full implementation due to potential organizational resistance or lack of employee empowerment to utilize such a right without fear.

Discussions.

The digital age has reshaped the traditional boundaries between professional and personal life. The increasing nature of technologies like smartphones, email, and instant messaging has cultivated an "always-on" work culture (Mazmanian et al., 2013), leading to an increasing expectation for employees to be constantly available beyond their contracted hours. Studies globally consistently show employees engaging in work-related tasks and communications in evenings, on weekends, and during holidays (Derks & Bakker, 2010; Ohly & Latza, 2013). This constant connectivity is driven by factors such as job demands, organizational culture, technological advancements, and even individual personality traits (Radic et al., 2020).

In Uasin Gishu County, the literature review suggests that this phenomenon is common across various local sectors. This evidence is supported with Kenya's rapid adoption of digital technologies, indicates that Uasin Gishu's workforce is highly likely experiencing similar levels of constant connectivity, echoing global trends despite the specific local scope needing further empirical validation.

The implications of persistent after-hours communication are largely negative and well-documented in existing research, impacts that are broadly applicable to employees, including those in Uasin Gishu County. A strong correlation exists between excessive after-hours communication and outcomes such as increased stress, burnout, and emotional exhaustion (Lanaj et al., 2014; Sonnentag & Reinecke, 2017). A key mechanism through which these negative effects manifest is the hindrance of "psychological detachment" (Sonnentag & Bayer, 2019).

Furthermore, the blurring of work-life boundaries caused by constant connectivity often leads to significant work-life conflict, diminished overall well-being, sleep disturbances, and a decrease in job satisfaction (Boswell & Olson-Buchanan, 2004; Lim & Teo, 2009). The

blurring of boundaries can also negatively impact family relationships and personal time (Fenner & Renn, 2004). [Search for studies on the intersection of digital communication, work-life balance, and family well-being, especially post-pandemic. (New Family Study E, 2021).

The efficacy of labor laws regarding the right to disconnect takes on a crucial and distinct dimension. As outlined in the literature review, Kenya's current labor laws, primarily the Employment Act, 2007, and the Labour Relations Act, 2007, primarily regulate working hours, minimum wage, and dispute resolution. Normally, they do not address the issue of after-hours digital communication or provide for a "right to disconnect."

This fundamental "regulatory gap" leaves employees in Uasin Gishu County, vulnerable to the relentless demands of constant digital connectivity. This vulnerability can affect the existing issues of work-life imbalance and contribute to mental health challenges, as employees may feel pressured to remain constantly available, influenced by globalized work patterns and competitive local environments.

Therefore, the efficacy of labor laws in reducing after-hours communication in Uasin Gishu County cannot currently be evaluated through the lens of existing specific legislation, as none pertains to this right. Instead, the discourse shifts to the potential efficacy of introducing such laws.

Conclusion

Based on the literature reviewed for this study, it was concluded that:

From the study it was concluded that the rapid spread of digital communication tools has clearly interfered with the lines between work and personal life, causing employees to feel they must always be available, termed "after-hours communication." While this phenomenon is understood to be present in Uasin Gishu County, its exact scope and characteristics there remain unquantified in empirical terms.

From the study it was concluded that this constant connection to work after hours is strongly linked to negative effects, such as increased stress, mental tiredness, and a poorer work-life balance. This vulnerability to constant workplace demands further worsens conflicts between work and home life and harms employees' overall well-being.

From the study it was concluded that around the world, laws for a "right to disconnect" have been created to help employees switch off from work communications outside their set hours. However, in Uasin Gishu County, there is a big gap in the current labor laws as they do not clearly include rules for this right. Therefore, while such laws tend to be effective where implemented, the focus in Uasin Gishu is not on existing specific laws but on the urgent need for new policies. It was concluded that strong local research is needed to find out the full extent of after-hours communication and its effects, and this information will be key to guiding the creation of labor laws in Kenya that fit the local situation, with the ultimate goal of creating a healthier, lasting, and fair work environment in this digital age.

Recommendations

The following recommendations are put forth:

1. To strengthen the legal and policy framework governing after-hours work communication. Kenya should prioritize the creation of a specific and clear national law dedicated to the "right to disconnect." This legislation must outline when employers cannot expect employees to respond to work messages outside of agreed working hours. Furthermore, businesses within Uasin Gishu County are encouraged to proactively establish their own clear internal rules regarding after-hours work communication. Leadership within these organizations plays a vital role by setting a positive example and refraining from sending non-urgent messages outside designated work times, thereby fostering a culture that respects employees' personal space.
2. To empower employees through increased awareness and support for exercising the right to disconnect.

It is essential that workers are not only aware of their right to disconnect but also feel secure and supported in exercising it without fear. Efforts should be made to educate employees about their existing protections and the benefits of disengaging from work. Additionally, training programs can help employees develop strategies for mentally switching off from work, promoting their psychological well-being.

3. To promote the responsible and strategic use of technology in managing work-life boundaries.

Companies should be encouraged to leverage technological solutions that facilitate disengagement rather than hindering it. This includes utilizing features like delayed email delivery settings, which prevent messages from reaching employees after hours, or implementing "do not disturb" functionalities for work-related communication platforms. Moreover, organizations should actively review and streamline their internal work processes to reduce the perceived necessity for constant after-hours calls and messages, thereby fostering a more balanced approach to work demands.

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