Evaluation of 'Right to Disconnect' Legislation and Its Impact on Employee's Productivity

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Abstract

The purpose of this paper is to examine the French "Right to Disconnect" legislation from a holistic point of view and to assess its impacts on workers' productivity. This study adopted a qualitative approach, using semi-structured interviews and a questionnaire. It was found that there is a positive perception towards the legislation by the French workers, including the management level. However, results show that little has been implemented practically in French organisations due to several main obstacles that were deeply rooted in the current work culture. Nonetheless, some workers and managers have taken actions despite the lack of support from top management. This calls for a change in mindset to adapt to a changing workforce. The "Right to Disconnect" legislation will continue to spark debate in its current form. The "right to a chosen connection" appears to be a more flexible terminology for the workers and the organisations, and could, therefore, be more accommodating in the current work environment. This terminology may represent the future and would benefit from further investigations. It is recommended for organisations to engage in a dialogue with staff representatives, to draw a charter regulating the use of digital tools but also to practically implement a set of best practices described in the paper. Restrictive and educative actions are also discussed in the study. The value of this study is in its holistic approach on a recent topic not yet investigated in the academic literature. This explorative study not only sheds a light on the barriers to implement the "Right to Disconnect" in the workplace, but also highlights a need to adjust the use of digital tools in order to protect the workers.

Keywords: Right to Disconnect, Work-Life Integration, Well-Being, Policy, Employee Relation, Productivity

1. Background

In January 2017, France passed a new employment law allowing the workers in organisations with more than 50 employees to negotiate the conditions of a "Right to Disconnect" from work after the working hours (Couffe and Pralong, 2017). The Article 55 under Chapter II "Adapting the Labour Law to the Digital Age" of the Labour Code was introduced by the labour minister Myriam El Khomry and aims to protect the workers against the problems associated with the increasing use of digital technology in the workplace (Ministère du Travail, 2017).

Nowadays, digital technology enables people to work from anywhere at anytime; however, such technological empowerment also prolongs working time. More and more workers claim to work additional hours, even when they have left the workplace (Observatoire du Capital humain de Deloitte et Cadremploi, 2015). Hence, the Work-Life Integration for the workers is often in jeopardy and that is why governments have found the need to protect workers and to integrate the legal point of disconnection. Organisations should pay greater attention to this matter not only because it is required by law, but also because of employee's welfare and the decreased productivity that may result from an overuse of digital tools.

The imbalance between work and other aspects of life, the difficulty to disengage from an "always-on" culture, the addictive nature of the digital environment, and the current organisational practices that reinforce the state of connectivity not only affect the well-being of employees but also their productivity.

The direction taken by the French government suggests a real need to scrutinise the use of digital technology as part of the future of work. The United Kingdom and other countries are equally affected by the digitalisation phenomenon and would probably benefit from research regarding the "Right to Disconnect".

This study aims to explore the "Right to Disconnect" from a holistic perspective and to identify the key factors deriving from the application of the recent legislation as a pre-cursor of productivity. The objectives of the project are to evaluate the impact of the current legislation on the productivity of the workforce as well as to identify the employees' and management's perceptions towards the legislation. Additionally, the study attempts to suggest strategies for company-wide policy implementation of the "Right to Disconnect" legislation.

2. Literature Review

2.1. *Introducing the legislative background*

2.1.1. New Reality of Work

The fourth industrial revolution is transforming the way people work and calls for a more responsible use of the disruptive technology. The "Right to Disconnect" policy first appeared in the "telework age", following a logical evolution of digital technologies (Doskoch and Jones, 1997; Hequet, 1994; Hill et al., 1998; Nippert-Eng, 1995). Since the late 1990s, when the internet began revolutionising the world, scholars have raised their concerns about the work-life balance for those who engage

in teleworking. In fact, Hill et al (1998, p. 681) identified the need for the teleworkers to "disengage themselves from work" as an important implication of their study. More than a decade later**,** an investigation in France led by Deloitte has shown that 79% of managers were working or reading their e-mails during the evening or on holidays. This number reached 96% for the executive managers, while 49% of non-managerial employees were working during evenings or while on annual leave (Observatoire du Capital humain de Deloitte et Cadremploi, 2015).

2.1.2.   The law

The "Right to Disconnect" legislation came into effect at the beginning of January 2017 and it is part of the working conditions reform. In the French legislation, the "Right to Disconnect" paragraph appears in Article 55 under Chapter II "Adapting the Labour Law to the Digital Age", Article L2242-8 of the Labour Code.

The "Right to Disconnect" legislation states that companies with 50 employees and more are required by law to establish a dialogue between employer and employees (via representatives). This dialogue focuses on the use of digital tools beyond the working hours. Furthermore, the "Right to Disconnect" has to be included in the Mandatory Annual Negotiation process focussing on the essence of quality of life at work and gender equality.

It is specified that companies should establish a mechanism for regulating the use of digital tools. If no collective agreement could be reached, a charter of good-conduct has to be drawn by the employer. The latter will, for example, state the hours when employees are expected to be using digital tools. Ultimately, appropriate actions should be taken in order to ensure respect for 'leave and rest' periods as well as work and family-life integration. Sanctions related to a failure of implementing the modalities linked to the "Right to Disconnect" are not clearly defined in the legislation and there are still doubts on what the associated sanctions could be. However, the British company Rentokil Initial was ordered to pay 60,000 euros for failing to respect one of its employees' Right to Disconnect" (Samuel, 2018). This case closed in July 2018, and it is believed to be the first case related to the "Right to Disconnect" but it will probably be followed by others. This new law clearly emphasizes the need to reinforce work-life integration policies within organisations.

The "Right to Disconnect" is, however, a quite flexible policy since every company is free to negotiate mechanisms of regulations, or to adapt the charter and procedures itself, depending on its needs. Likewise, it is important to note that the law does not provide any guidance on suitable ways of implementing proper measures for use of digital tools. Each organisation has to create its own policies.

2.1.3.   An intense debate

The introduction of the new legislation sparked a lot of debate both domestically and internationally. An intense exchange of arguments both in favour and against such legislation can be found in the press and in various contexts including in the United Kingdom.

Research by the Chartered Management Institute in 2015 found that British employees are unintentionally cancelling the equivalent of their holidays through their use of smartphones and other digital tools outside of the working hours (Kotwinski, 2017). According to some expert psychologists, these behaviours incorporating the overuse of digital tools are not sustainable and may have damaging effects on well-being. They are also a source of danger and may, *in-fine*, lead to burnout (Kotwinski, 2017). That is why, according to Jon Heuvel (2017), the "Right to Disconnect" could boost both well-being and productivity by providing more protection to the workers. In France, Eléas (2016) found that over a third of French workers used their devices to work out of business hours every day. According to the same study, 62% of the sample considered that rules should be implemented to regulate the use of digital tools. An investigation led by the CIPD (2017) indicates that more than three-quarters (77 per cent) of British employees either agreed or strongly agreed that the UK should introduce a policy similar to France's "Right to Disconnect". Delgenes, a health specialist in the workplace recognises that the "Right to Disconnect" answer the needs of the workers. However, he reveals that some professions are more impacted by digital technologies than others and that the current legislation may not be strong enough. Delgenes has suggested establishing a minimal compulsory disconnection period (Lejeune, 2016).

On the other hand, the French "Right to Disconnect" is also criticised extensively. For instance, Shaw (2017) highlighted the fact that the legislation is enrolling everyone in the same situation and could prevent taking benefits out of the digital era. The CIPD survey on employees' outlook on working life indicates a paradox coming from the use of digital tools. Indeed, according to this survey, 30 per cent of the sample questioned approved that "having remote access to the workplace made them feel empowered, 53 per cent said it helped them work flexibly and 37 per cent said it made them more productive" (CIPD, 2017).

Hesselberth also emphasised risks related to the new French legislation. Indeed, according to the researcher, the new law would mean that the "employee can no longer invoke this "right" under the traditional conditions of waged-labour, where it would be on a par with one's unpaid, or free, time" (Hesselberth, 2017, p.2007). The researcher adds that the law would not protect the employee, but on the contrary risk to turn all our "available hours into the time of (unwaged) labor" (ibid, p.2008). Mankins (2017) is also critical considering the French legislation, stating that the legislation confuses effect with cause and it will not "slow the tide of e-communication". Mankins (2017) adds that "at best, these measures will merely shift the timing of workplace communications from off-hours to the workday and push other "work" to weekends and after hours" and that the "French may quickly discover that their most productive workers are routine "lawbreakers" who stay connected during off-hours".

2.2. The impact of digital tools

2.2.1. The "always-on" culture

The expansion of the internet, its availability and affordability, as well as the rapidly increasing number of portable networked devices has been contributing to behavioural

change in the world (Emmens and Thomson, 2018). Technology has undeniably accelerated and proliferated communication (Emmens and Thomson, 2018; Powers, 2010; Turkle, 2011).

The concept of "always on" culture describes a society which is permanently hyperconnected, through digital tools and means of communication resulting in difficulties for the individuals to escape and disconnect from work. Research on the action of disconnection from the means of communication showed that the users' definition and relationship regarding disconnect shifted over time (Dery, Kolb and MacCormick, 2014). In fact, it evolved "from a binary notion of connects and disconnects to a more fluid notion of connectivity" (Dery, Kolb and MacCormick, 2014, p22). This testifies to the permanent link that users keep with the rest of the world by means of digital communication. Hence, the "always-on" culture results in a new way of living which obviously redefines the way we engage with work. Individuals are living in a frenetic world where instantaneous communication is expected and defines new organisational practices.

However, several authors have argued that struggling to disengage from work mentally can impact negatively on well-being and *in fine* productivity (Sonnentag, 2012; Lee, Lee and Suh, 2016). For that reason, governments introduced legislation such as the "Right to Disconnect" as a way to curb the always-on culture which propagated during the last decade.

2.2.2. Addiction to digital

Digital devices represent a challenge of addiction- claims several authors (Osburg and Lohrmann, 2017; Emmens and Thomson, 2018; Powers, 2010; Turkle, 2011). Well and truly, the risk of becoming overly attached to digital devices is a reality experienced by many individuals. Earlier studies evaluating the impact of blackberry device found some addictive pattern related to its use and referred to it as the "Crackberry" (Funtasz, 2011; Mazmanian et al, 2005).

This addiction resulting in mental overload caused by a wave of information, alerts and notifications could negatively affect an individual's creativity (Leonhard and Von Kospoth, 2017), cause disengagement (Johnson et al., 2014), be harmful to wellbeing (Mazmanian et al., 2013), lead to burnout (Staunton and Devlin, 2018). Leonhard and Von Kospoth (2017, p.82) call for a "need to regulate the drivers of digital addiction". Thus, it could be interesting to determine if policies such as the "Right to Disconnect" could also contribute to launching a digital detox treatment.

2.2.3. Organisational Practices demand more connectivity

The emergence of digital and new technologies of communication has revolutionised the workplace and its organisational practices. The possibility to work from everywhere and at any time has a huge impact on the work patterns. The impact of the "always-on" culture is also embedded in the organisation practices. Being available 24/7 is now something that is expected in an implicit manner. In this way, being prompt is often associated with higher performance. This results in the situation when

employees have the feeling of being continuously connected to their organisation, even outside the working hours (Lee, Lee and Suh, 2016).

2.2.4. The Importance of well-being

A better organisational climate should be aimed at and developed in order to guarantee the optimal well-being of the employees (Mullins, 2010). Digital technology has the potential to be harmful to workers' well-being as well as their families according to Becker, Belkin and Tuskey (2018). The same authors support the implementation of stricter rules in order to stop work invading people's private life.

In the same way, Johnson et al (2018) argued that technology -- including e-mail, mobile devices as well as social networking sites -- have increased workload and tend to be damaging to well-being psychologically. Thomée et al (2011) remind that the action of constantly checking or using smartphones and other digital devices has been linked with a higher level of stress, anxiety, sleep disorders and overall deterioration of well-being. The CIPD Absence Management Report (2016) reveals a rising rate of presenteeism in the UK and found that workers exhibiting a weaker level of well-being were more likely to report a higher level of presenteeism. This fact suggests the existence of a link between poor well-being and poor productivity. In France, according to an investigation led by Eléas, 12% of the working population suffered from burnout syndrome and 37% admitted to using professional digital tools outside the working hours each day (Debaine et al., 2018).

2.2.5. High-speed society and slowness concept

During the last decade, many people had the feeling that time has been becoming scarcer. Research indicates that people feel more anxious, rushed and pressed for time (Robinson and Godbey, 2005). Researchers define such perception of time as "runaway world" (Wajcman, 2015) or "time famine" (Mogilner, Chance and Norton, 2012). Similarly, it is often argued in the literature that technologies and digital devices contribute to accelerating the pace of life. According to Wajcman, (2015, p.2) escaping from technologies is hard and we never really disconnect because "they are inextricably woven into the fabric of our lives". Wajcman (2015, p.83) supports that "the allure of metropolitan speed is indissolubly linked to the dominant ideal of modernity". Living a busy lifestyle is often seen as prestigious and the term "busyness" is widely spread in the literature. The concept defines a "subjective state that results from the individual's assessment of his or her recent or expected activity patterns in the light of current norms and expectations" (Wajcman, 2015, p.72). Busyness takes advantage of digital devices that allow constant connectivity and turn the worker into a "willing slaves" ready to over-work, especially in a modern society associating busyness with success and prestigious status (Bunting, 2005).

In his book "In Praise of Slowness" (2004), Carl Honoré reveals his journey towards a life at a "tempo giusto", that is with a right pace: speeding up when it is required and slowing down when needed. According to him, a good well-being could be achieved through acts of deceleration, moments of appreciation and a kind of life that is not

always in a fight against the clock. The goal is to offer a "middle path for marrying 'la dolce vita' with the dynamism of information age" (Honoré, 2004, p.275).

The positive impact of reduced working hours on productivity is known; according to Messenger (2010, p313), "an increasing body of evidence underlines that the effects of a reduction of regular long working hours include positive impacts on workers' physical and mental health, improved workplace safety and increased labour productivity due to reduced fatigue and stress". In their book "How much is enough", Skidelsky and Skidelsky (2012, p. 25) wonder: "we in the rich world are four or five times better off on average that we were in 1930, but our average hours of work have fallen by only a fifth since then".

If the concept of slowness and the Slow Movement may not be possible to apply on a universal scale, the philosophy behind this call for slowing down is starting to reach many. In fact, more and more organisations are becoming aware of its benefits. Some organisations are trying to implement solutions to slow down and recognise their positive impact on productivity (Honoré, 2004). For instance, some organisations allow employees to take naps and many workplaces now include gyms where various sports activities are available. Other activities such as meditation, mindfulness, stretching, listening to music or going for a walk are sometimes encouraged by certain organisations and these activities are being recognised for increasing positive emotions, decreasing fatigue or restoring psychological resources (Henning et al., 1997; Johnson et al., 2018; Trougakos et al, 2008).

In sum, the "Right to Disconnect" seems to open a new chapter in new realities of work. In the digital age, workers need to be protected from the potential negative side effects of the overuse of digital and new communications technologies. Since the introduction of legislation in 2017, little research has been conducted regarding the implementation and implications of the "Right to Disconnect". Therefore, this study aims to fill in this gap and offers an insight into the practicalities of the "Right to Disconnect" initiative.

3. Methodology

This research adopts a qualitative approach. The data were collected from interviews and questionnaire, while the participants were recruited using the snowball method. The sample is comprised of professionals working in France and in different industries. The sample also represented workers who use digital tools as part of their work and are concerned with the overuse of information communication technology: 20 workers -- including both managerial and non-managerial employees -- took part in the semi-structured interviews. Interviews were transcribed and analysed using thematic analysis with the assistance of Qualitative Data Analysis Software Nvivo. All transcripts were carefully analysed and organised into categories according to themes.

The questionnaire was distributed electronically using Google Forms, and 107 questionnaires were completed. The data gathered in the survey was processed using Excel and analysed with Google Forms software in order to obtain descriptive statistics.

4. Findings

4.1.   *Theme 1: Digital Invasion and Addiction*

4.1.1.   **Digital tools are widely spread**

On average, the surveyed private sector participants spend 3 hours and 17 min per week working additional hours because of the availability of digital communication tools. In contrast, the participants from the public service spend, on average 2 hours and 3 minutes per week doing additional work hours.

The feedback from interviewees as well as previous research confirms the wide use of digital tools and technology at work. All of them are affected by the new reality of work, irrespective of their gender, age or work context. Digital tools allow more work to be done from home.

4.1.2.   **The addictive nature of digital tools**

Out of 20 interviewees, the potential addiction problem was discussed by19 participants. Approximately half of the participants initiated the topic; for the others, the researcher was enquiring explicitly about addiction to digital tools.

Participant 18 shared an experience which is quite revealing and probably sounds like an echo for many people: "I have seen people, just like in 'the Modern Times' movie, you know Charlie Chaplin; I still can remember those two managers who unlock their smartphones in every 3, 4 or 5 minutes, it is an automatism, and it is clearly addictive…".The interviewees' perspectives are completely supported by the survey participants. The majority of survey participants (93.4 %) either agree or strongly agree with the view that the digital tools are highly addictive.

4.2. *Theme 2: The need to slow down*

4.2.1.   **Immediacy and tsunami of notifications**

In answering the question "do you have any pressure to respond quickly?" participant 16 responded "as managers, we all feel that there are emergencies. Sometimes you need to work longer hours than others. You also make people gain time if you answer fast". The same participant [P16] is trying to respect the resting times of his subordinates but "when we are speaking between managers, we do not beat around the bush [P16]". A survey participant argues: "for many, e-mail is a tool that demands an immediate reaction thus making any solicitation an emergency […] everyone expects a swift reply nowadays".

The ethos of immediate availability is spreading in the workplace environment, where people feel pressurised to maintain high availability even though sometimes it is not directly requested. Results show that digital tools promote a sense of immediacy and accelerate the pace of life.

4.2.2. Burnout and desire for escape

"The risk for burnout is there. We know it exists, we need to be careful" – revealed by participant 19.Participant 13 maintains: "Before my professional exhaustion, I did not regulate myself, and maybe this is why I needed my accident to realise and become aware that I need to regulate some things […] You also have to learn how to defend your skin". According to participant 14, if nothing is done "a lot of people will collapse under the pressure".

76.4 % of the survey respondents wish they could live without digital tools occasionally and 79.4 % of the survey respondents wish they could slow down the pace of their life. Participant 19 described his despaired situation - "sometimes, I would like to go retire on an ice floe".

Workers feel invaded by work through digital tools; this prevents them to mentally disengage from work completely. Heavy users of digital tools indicated that these tools provide a fertile ground for the development of professional exhaustion and burnout. Some of the workers reported they are experiencing work-life imbalance that is troublesome and stressful.

4.3. Theme 3: Coping Strategies

4.3.1. Establishing barriers

Participant 6 claims: "overall, I do not feel attacked in my private sphere because I have set personal boundaries; for instance, people know that I do not reply instantly". Participant 7, a young and dynamic entrepreneur decided to take technological actions: "While I am at work, I switch off all the other social network notifications and I use a mobile application helping me to regulate the use of social media".

However, it is not easy to self-regulate, and participant 18 summarised it as: "All of those digital tools and means of communication are just new liberties, but to say no to all of these tools and set barriers, you need a damn huge mental self-discipline".

Some participants are indicating setting barriers to protect themselves from the negative side of being always hyperconnected. However, it is not simple to overcome technology addiction and it requires willpower and wisdom to regain control of technology. Hence, not everyone manages to regulate it by themselves. Therefore, some interviewees pin their hope on the law as a way to help to protect workers from what appears to be a conundrum.

4.3.2. Restrictive solutions

Just like the majority of the survey respondents, participant 8 favours a restrictive solution: "I think it is a good idea to shut down the servers at unconventional hours". Participant 20 also agrees that it is a very easy policy to implement; however, he describes a server shutdown as "a stupid rule" that does not answer the sociological evolution where workers require more flexibility.

Restrictive action can be easily implemented but it is not universally welcomed and met with mixed results. Information and communication technology allows greater connectivity across time zones; banning emails or shutting down servers after working hours could be counterproductive. The shutdown of servers implemented in some companies did not have the desired effect.

4.3.3.   Educative solutions

Participant 18 is convinced that education and training are keys to tackle the problem: "of course, it is essential to offer training or campaign to raise awareness about technology addiction or overuse". The participant adds: "new technologies need to be accompanied, assisted, and guided. It is far from being trivial or inconsequential". Survey participants also recognised the importance of training, especially training session and wellbeing workshops to learn more about burnout and a need for a moment of disconnection. However, some participants did not feel the need to attend any training session regarding the "always-on" problem.

Educative actions, such as awareness campaign or training session on how to use digital tools in a responsible and efficient way, have split opinions among the interviewees. It could serve as a part of a larger action plan to address the problem. Those actions could be offered by organisations and their participation based on a voluntary basis.

4.3.4.   Best practices

The research participants suggested a series of small practical actions to keep themselves from the use of digital devices. As a survey respondent wrote: "there is a need to find small, simple actions to prime the disconnect pump".

Choose direct contact over an electronic form of communication
Many participants confessed to sending e-mails to people who are less than ten metres away from them. Participant 20 shared an interesting experience: "for several days, there was a blackout of the communication server in the workplace, and people were first completely disoriented. Then, I saw workers resolving problems by crossing the building, speaking directly with their colleague of their problems and they resolved it in 30min. Two days later, when the e-mail worked again, everything was the same again. Even though people had been more efficient because they had walked for 5 minutes". The e-mail seems to be overused and given priority over face to face communication.

The additional messages in e-mails
Participant 20, for instance, customised his e-mail signature to communicate that "if my e-mail is sent in the evening or weekend, it concerns myself only and does not call for an immediate answer, it can wait for the day after". According to this participant, simple actions like that can help change connectivity mentality.

Deleting the e-mails of a person who is on holidays

Participant 20 explains: "the person comes back from holiday and has zero e-mail instead of five hundred. If it is really important, the sender will send another e-mail when that person is back". One participant [P12] also revealed that he delays or schedules the delivery of email messages so that he could send e-mails within the working hours, even though he wrote them in the evenings.

Deactivating some functionality
All interviewees agreed that a lot of e-mails are irrelevant to them but only one of them works in an organisation which deactivated the option "reply to all".

Offering actions to slow-down
The majority of the interviewees are in favour of small breaks within the working day so that they could slow-down. Organisations can help to improve employees' physical and mental health by offering employees opportunities to exercise, take naps, meditate, or practice other activities aiming at slowing down.

There are many different forms of actions which can be taken to address the "always-on" problem. These include restrictive actions, educative actions, or communication etiquette as discussed above. While some of them are quite controversial, some are considered appropriate by a larger number of people. Many of those actions can be easily implemented and help changing mindset gradually.

4.3.5. The belief in productivity increase

Participant 7 argues: "the Right to Disconnect can indeed improve the quality of life and draw a line between professional and private life. For the wellbeing of the person and its productivity in the longer term, it is a positive move".

75% of the survey participants agreed or strongly agreed with the statement that the "Right to Disconnect" could help them disengage with work and have better relaxing time; 72% agreed or strongly agreed that it could be favourable for their well-being. Altogether, almost every survey participant declared being in favour of the "Right to Disconnect" legislation. However, survey participants are not sure how the law could make them more productive. Opinions are divided.

4.4. Theme 4: Managerial Support

4.4.1. Negative aspect

Evidence shows that some organisations are quite passive in the way they respond to the new legislation. Participant 1, human resource manager of a large company, is sceptical about the legislation and asserts: "Let's not delude ourselves, even on holidays; in this company, managers are always, always connected. It is a trap". Participant 1 reveals that "some people have not coped and left quickly but despite this, we cannot put anything into practice because we need this flexibility and this engagement from our managers 24/7, because such system is faster as the group is operating as a start-up".

In organisations of more than 50 employees belonging to the private sector, only 24% of the workers were aware of policies related to the "Right to Disconnect". This is a very low number considering that every worker's organisation of more than 50 employees should, by law, establish at least a charter concerning the use of digital tools and guidance for employees.

Other interview participants also have been supporting the negative reception of the legislation and Participant 6 is worrying that the legislation can quickly become "*smoke and mirrors*". 97% of the survey participants declared that they have not seen any relevant changes since the "Right to Disconnect" policy became effective in January 2017.

The outcomes of the interviews indicate the negative approach adopted by the top management of some organisations. Facing issues such as workforce's exhaustion can cost organisations dearly in terms of high employee turnover and decreased productivity. Nonetheless, some of the top management adopt a passive approach without even considering potential solutions or at least engaging in a dialogue.

4.4.2. Positive aspect

On the other hand, some of the interviewees noticed that their top management take a more proactive approach to accommodate regulatory changes. Participant 20, president of a Trade Union representing the managerial staff, indicated that one of the largest private companies in France is truly trying to find solutions and there will be discussions and other negotiations in the near future in relation with the quality of life at work and more specifically the "Right to Disconnect". Participant 5 shares - "I have already heard about the "Right to Disconnect". And we hear about it more and more often" as his organisation invests time and effort to create awareness about the "Right to Disconnect". If this organisation wanted to ignore the "Right to Disconnect" completely and bury the subject, it would have done it by now.

Results also revealed mixed attitudes of the top management, with some companies to leverage the legislation as a tool for developing a true dialogue with Trade Unions and improve the current situation.

4.4.3. The unique role of the manager

Managers play an important role in promoting the "Right to Disconnect". Take Participant 8 for instance; he applies the "Right to Disconnect" to its direct subordinates even though his organisation has not implemented anything yet. He says: "I impose it [the Right to Disconnect] to the people that work for me. I do not show the example, but I impose it on them". In the same way, Participant 9 expresses praise on her manager "I have an extraordinary manager who is encouraging me to disconnect". She adds "we are very protected by our director who is taking the role of a screen or shield and he is taking it upon himself".

The role of the line managers should not be underestimated as they are the ones in direct contact with the workers. Interviews reveal that there is a gap between law and

actual implementation in practice. Such dissonance not only exists between different organisations, but also within the organisations.

4.5. Theme 5: The barriers to overcome

4.5.1. The culture of short-term financial results

Participant 14 claimed that: "we are in a results-oriented society, always looking after short-term results and productivity". This view is also supported by other interviewees and survey participants who commented that there is an absence of long-term vision and pressure for immediate results in today's workplace. Participant 14 also revealed that his organisation is currently downsizing and expects more from fewer people. This feeling is shared by others [P19]: "in the private sector, the number one rule is to make money. In the public sector, they are restructuring and not hiring people because they know that it will still work since there are people like us who will be connected all the time. The workload is accomplished because people are doing more thanks to digital tools. We are rushing to our own destruction". Interestingly, according to participant 6 and some survey participants, the issue of the 'Right to Disconnect' cannot be addressed if the workload is not adjusted. 33% of the survey respondents considered the heavy workload as one of the reasons why they work outside office hours or once they left their desk. 60.8 % of the survey respondents either agreed or strongly agreed that their workload increased since the introduction of digital tools. However, several managers from the sample now work under the "forfait cadre autonome", meaning that the managers receive a flat salary rate for a given number of days per year and not per hours. These managers sometimes work outside normal working hours, and they are not paid for working overtime.

The message conveyed by some participants remains quite critical over the intention of the management of their companies. Some work seems to be accomplished without being financially rewarded. As profit-oriented organisations continue to weigh on short-term results and financial performance, the exploitative nature of these organisations may contribute to work-life imbalance and burnout.

4.5.2. The organisational dysfunctions

All participants agreed that there are too many meetings within a working day. The fact is that being constantly disturbed and/or distracted at work due to frequent meetings is causing workers to deal with e-mails and other work obligations outside working hours. This often results in less time to complete tasks at hand. Nearly all managers agree that there is also a loss of focus during meetings where people are replying to their e-mails and therefore lose track of the meeting's purpose.

Another problem is that some people experience a lack of meaning due to distractions. Participant 20 analyses: "an employee cannot do a proper task for a long time. He starts, he receives an e-mail, and so he replies… there are so many disturbances. Some people leave work and wonder what they have achieved today. Those people may feel guilty and therefore carry outwork tasks at home to clear their conscious. A survey participant confirmed: "working from home allows me to compensate for the time I

have not (or at least I do not have the impression that I have) worked enough during office hours".

It is important to note that several participants claimed that many work disturbances are actually caused by digital tools.

5. Discussion

This discussion is structured to reflect on the research objectives.

Reactions on the "Right to Disconnect" legislation by French workers
As discussed in previous empirical studies (Observatoire du Capital humain de Deloitte et Cadremploi, 2015), digital tools are widely used in the contemporary work environment. All participants in this study are affected by the wide use of digital tools, irrespective of company position, personality, or the organisation they work for. Nonetheless, it seems that when employees have greater responsibility, the chances of being "always-on" and accomplishing work outside the legal working hours are higher.

It was also found in the survey and interviews that workers from the private sector, on average, work more than workers in the public sector, once they left the desk of their workplace. However, as the public sector in France is undergoing structural changes, some public servants seem to be affected and having the "always-on" problem as well.

One of the important consensuses found in this study is the recognition by both survey participants and interviewees of the addictive characteristics associated with digital tools and their use. This finding corroborates with the existing studies (Emmens and Thomson, 2018; Funtasz, 2011; Mazmanian et al., 2005; Osburg and Lohrmann, 2017; Powers, 2010; Turkle, 2011).

Overall, the evidence in this study suggests that the nature of the digital tools contribute to the acceleration of the pace of workers' life as also expressed before by Wajcman (2015). Indeed, many people feel that they need to be available a lot more than before and that sense of immediacy is conveyed by digital tools and particularly by e-mail. Some e-mail originators expect quick answers, while some other does not. Faced with that confusion, many of the workers feel pressured to respond quickly to every e-mail, text or phone call. This confirmed the outcomes of the previous studies by and Mazmanian et al, (2005). The number of e-mails and other means of communication are perceived by many workers as an invasion in their free time and prevent them to disengage from work mentally. The research participants were conscious of the possible exhaustion coming from such a frenetic lifestyle. Therefore, the vast majority of the participants wish to slow down the pace of their lives and sometimes wish to live without digital tools, which confirm the ground for the emergence of slowness praises (Honoré, 2004).

Managers generally portrayed a positive attitude towards the legislation because they are also the first ones to struggle in disengaging from work. Supported by their top management, some organisations are actively seeking solutions to overcome the problem. However, some top managers remain passive and resist changing the current way of working and thus the "always-on" problem could prevail. The quest for more

profit in this increasingly competitive world constitutes a main barrier to practical implementation of the law. Almost two years after the law came into effect, some organisations have not even drawn a charter addressing the problems associated with digital disconnection. In fact, for some organisations, digital tools pressurise employees to work more outside the working hours. One interviewee referred to it as "grey work". It is important to underline that this phenomenon also occurred in the French public sector.

The findings of the study suggest that there is a positive attitude towards the idea of regulating the use of digital tools and helping workers to disconnect and yet at the same time it also highlights a paradox of conflicting interests. Many respondents showed a favourable attitude towards the "Right to Disconnect" but there is an implementation gap between regulations and actual implementation in practice.

Assessing impacts of legislation on productivity
The negative impact of struggling to disengage from work is well-documented in the literature (Becker, Belkin and Tuskey, 2018; Johnson et al, 2018; Lee, Lee and Suh, 2016; Sonnentag, 2012; Thomée et al., 2011) and the findings of this study are consistent with the earlier research. The participants of this study are generally aware of the negative effects of technology overuse on work-life integration and overall well-being. The findings revealed that the workers do believe that the legislation aimed at adjusting the use of digital tools and balancing private life and work more effectively can contribute to improvements in well-being, reduced stress, and more effective resting times. While most of the interview participants agreed that the "Right to Disconnect" could, *in fine*, increases their productivity, the survey respondents do not share the same view because they could not tell whether or not the legislation has a positive impact on their productivity. This doubt can be understood if one looks at the outcomes of policy implementation; most survey respondents found the outcome is disappointing, to say the least. The number of participants aware of practical policies in their organisations is really low and 97 % of the survey participants declared not having seen any change since the introduction of the "Right to Disconnect" policy.

The study found that the impact of legislation is quite modest and therefore the impact of legislation on productivity is also quite insignificant. However, results show that more and more people are aware of the problem brought by constant connection and take the matter in their own hands. For instance, some managers encourage their subordinates to disconnect periodically from their work, while there is an absence of organisational policy to prevent employees from being permanently reachable outside of their working hours. Some workers also admitted setting their own boundaries to protect themselves against the invasion of digital tools. Those actions are perceived positively by the workers as ways to avoid exhaustion. It can be argued that such coping strategies may help to maintain work-life balance and hence prevent long-term harm to productivity. This argument is based on the study of Savage and Staunton (2018) who observed a vicious circle of increasing pressure on employees by 24/7 availability, leading to a long-hours culture and disengagement, which in turn impacts negatively the worker's productivity.

The overall perception of this study is that workers would gain more from disconnecting periodically from work, especially with regard to productivity but the policy implementation of the legislation remains problematic and difficult.

6. Recommendations

One important characteristic of the current legislation is its flexibility given to the organisations to create their own policies and deal with the matter according to their needs. Yet, it seems that the lack of guidance and recommendations for applying practically the "Right to Disconnect" has left many organisations bewildered and confused on how to do more than just simply establishing a charter of good conduct over the use of digital tools.

Several practical policies and solutions were discussed in the study. Some are controversial while others were more widely accepted and desired by the study participants.

Restrictive actions, such as server shutdown during certain times, are supported by some of the studied workers. However, even though restrictive actions might be easy to implement, it does present a major drawback as it completely blocks the access for everyone. Companies that implemented that technique realised that some of their workers found ways to workaround the system and accomplish work tasks outside working hours anyway. Therefore, it might not fix the problem as such, but it eliminates the flexibility of working that some workers require. In that regard, it was suggested that the terminology of the "Right to Disconnect" could be updated to the "right for a chosen connection". This would mean that no one can force or punish a worker to stay connected and accomplish work during his or her resting times but the ones who desire to do it, could do it freely without expecting the same from others. This would be beneficial in order to utilise the flexibility provided by digital tools while eliminating other problems such as "grey work" or being available 24/7. However, this approach should be supported by policies.

Among other actions, the study identified a set of good practices which was largely accepted by the study participants.

The set of good practices for every organisation and (almost) every worker to implement today:

 - *Choose face-to-face contact over electronic communication where possible.*

 - *Add additional messages in e-mails reminding that the sender does not expect an immediate answer (except genuine emergencies).*

 - *Exclude e-mailing recipients who are on holidays. (For important matters, the sender will have to send another message when the recipient comes back from holiday).*

 - *Deactivate email functionality such as "reply to all".*

 - *Schedule the delivery of email messages to be sent at the most convenient time*

- Offer opportunities to "slow-down" at work: for example, provide a meditation room to practice mindfulness, gym to workout, or sleep pod to take a nap.

These "little" interventions may not create a radical transformation of working practices but enable workers to fine-tune their work life and use digital tools more effectively. Managers could promote digital disconnection by promoting these actions among organisational members, especially in the case where the organisation has little, or no initiative related to the "Right to Disconnect". These small changes could slowly change the habits and mindset of workers. Additionally, many participants believe that a change in the culture of work is necessary but at the same time they showed their concern that the law would not change anything and remain "smoke and mirrors". Furthermore, the debate of the legislation contributes to the changing mentalities and slowly transforms the culture of work and use of digital tools. The generational change in the workplace with the arrival of younger workers who are sometimes referred as "digital natives" could bring major changes to the use of digital tools. One cannot exactly predict the impact it will have but the latter cannot be underestimated.

The study also reveals the importance of educative actions. Indeed, workers would welcome training session regarding the use of digital tool although not everyone agreed that they needed it. However, it is clear that the use of digital tools is not something inconsequential and requires support from the managers and HR to promote a more efficient use of digital tools. Hence, awareness campaign and training sessions advising on how to use digital tools more productively and reminding the workers the benefits of disconnecting could help significantly.

Finally, at a higher level, training or campaign awareness could be designed for the top-management to expose them to the negative impact of over-work and struggling to disconnect may have on the long-term productivity of the workers. Employees' performance could be undermined by factors such as information overload or digital distraction and diminished creativity.

7. Conclusion

This study was undertaken to fill a gap in the academic literature by investigating the French "Right to Disconnect" legislation from a holistic perspective and intended to identify the impact of the recent legislation on productivity. The findings indicate that the impact of the newly introduced legislation on productivity is quite limited due to the lack of actual implementations in French organisations. Nearly two years after the law came into effect, few organisational policies are in place and the opinions over the legislation are divided. However, the findings of the study call for a need to adjust the use of digital tools in order to protect the workers' work-life integration, well-being, health, and productivity. The large majority of participating workers, including managers, welcome the "Right to Disconnect" legislation and express a desire to slow down the pace of their life. However, the number of barriers preventing organisations to implement the "Right to disconnect" is high. In most organisations, short-term results and financial performance seems to prevail over concerns of wellbeing, better working conditions and long-lasting productivity.

The "Right to Disconnect" legislation sparks an intense debate and puts a major problem in the centre of discussions. This makes people rethink their use of digital tools and since some people are already taking personal measures to apply their own strategies for disconnect even if their organisations remain passive. Therefore, the legislation does have an indirect effect as a pre-cursor to future changes. This finding is promising and reveals that the "Right to disconnect" is not just "smoke and mirror".

With some organisations truly engaged in a quest for effective disconnection, an applicable set of best practices concerning the use of digital tools and a demographic change in the workplace; it could be expected a change of mentalities in the future. The author believes that the future probably relies on the "right for a chosen connection", offering more flexibility as well as protection for the workers on the basis of common sense.

The study presents some limitations as the sample size is quite small. Studies with larger sample sizes are needed in order to confirm the results of this exploratory research project. The use of more complex statistics would provide stronger results. Further study of the relationship between demographic and technology variables would be beneficial. Given the preliminary and exploratory nature of this study, further research needs to be focused on supporting HR professionals in shaping the future of work.

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