



# The Implementation of the "Right to Disconnect" in Slovenia: An Evaluation of Challenges and Practices

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## Abstract

Digital transformation and information and communication technology (ICT) have significantly changed work in enterprises, particularly in the constant availability of employees to the enterprises. The biggest consequence of that is the blurred line between professional and private life. In response to the challenge of employees' constant availability, the Right to Disconnect (RTD) was developed, enabling employees to be unreachable outside of working hours. This paper analyses the initial implementation of RTD in Slovenian small and medium-sized enterprises (SMEs) and explores the relationship between enterprises' digital maturity and the quality of RTD implementation. Using a qualitative methodology based on interviews with human resources (HR) managers from SMEs, the discussion highlights the effects of the RTD on digital ethics and organisational culture. The findings indicate that higher digital maturity encourages more effective RTD implementation, whereas less formalised practices in smaller enterprises indicate the need for additional support mechanisms and internal regulations.

**Keywords:** Digital ethics; Human Resource (HR); Right to Disconnect (RTD); Small and Medium Enterprises (SMEs); Digital maturity

## 1. Introduction

Digital transformation and the widespread use of information and communication technology (ICT) have significantly changed work processes and expectations regarding employees' availability. The flexibility and efficiency enabled by digital tools often lead to the blurring of boundaries between professional and private life. This creates a need for the regulation of digital connectivity and the protection of employees' rights. Consequently, the Right to Disconnect (RTD) has emerged as a response to constant digital availability. It was

first implemented in 2017 by France, which recognised that employees should have the right to disconnect after working hours without facing any consequences that could negatively affect their employment relationship.

RTD constitutes employees' right not to respond to communication or perform work-related tasks outside of working hours. The RTD complements European legal instruments such as the General Data Protection Regulation (GDPR) and Directive 2003/88/EC concerning working time. While the European Union (EU) has not yet established a standard directive, several countries have already implemented the RTD, including Slovenia, which implemented it in November 2024.

This research examines the early implementation of the RTD in Slovenian small and medium-sized enterprises (SMEs). It explores the relationship between enterprises' digital maturity and the quality of RTD implementation, assesses its implications for digital ethics, organisational culture and identifies differences based on enterprise size. The study is based on structured interviews with human resources (HR) managers from Slovenian SMEs. It provides insights into selected enterprises' practices for implementing the RTD and examines the interconnection between digital maturity and ethics while implementing it.

## **2. Digital ethics and maturity**

Digital ethics in the enterprise environment addresses the normative dimensions of ICT use, with particular focus on privacy, responsibility, autonomy, and the promotion of an inclusive and fair working environment (Ashok et al., 2022; Ibricu & Made, 2020). In modern enterprises, digital ethics is increasingly relevant in managing complex ethical dilemmas that arise from the digitalisation of work processes, especially those related to the misuse of employees' personal data, violations of fundamental rights, and privacy (Kiritchenko et al., 2021). These dilemmas extend beyond the legal framework of employment relations, affecting the quality of the working environment, shaping organisational culture, and impacting the psychosocial well-being of employees (Roy et al., 2024).

As Ayaz et al. (2025) wrote, digitalisation continues to accelerate, and the frequency and complexity of ethical dilemmas also increase, particularly about the violation of employees' rights. In enterprises, such violations often weaken organisational trust and contribute to heightened turnover intentions. One of the most prevalent unethical practices in this context is the insufficient protection of personal data, often caused by the rapid implementation of digital technologies without adequate investment in cybersecurity (Albin, 2025; Hein-Pensel et al., 2023). Effective cybersecurity provides essential technical and procedural mechanisms for implementing ethical digital standards within enterprises. The level of digital literacy within an enterprise plays a key role in developing and implementing these standards. Low digital literacy can contribute to the emergence of ethical dilemmas, particularly when organisations cannot design or adopt appropriate internal policies. To address these challenges, enterprises must establish clear internal rules and align with recognised legal instruments—such as the General Data Protection Regulation (GDPR)—to ensure both ethical and legal handling of personal data (Chaudhary et al., 2023; Heidt et al., 2019; Ozkan & Spruit, 2022).

Protecting employees' digital rights and safeguarding their personal data is a central component of both digital ethics and digital maturity. Bian et al. (2025) wrote that this is reflected in transparent communication practices, a supportive organisational culture, and a consistent commitment to employees' well-being within the enterprises.

Digital maturity - the enterprise's ability to strategically implement and manage digital technologies - directly affects how ethical principles are embedded into digital practices (Ashok et al., 2022; Priyono et al., 2020). Enterprises with a higher degree of digital maturity typically demonstrate a more structured and proactive approach to digital ethics (Huu, 2023). The level of digital maturity within enterprises is reflected in their approach to respecting employees' private time (Laaber et al., 2023). Intrusions into employees' privacy outside working hours are closely connected to protecting employees' rights, which have been significantly challenged by integrating ICT into work processes (Lee, 2023; Lerouge & Sychenko, n.d.). Enterprises that inadequately intrude upon employees' private lives generally demonstrate lower levels of ethical maturity and underdeveloped ethical standards. Therefore, digital ethics and maturity are intrinsically connected, with maturity as a critical enabler for the consistent and effective application of ethical standards in the digital workplace (Roša (Rosha) & Lobanova, 2022).

In most enterprises where digital tools are constantly present, ICT often prevents employees from genuinely disconnecting from work-related tasks after working hours (Light & Cassidy, 2014). Since work tasks are frequently tricky to complete within limited working hours, employees are often compelled to continue working beyond official working time due to digital connectivity enabled by ICT and computer equipment (Hesselberth, 2018; Lomborg & Ytre-Arne, 2021). This issue, problem presents a lack of digital ethics, including a lack of digital maturity of enterprises. The problem is recognised by enterprises, national governments, and the EU, which are responding to the digitalisation of work environments by adopting new sustainability-oriented and ethically responsible labour regulations, directives, acts and policies (Castellanos-Redondo et al., 2020).

Among the most important European legal instruments governing the relationship between digital technologies and employees' rights is the General Data Protection Regulation (GDPR) (*Regulation - 2016/679 - EN - Gdpr - EUR-Lex*, n.d.), which is binding on all EU Member States and enterprises processing employees' data. In addition to the GDPR, Directive 2003/88/EC also plays a significant role, as it sets minimum standards for working time in EU member states (Lerouge & Trujillo Pons, 2022). The objective of Directive 2003/88/EC is to protect employees' health and to prevent excessive workloads. Adopted in 2003, the directive establishes maximum weekly working hours, minimum break periods during work, minimum rest time between working days, minimum paid leave entitlements, and safeguards for employees' rights (*Directive - 2003/88 - EN - Working Time Directive - EUR-Lex*, n.d.).

### **3. Right to disconnect**

A contemporary complement to the previously mentioned legal instruments is the Right to Disconnect (RTD), which grants employees the right not to perform work-related tasks outside of working hours, except in exceptional circumstances such as urgent professional needs or the specific nature of the job (Golding, 2023; Hesselberth, 2018). The RTD functions as a legal,

social, and ethical norm to enable employees' recovery, leisure time, and a high quality of life. RTD is becoming a key element in protecting employees' professional and private time in countries where it has been implemented. It has also proven an important tool for establishing work-life balance in the digital age. France and Spain were among the first countries to implement the RTD, based on Directive 2003/88/EC (Lerouge & Trujillo Pons, 2022). France was the first country to implement RTD in 2017, and Spain followed in 2018 (Lerouge & Trujillo Pons, 2022). Other countries followed, and as mentioned, one of them is also Slovenia, which has realised that continuous emails, phone calls, uploading work tasks to organisational servers, and similar practices have resulted in employees' constant involvement in work processes and duties. To limit this as much as possible, the EU, alongside the already enacted GDPR and Directive 2003/88/EC, has committed to preparing a directive on the RTD in the coming years (*Parliament Wants to Ensure the Right to Disconnect from Work*, 2021). The European Parliament has long advocated for the introduction of a general directive aimed at EU member states, which would define employees' rights to disconnect from work-related duties - RTD - and thereby re-establish boundaries between professional and private life, which are becoming increasingly blurred (Lerouge & Trujillo Pons, 2022).

### 3.1 Slovenian enterprises

In 2024, Slovenia had a population of 2,129,052, placing it among the smaller European countries in population size (*Prebivalstvo, 1. Oktober 2024*, n.d.). Most of the working population in Slovenia is employed in the private sector. In 2024, there were 693,344 individuals employed in the private sector, compared to 250,664 in the public sector (*Delovno aktivno prebivalstvo v javnem in zasebnem sektorju po*, n.d.).

As part of the research, interviews were conducted with HR managers in SMEs, which collectively employed 709,701 individuals in 2023. According to the SMEs classification, small enterprises employ 10-49 persons, while medium-sized enterprises employ 50-249 persons. Small enterprises are the most prevalent in Slovenia, followed by medium-sized and large enterprises (*Podjetja (SKD 2008) po*, n.d.; eng: *Enterprises (SKD 2008) by*).

Table 1: Structure of Slovenian SMEs and their employees in 2023

|                 | Number of Enterprises |                 | Number of Employed and Self-Employed Persons |                 |
|-----------------|-----------------------|-----------------|--|-----------------|
| Enterprise Size | Small (10–49)         | Medium (50–249) | Small (10–49)                                | Medium (50–249) |
| Number TOTAL    | 8,754                 | 2,382           | 171,91                                       | 237,732         |

Source: (*Podjetja (SKD 2008) po*, n.d.; eng: *Enterprises (SKD 2008) by*)

The structure of Slovenian SMEs and their employees is presented in Table 1.

## Methodology

The introduction of ICT, the rapid pace of digital transformation, and increasingly frequent intrusions into employees' privacy have prompted the establishment of the RTD. Slovenia has recognised this trend and, in November 2024, adopted the RTD into the Employment Relationships Act.

Considering the growing relevance of this topic in Slovenia, we have designed a study that addresses the initial implementation practices of the RTD in Slovenian SMEs, with a particular focus on their capacity to respond to the emerging ethical, legal, and organisational challenges that the RTD introduces into Slovenian SMEs.

Due to the topical relevance of the issue, we designed a study that analyses the initial implementation practices of the RTD in Slovenian SMEs, as well as their capacity to address emerging ethical, legal, and organisational challenges. The research is based on a qualitative method – structured interviews with HR managers in ten Slovenian SMEs. The interviews were conducted between December 2024 and February 2025 and addressed the following research questions:

1. Is there a link between an enterprise's level of digital maturity and the quality of RTD implementation?
2. How does the RTD influence digital ethics?
3. How does the implementation of the RTD differ depending on the size of the enterprise?

The study also focused on assessing enterprises' digital maturity, considering the extent to which ICT is utilised in work management and communication processes. We assumed that a higher level of digital maturity increases the need for a clear separation between professional and private life and requires more significant responsibility in assigning work tasks strictly within formal working hours. Based on the interview transcripts, we identified how the RTD affects the digital maturity of enterprises, influences digital ethics, and varies in implementation according to enterprise size. The interviews provided valuable insights into the initial implementation practices of the RTD during the first three months following its legal adoption in Slovenian SMEs.

## 4. Right to disconnect in Slovenian SMEs

The RTD constitutes an important element of digital transformation and, as part of the broader concept of digital fairness and social sustainability, promotes a healthy organisational culture and climate, as well as employee satisfaction, engagement, and commitment (Golding, 2023; Hesselberth, 2018).

Table 2 compares the GDPR, Directive 2003/88/EC, and the RTD, all of which regulate data protection, standardise working time, and define professional and private life boundaries. We have created this table to show the main differences and the link between the directives and the rights. Firstly, GDPR is a general regulation binding on all EU Member States and, consequently, all enterprises and individuals within the EU. In contrast, the RTD is not yet universally regulated across the EU. Instead, it is a legal right adopted only by some countries worldwide. The RTD is not limited to EU Member States, as its principles are also recognised

and applied in countries such as Australia and Canada (Nassen et al., 2023). Directive 2003/88/EC is a fundamental piece of European legislation regulating working time. Its primary aim is to ensure workers' safety, health, and protection from exploitation (*Directive - 2003/88 - EN - Working Time Directive - EUR-Lex*, n.d.).

Table 2: Comparison of GDPR, Directive 2003/88/EC and the RTD

| Characteristic                    | GDPR   | Directive 2003/88/EC   | RTD   |
|-----------------------------------|--|--|---|
| <b>Full Name</b>                  | General Data Protection Regulation                           | Directive concerning certain aspects of the organisation of working time | Right to Disconnect   |
| <b>Legal Basis</b>                | Regulation (EU) 2016/679                                     | Directive 2003/88/EC of the European Parliament and of the Council       | National legislation (e.g., France, Spain, Slovenia, Canada)            |
| <b>Geographical Scope</b>         | All EU Member States + European Economic Area (EEA)          | All EU Member States   | Selected countries (EU and non-EU: e.g., Canada, Australia)             |
| <b>Legal Act Type</b>             | EU Regulation (directly applicable)                          | EU Directive (requires national transposition)                           | National legal regulations (vary by country)                            |
| <b>Year of Adoption</b>           | 2018   | 2003   | 2017+ (depending on the country)  |
| <b>Primary Goal</b>               | Protection of personal data                                  | Protection of employees' health and safety                               | Protection of employees' free time                                      |
| <b>Main Subject of Regulation</b> | Processing and protection of personal data                   | Minimum standards for working hours, rest periods, and leave             | Employees' disconnection outside working hours                          |
| <b>Target Group</b>               | All individuals, enterprises and public bodies handling data | All employees in EU Member States  | Employees in formal employment relationships                            |
| <b>Obligation for Enterprises</b> | Mandatory for all data controllers/processors                | Obligatory (with some flexibility in implementation)                     | Obligatory in countries where RTD is regulated                          |
| <b>Relation to Digital Ethics</b> | Strong: emphasis on transparency, digital responsibility     | Indirect: supports work-life balance, workplace safety                   | Medium: enables implementation of digital boundaries and accountability |

Source: own

With Table 2, we aimed to illustrate that the RTD, when considered alongside the GDPR and Directive 2003/88/EC, can contribute to the digital maturity of enterprises. As a complement to the GDPR and Directive 2003/88/EC, the RTD further clarifies the delineation of time and boundaries between professional and private life.

By legally adopting the RTD, Slovenia demonstrates its capacity to implement and uphold digital ethics and respect individuals' right to have free private time. To highlight the importance of the RTD, we conducted a qualitative analysis based on interviews with HR managers in ten selected Slovenian SMEs. These interviews summarised the perceived advantages and disadvantages of implementing the RTD. The analysis provides insights into how this right is enacted in practice and how it affects the work environment, the digital maturity of the enterprises, digital ethics, and organisational culture of enterprises.

The research focused on the initial responses and organisational practices observed during the first three months following the legal adoption of the RTD in Slovenia. For this purpose, we examined the perceptions and opinions of HR managers. The applied methodology relied on structured interviews with a uniform set of questions. Table 3 presents the proportion and industry affiliation of the interviewed HR managers.

Table 3: Proportion and industry in which the interviewed HR managers worked.

|  | <b>Small Enterprises (10–49 employees)</b>        | <b>Medium Enterprises (50–249 employees)</b>  |
|--|---|---|
| <b>Number of enterprises Interviewed</b> | 4   | 6   |
| <b>Sector</b>                            | 2x grocery shops, a restaurant and a car workshop | 3x – manufacturing enterprises, an IT enterprise, a construction enterprise and a private health clinic |

Source: own

Four small enterprises were selected. Two of them were grocery shops, one restaurant, and one car workshop. We interviewed their HR managers. We also interviewed six other HR managers from medium-sized enterprises. Medium enterprises represented three manufacturing enterprises: an information technology (IT) enterprise, a construction enterprise, and a private health clinic.

Based on the structured interviews, the subsequent part of the study addressed three central research questions. The responses were grounded in the direct perceptions and interpretations of HR managers, who serve as key agents in implementing the RTD within Slovenian SMEs.

The first research question focused on whether there is a relationship between an enterprise's digital maturity and the quality of RTD implementation. All ten participating HR managers confirmed that digital maturity - the degree of structured use of digital tools, clarity of communication channels, and internal rules governing ICT use - significantly influences the quality of RTD implementation. In enterprises where task management systems, automatic email responders, and clearly defined working hours had already been in use prior to the introduction of the RTD, the transition to implementing this right was natural, effective, and, above all, consistent. HR managers in these enterprises emphasised that digital tools served as

an extension of responsible leadership rather than an additional burden. Conversely, in enterprises with low levels of digital maturity, the implementation of the RTD was often limited to formal communication, lacking real internal understanding or execution capacity. These enterprises experienced uncertainty regarding responsibilities, conflicting interpretations of employees' availability, and difficulties in task delegation during periods when employees were no longer formally reachable.

The second research question focused on how the RTD influences digital ethics within enterprises. HR managers emphasised that the RTD is an important mechanism for promoting ethical responsibility in using digital technologies. In their view, the RTD has triggered reflection on boundaries, accountability, and the meaningfulness of communication. Many reported that managers and employees were prompted to reconsider what constitutes urgent communication, which channels are appropriate for task delegation, and under what circumstances individuals can be contacted. This process strengthened awareness of privacy and individuals' temporal sovereignty, both central elements of digital ethics. The HR managers assessed that the RTD had fostered a culture of greater transparency, responsible leadership, and increased mutual trust between management and employees. They observed higher levels of employee engagement, which may, in the long term, contribute to improving organisational culture and climate.

The third research question focused on how the implementation of the RTD differs depending on enterprise size. The interview analysis revealed marked differences between enterprises. In small enterprises, RTD implementation was often informal and based on personal relationships between the owner or director and employees. HR managers reported that employees' disconnection from work does occur in practice, but typically without written policies, formal standards, or organisational structures. While such flexibility offers advantages in responsiveness, it also results in inconsistent application of the right. Managers expressed concern that enterprises may face difficulties in future legal disputes due to the absence of internal policies that could serve as legal references in court proceedings.

In contrast, medium-sized enterprises reported a more formalised and structured approach to RTD implementation. They implemented RTD more frequently into broader HR management strategies and aligned it with other policies, such as hybrid work models, performance management systems, and psychological safety programmes. They also enabled a more structured rollout of the RTD, which, in turn, supported a more coherent and comprehensive approach to digital ethics, which Huu (2023) also wrote in his study. Medium-sized enterprises also include better safeguarding of employees' rights, responsible data management, and the promotion of digital autonomy. However, the presence of more employees also introduced greater complexity in ensuring consistent policy implementation and compliance. HR managers from these enterprises consistently noted that both organisational and employees' responsibilities regarding the RTD require further specification within internal policies and, ultimately, within the broader legal framework.

A key finding of all three research questions is that enterprise size, digital maturity, and the level of internal regulation significantly shape how the RTD is interpreted and operationalised, and how effectively it contributes to organisational culture and digital transformation.



Regardless of enterprise size, HR managers unanimously emphasised that the RTD can be a transformative opportunity - one that aligns with broader societal shifts towards dignified work, ethical use of technology, and long-term employees' well-being.

Based on the research findings and literature overview, we can summarise that SMEs—not only in Slovenia but also elsewhere, regardless of whether the RTD is legally mandated—implement RTD effectively with policies in various ways. Firstly, they should analyse the current situation in the enterprise, find out where the most problems sit, and write the internal rules with all the documents and policies, which describe different accepted approaches for the implementation of RTD (Golding, 2023; Hopkins, 2024). In those, they should write down soft and hard approaches for achieving implementation, who is in charge of implementing them and who is going to be a supervisor if the changes are made or not (Bokor-Szőcs, 2023; Weber et al., 2023).

Soft approaches are training employees, setting clear hours of availability, and regulating out-of-hours communication. On the other hand they should also write down hard approaches, like automatically deleting emails received during holidays, setting notification blockers, automatic out-of-office replies, calendar synchronisation tools, blocking the SMEs internet and connectivity after particular hours and setting different kind of reminders when they are off duty (Fitz et al., 2019; Ohly & Bastin, 2023; Weber et al., 2023). To achieve both kinds of approaches, managers should create an environment where employees feel comfortable disconnecting from work and where they trust their co-workers and feel part of the organisational culture (Hopkins, 2024)

## **5. Conclusion**

The qualitative analysis of interviews with HR managers in ten Slovenian SMEs revealed that an organisation's level of digital maturity significantly affects the quality of RTD implementation. SMEs with more advanced digital tools and internal policies found it easier to adopt measures that respect working hours and ensure employees' disconnection outside formal work time. The findings also indicate that the RTD promotes greater ethical responsibility in the use of ICT and strengthens organisational cultures of trust.

When comparing small and medium-sized enterprises, the analysis showed that larger enterprises supported RTD implementation with formalised policies, while smaller enterprises often relied on informal agreements and interpersonal relationships. In both cases, however, the RTD opens opportunities for improving organisational culture while introducing challenges such as reduced flexibility or potential misuse. Based on these findings, we conclude that the introduction of the RTD in Slovenian SMEs represents a complex organisational shift. It acts as a normative catalyst for strengthening digital ethics, fostering awareness of employees' temporal sovereignty, and raising important questions about the responsible use of technology in work processes. RTD implementation has the potential to positively influence overall organisational productivity and employees' well-being.

In future research, we intend to conduct a case study to gain a better, more profound understanding of how RTD is implemented in organisations. In addition to SMEs, we will also focus on public sector organisations to get the best possible picture of their implementation.

Such an approach will provide deeper insights into good practices, innovative solutions, and scalable models that can support the broader adoption of the RTD. Ultimately, this may contribute to more ethically aligned, productive, and human-centred working environments across sectors.

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