

The right to disconnect and techno-stress in home-working: A comparative legal and psychological analysis in the European union and the Western Balkans

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Abstract: This study aims to examine the implications of home working, digital stress, and the right to disconnect (R2D) across six Western Balkan economies in relation to EU standards, focusing on the legal and psychosocial challenges of work digitalization. The research employs a multidisciplinary analysis of legal frameworks and workplace practices, examining employee rights, employer obligations, occupational safety and health (OSH), work hours, GDPR compliance, and social security systems in the post-COVID-19 context. Findings reveal that while all studied economies demonstrate basic remote work regulations and data protection progress, significant variations in legislative quality exist. Serbia shows notable advancement in OSH regulations, and Albania has successfully modified telework laws. However, substantial gaps persist in working hours enforcement, R2D implementation, home office OSH guidelines, and remote worker training provisions. As practical implications for organizations and policymakers, the study suggests they must prioritize developing comprehensive remote work policies, establishing clear digital boundaries, and implementing effective OSH guidelines for home offices. In conclusion, the successful integration of remote work in Western Balkan economies requires harmonization with EU standards, strengthened enforcement mechanisms, and enhanced social dialogue to ensure fair, secure, and efficient remote working conditions.

Keywords: Digital stress, EU law, Home-working, Right to disconnect, Technostress, WB, Workers' rights, Work-life balance.

1. Introduction

The integration of digital technologies has transformed the work environment, accelerated by the COVID-19 pandemic's shift to remote work, making it a common reality in the EU and globally [1-4]. While these technologies offer flexibility and productivity, they also blur the lines between work and personal life, fostering an "always-on" culture that harms employee rights and well-being [5-7]. The widespread online presence causes significant psychosocial hazards, termed "technostress," with employees reporting information overload, constant accessibility, professional-personal boundary blurring, and anxiety linked to technology and job security [8]. These factors contribute to cognitive overload, reduced focus, chronic stress, burnout, sleep problems, and diminished well-being. The expectation of being available outside work hours exacerbates stress, hinders recovery, and affects work-life balance [9]. Despite recognition of digital stress impacts, there is a gap in understanding how these issues relate to EU legal and policy frameworks protecting workers' rights and how neighboring countries as the Western Balkans, align with these guidelines. Current laws, like Directive (EU) 2019/1152 and the Council Directive 2003/88/EC, provide essential protection but were developed before the era of hyper-connectivity and struggle to address the challenges of constant availability and enforcing rest periods. This paper provides an interdisciplinary analysis of the legal and psychological

impacts of digital stress on workers' rights in the EU and Western Balkans, focusing on the “right to disconnect” (R2D). R2D, which allows workers to avoid work-related communications outside without penalty, is gaining attention in European policy [10]. Using comparative case studies, this research evaluates the home-working guidelines and R2D's implementation across different contexts and their effectiveness in reducing digital stress and enhancing worker well-being. Key research questions include: How do EU and national laws address digital stress and disconnection? What psychological effects stem from digital work demands and R2D enforcement? How do case studies from the EU and Western Balkans reflect the complexities of R2D implementation? What legal, psychological, and organizational factors affect R2D policy success? This study aims to explore the advantages and limitations of home-working and R2D through law and psychology. The study enhances policy discussions at the EU and national levels, recommends strategies for healthier digital workplaces, and contributes to employee well-being discourse amid digital transformation, especially with the rise of hybrid and remote work. The paper begins with a literature review on digital stress, psychological effects, EU legal frameworks, and R2D. It then outlines the comparative case study methodology and analyzes the legal and psychological implications of R2D in European case studies. Findings reveal the interconnectedness of legal entitlements and psychological needs, context significance, and key implementation challenges. The paper concludes with key arguments and suggestions for policy, organizational practices, and future research.

2. Literature Review

Digital stress, or technostress, refers to adverse legal, psychological, and physiological conditions arising from the use or misuse of Information and Communication Technologies (ICTs) [11]. It involves various stressors challenging individuals' adaptability, with major dimensions recognized in scholarly literature [12-14]:

- **Techno-overload.** This regards scenarios in which employees feel pressured to accelerate their work pace and manage excessive information due to technology, resulting in mental fatigue. The overwhelming amount and rapid rate of digital communication and information exchange can surpass an individual's ability to cognitively process, leading to cognitive strain, decreased productivity, and a higher incidence of mistakes.
- **Techno-invasion.** This aspect highlights how ICTs disrupt the boundaries between professional duties and personal life. The constant connectivity provided by mobile technology fosters a sensation of being always "on call," obstructing psychological separation from work obligations during off-duty hours. Such interaction with private time significantly contributes to work-life conflict [15].
- **Techno-complexity.** This aspect relates to the stress experienced when individuals perceive ICTs as complicated and challenging to operate, necessitating considerable time and effort to learn and enhance skills. This can result in feelings of inadequacy, annoyance, and anxiety [16].
- **Techno-insecurity.** This aspect involves the anxiety regarding potential job loss due to automation or being supplanted by others possessing superior technological skills, including the utilization of Artificial Intelligence (AI). The swift evolution of AI exacerbates this feeling of insecurity [17].
- **Techno-uncertainty.** This dimension stems from the persistent modifications and upgrades in software, hardware, and digital workflows, leading to continual uncertainty and the demand for constant adaptation and retraining.

Furthermore, various legal and psychological processes underlie these aspects. Cognitive load theory explains techno-overload, where demands exceed memory capacity. Psychological detachment theory clarifies techno-invasion, highlighting the need for detachment from work to recover from stress [18, 19]. Continuous connectivity hinders this detachment. Additionally, the Job Demands-Resources

model classifies techno-stressors as job demands that lead to strain and burnout without adequate resources [20].

2.1. Psychological and Physical Impacts of Unmitigated Digital Work

Research shows that neglected digital stress and fatigue significantly impact employee well-being and functionality, with key consequences including:

- *Mental Health.* Technostress correlates with negative mental health effects, including heightened stress, anxiety, depressive symptoms, and burnout [21]. Psychologically disengaging from techno-invasion is a strong predictor of burnout.
- *Physical Health.* Digital stress can cause physical issues, such as musculoskeletal disorders, stress-induced muscle tension, fatigue, headaches, visual discomfort, and sleep disturbances [22]. Chronic stress is also a risk factor for cardiovascular diseases [23].
- *Cognitive Functioning and Work Performance.* Productivity tools may hinder performance by causing stress. High cognitive demands reduce clarity and focus, increase mistakes, and impair decision-making. Additionally, burnout diminishes motivation, job satisfaction, loyalty, and overall performance.
- *Work-Life Conflict.* Technological intrusion significantly contributes to work-personal life tension, as constant connectivity disrupts relationships, leisure, familial duties, and life satisfaction [24]. This issue is pronounced in remote and hybrid work settings, particularly for women who bear a heavier household responsibility.

2.2. The EU Legal Framework and Its Application to Digital Work

Digital stress intersects with essential worker rights in EU legislation and international norms, yet current frameworks inadequately address digital age complexities.

- *Working Time Directive (2003/88/EC)* establishes minimum daily (11 hours) and weekly (24 hours) rest periods and a maximum weekly working time (48 hours). The Court of Justice of the European Union (CJEU) emphasizes that these rest intervals are vital for worker health and safety, intended to relieve work responsibilities [25]. However, digital connectivity complicates enforcement of these rest periods, particularly for remote or flexible workers [26]. The ECJ's requirement for employers to implement reliable systems for tracking work hours (Case C-55/18) raises practical and privacy concerns in remote settings.
- *OSH Framework Directive (89/391/EEC)* mandates that employers ensure worker health and safety across all contexts, addressing psychosocial risks from work design and environments [27]. Employers must adapt work to individual needs and collaborate with employees on health and safety, including new technologies. However, its broad scope may lack the specificity needed for effectively managing risks like techno-invasion.
- *Other Relevant EU Law and Policy.* The EU Charter of Fundamental Rights guarantees equitable working conditions (Article 31), confidentiality (Article 7), and data protection (Article 8), particularly concerning monitoring practices [28]. The European Pillar of Social Rights supports work-life balance (Principle 9) and safe work environments (Principle 10) [29]. Two major EU Directives [30, 31] address flexible working and informational obligations.

However, digital labor characteristics, difficulties in tracking remote working hours, and an 'always-connected' culture highlight significant enforcement challenges and the need for targeted strategies [32].

2.3. The Right to Disconnect (R2D): Emergence and Rationale

The Right to Disconnect (R2D) addresses digital stress by legally allowing employees to avoid work-related communications outside designated hours without negative consequences [33]. Its purpose is to protect workers' leisure time and mental well-being, promoting better work-life

integration and enhancing working time regulations in the digital age [34]. The concept gained legal traction with France's [35] and has since prompted various national initiatives in Italy, Spain, Belgium, Greece, Slovakia, and Portugal, with differing implementation methods. Some countries require statutory negotiations, as in France, for firms over 50, while others focus on collective negotiations, with specific regulations for certain sectors like the Belgian civil service [36]. The European Parliament's January 2021 resolution urged the Commission to propose a directive for minimum R2D standards across the EU, linking it to fundamental rights and the need for EU-wide protections [37]. Following unsuccessful discussions among EU social partners on a binding agreement, the Commission began consulting on potential EU measures for teleworking and the R2D in 2024 [38]. Arguments in favor agree that the R2D is crucial for health by reducing burnout, ensuring compliance with working time laws, promoting gender equality, and improving working conditions. Challenges include impacts on organizational flexibility, the need for tailored solutions across sectors, as the emergency services, and difficulties in supervision without intrusive monitoring. The discourse focuses on balancing worker protections with business adaptability, highlighting the importance of social dialogue and collective bargaining [39]. Literature identifies digital stress as a significant occupational risk affecting employee health and work-life balance [40]. These issues hinder the effective application of existing EU workers' rights frameworks. R2D aims to establish clear boundaries on working time and rest in digital work, though its legal structure and implementation are still under debate at the EU and regional levels.

3. Methodology

This study employs a qualitative comparative case study to examine the legal and psychological effects of homeworking, digital stress, and the right to disconnect (R2D) in the EU and the Western Balkans. This methodology effectively investigates the interplay between legal systems, organizational practices, and personal experiences in the changing digital work environment [41] offering insights that quantitative methods may overlook.

3.1. Research Design

The framework analyzes EU Member States and the Western Balkans to illustrate home-working and R2D regulations, highlighting implementation strategies, challenges, and outcomes across legal and industrial relations systems [42]. It focuses on national legal and policy structures regarding R2D and digital labor, with organizational examples where data permits.

3.2. Case Selection

Based on the reviewed literature, key cases for analysis include:

- EU countries (France, Belgium, and Germany)
- Six Western Balkan countries (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia).

France enacted R2D through the El Khomri Law, exemplifying the impact of legal requirements for companies to engage in R2D negotiations, highlighting the role of mandated social dialogue. Belgium recently implemented statutory R2D, initially for civil servants and later for private sector businesses with 20+ employees through collective bargaining [43] allowing for comparison with France in terms of scope and enforcement. Germany, which lacks federal R2D legislation, relies on company-level agreements negotiated between works councils and management, demonstrating a different regulatory approach motivated by working conditions. The Western Balkans have not enacted any specific home-working regulations or R2D legislation, but individual countries within the region are developing their home-working regulations in alignment with the EU Acquis.

3.2.1. Data Collection

This research uses secondary data to analyze legal and policy changes, including:

1. *Legal and Policy Documents*: EU regulations, CJEU rulings, and relevant court decisions on the Right to Disconnect.
2. *Scholarly Literature*: Peer-reviewed articles on digital stress, R2D, and work-life balance in the EU.
3. *Institutional Reports*: Key documents from EU bodies and agencies, including Eurofound's 2020 report on R2D practices.
4. *Credible Media and Expert Analysis*: Articles and analyses from reputable sources on R2D implementation. Data was gathered from legal and academic databases using relevant keywords.

3.3.2. Data Analysis Data Analysis Utilizes Qualitative Methodology Through Legal and Thematic Analysis.

1. *Legal Analysis*: Identifies legal documents on employer obligations and employee rights regarding working hours, safety, and the right to disconnect (R2D).

2. *Thematic Analysis*: Identifies themes from qualitative data [44] focused on:

- Psychological effects of digital labor (burnout, stress, work-life imbalance).
- R2D policies' impact on these outcomes.
- Implementation strategies for R2D (negotiation, regulations, training, technology).
- Efficacy, challenges, and benefits of R2D in literature.
- Organizational culture and management's role in R2D outcomes.

The analysis compares cases from France, Belgium, Germany, and the Western Balkans, noting legal and implementation differences and similarities to integrate legal and psychological insights.

3.3. Limitations

This research also acknowledges some inherent limitations:

- *Secondary Data Dependence*: The evaluation relies on the existing quality of published data, lacking primary data richness.
- *Generalization*: As a qualitative case study, results may not generalize to all EU Member States or neighboring countries; the aim is to enhance theoretical understanding.
- *Evolving Context*: The legal and technological landscape of home-working, digital labor and R2D is rapidly changing, with findings based on data until early 2025.
- *Causality*: Establishing causal links from secondary data is challenging; the focus is on identifying correlations and credible mechanisms.

Despite these limits, the methodology supports a comprehensive analysis of legal and psychological aspects of the right to disconnect in key European contexts, using diverse authoritative references.

3.4. Case Studies Analysis of Legal and Psychological Dimensions of R2D Implementation in the EU countries

3.4.1. France: Pioneering Legislation and the Primacy of Social Dialogue

France is the first EU country to establish the right to disconnect (R2D) through Article L2242-17 of the Labour Code, effective January 1, 2017. This law requires firms with more than 50 employees to negotiate disconnection processes and measures for digital technology use, ensuring compliance with rest and personal time. If no agreement is reached, employers must create a charter after consulting the Social and Economic Committee (CSE) [45]. The French model emphasizes procedural requirements over substantive outcomes, allowing flexibility in agreement specifics.

Key features include:

- *Disconnection intervals*: Defining times (evenings, weekends, holidays) when work-related communications are not expected.
- *Tool utilization management*: Policies for email dispatch beyond working hours, including delayed delivery and non-urgent indicators.

3.4.2. Belgium: Phased Introduction and Focus on Prevention

Belgium adopted a gradual strategy for the Right to Disconnect (R2D), starting with federal civil servants in 2018 and extending to the private sector via the Labour Deal Act of October 2022, effective April 1, 2023, for employers with more than 20 workers. Private sector employers must have a company-level collective bargaining agreement (CBA) or amend work regulations concerning R2D by January 1, 2023, addressing digital resource protocols, employee and manager education on digital tool use, privacy, and work-life balance [45]. The Belgian approach is more prescriptive than France's, detailing essential content within a broader Labour Deal focused on labor regulation revitalization. Enforcement relies on social inspection and legal disputes, linking R2D to workplace well-being and psychosocial risk prevention. The framework underscores its psychological advantages. The legislation aims to address digital stress by mandating training and awareness initiatives, focusing on communication times and their effects.

Key points include:

- Enhanced risk understanding: Training boosts comprehension of hyper-connectivity's health risks and the need for disconnection.
- Disconnection normalization: Integrating R2D into workplace policies legitimizes disconnection, reducing stigma related to career progression.
- Employee empowerment: Clear rights and guidelines help employees set connectivity boundaries.

As private sector regulations are new, data on their effects is still emerging. Success depends on negotiated arrangements, training efficacy, and addressing communication protocols, workload, and organizational culture. The 20-employee threshold excludes smaller businesses, potentially leaving many workers unprotected.

3.4.3. Germany: Decentralized Agreements and Company Culture

Germany offers an alternative framework with widespread digital resource implementation and awareness of psychosocial threats, influenced by strong OSH legislation and works councils. However, there is no singular federal R2D statute. Regulations arise from:

- Company-level agreements: Management and works councils negotiate on working hours, remote work, and psychosocial well-being, occasionally including disconnecting guidelines.
- Sectional collective agreements: Some sector agreements address digital labor and working hours.
- General OSH legislation: The OSH Act requires employers to assess psychosocial risks and implement preventive measures, enabling works councils to address digital stress.

Legal Implementation examples include:

- Volkswagen: Implemented a server-side solution to halt email transmission to employees' smartphones outside work hours, though limited and later modified.
- Deutsche Telekom: Focuses on protocols, management development, and a culture that respects non-working time instead of technological barriers.
- BMW, Daimler: Policies allow employees to auto-delete emails received during holidays, prompting senders to resend later or contact a colleague.

These agreements vary significantly in scope and approach, from technical solutions to cultural guidelines. Works council co-determination rights on working hours and health protection are key legal mechanisms in these discussions.

The German model, shaped by social partnership, also offers tailored solutions aligned with organizational needs, leading to:

- *Increased commitment*: Negotiated solutions often receive greater acceptance within organizations.
- *Emphasis on culture*: Many agreements focus on cultural transformation and leadership, addressing social norms linked to hyper-connectivity.

- *Integration with OSH*: Linking disconnection to psychosocial risk management enhances interventions for workload and support issues.
- However, this decentralized approach has limitations:
- *Inconsistent coverage*: Protection depends on effective works councils; employees without strong representation may lack safeguards.
- *Discrepancy*: A lack of national standards leads to significant variations in protection.
- Three significant findings emerge from the comparisons of EU cases:
- *Legislation vs. social dialogue*: France and Belgium have laws that require social dialogue or specific content, aiming for broader coverage but possibly sacrificing tailored solutions. In contrast, Germany relies on social partnership frameworks for flexibility, risking inconsistent protections.
- *Procedure vs. substance*: French legislation prioritizes negotiation requirements, while Belgian laws define minimum content areas. German agreements vary significantly based on negotiation outcomes.
- *Culture and workload significance*: Reports indicate that formal R2D policies alone are insufficient; success is contingent on fostering a supportive organizational culture, manager training, and addressing issues like excessive workload. Psychological mechanisms: Anticipated psychological benefits, such as reduced pressure, disengagement, and improved work-life balance, depend on effective implementation within organizational culture.
- *Monitoring and enforcement*: Challenges exist in supervising compliance, particularly in remote work, and enforcing rights without intrusive methods.

Despite varied legal frameworks, the core issue remains converting the right to disconnect into meaningful changes in workplace culture to alleviate digital stress and protect workers' rights. Case studies show that while legal frameworks provide motivation, their impact relies on quality social dialogue, management commitment, and a holistic approach to workload and communication practices.

3.5. Case Studies Analysis of Legal and Psychological Dimensions of Home-Working Regulations and R2D Implementation in the Western Balkans

This section provides a comparative analysis of legislative frameworks for home-based work in the Western Balkans (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia), focusing on legal structures, employee rights, employer responsibilities, data privacy, social security, the right to disconnect, and post-COVID-19 advancements, based on credible legal and academic sources.

3.6. General Legal Framework for Remote Work

Countries in the Western Balkans rely on existing Labour Laws to regulate remote work, as tailored legislation is still evolving. The COVID-19 crisis accelerated this transition, underscoring the need for clearer regulations. Albania's Labour Code [46] addresses telecommuting, defining it as work performed via information technology, mandating that employment agreements specify work location and hours. Despite this regulation, efforts to enhance telework legislation remain ongoing. In Bosnia and Herzegovina, remote work is regulated at the entity level, requiring explicit inclusion in employment contracts regarding conditions and equipment. The ILO Homework Convention sets international guidelines, and post-pandemic, BiH has seen an increase in remote work and introduced a digital nomad visa [47]. Kosovo's Labour Law lacks detailed regulations on remote work, revealed during the pandemic regarding working hours, digital privacy, and employer obligations [48]. Remote work arrangements are often defined in individual contracts, leading to variability. Montenegro's Labour Law mandates remote work is specified in employment agreements, covering work location, hours, supervision, and equipment responsibilities, while aligning with EU regulations like GDPR [49]. North Macedonia relies on its labor laws for remote work adaptations, primarily through employer-

employee agreements without specific laws yet in place. Serbia's Labour Law permits work outside the employer's physical location, encompassing remote and home-based work. Mandatory elements in employment contracts, such as hours, oversight, equipment, and costs, are required [50]. In response to the pandemic, Serbia issued guidance on safe homework practices and revised its Occupational Safety and Health (OSH) laws for remote work. While all countries base their Labour Laws on a common foundation, clarity regarding remote work varies. Bosnia and Herzegovina, Montenegro, Serbia, and Albania have clearer provisions, unlike Kosovo and North Macedonia, which have more significant general legislative modifications. The pandemic spurred global remote work, but legislative responses have differed, with Serbia and Bosnia and Herzegovina enacting focused occupational health and safety measures and digital nomad visas, while Albania and Kosovo have delayed comprehensive reforms.

3.7. Employee Rights

Equal treatment for remote employees versus on-site colleagues is widely supported, though implementation varies by jurisdiction [51]. In the Western Balkans, legal frameworks in Montenegro, North Macedonia, Serbia, and Albania affirm this principle, while Bosnia and Herzegovina provide certain occupational health protections. Kosovo acknowledges the concept, but enforcement issues exist. Working hours and rest periods typically adhere to standard regulations, but supervision and boundary challenges are pronounced. In BiH, contracts must specify working conditions, and attendance documentation is required. In Kosovo, enforcing a 40-hour workweek remotely presents risks of excessive workloads. Montenegro allows standard regulations unless modified by flexible arrangements, and North Macedonia implements standard protections alongside flexible options. In Serbia, contracts must specify working hours per established norms, with Ministry directives emphasizing work-family balance. Albania's Labour Code (Art. 15) allows employees to set their hours within agreed limits, ensuring overtime and holiday compensation. The right to disconnect is increasingly recognized yet remains poorly defined in remote work across the Western Balkans, tied to broader discussions on work hours and employee welfare. Bosnia and Herzegovina lack explicit references in key legislation, and Kosovo's Labour Law identifies the absence of this issue as a legal gap. Montenegro shows progress, labeling it a recommended practice, while acknowledging a general right to refuse work outside standard hours. In North Macedonia, the right is implied in employee welfare regulations, emphasized by representatives like EPSU [52]. In Serbia, employees can reject communications outside official hours, but the legal status regarding guidance remains unclear. Albania views the right to disconnect as an ITUC principle needing further legislative development, albeit suggested by current work hour restrictions. Equal treatment is a foundational principle in all WB countries. While regulations on standard working hours exist, their implementation in remote areas is challenging. The right to disconnect is often a goal rather than an enforceable entitlement, with Montenegro and Serbia making initial efforts to address it more directly.

3.8. Employer Obligations

Employer obligations for remote work involve providing essential resources, ensuring a secure environment, and protecting employee privacy. Accountability for equipment provision and expense reimbursement differs by country. Albania mandates that employers supply necessary computer equipment unless the employee chooses to use their own. BiH requires contracts to specify resource usage and payment, with employers supplying equipment if the employee lacks it. Kosovo lacks clarity on employer obligations for remote work tools. Montenegro generally holds employers responsible for equipment provision, with reimbursement policies varying. In North Macedonia, employers typically provide equipment, with stipends for internet and supplies also common. Serbia requires employment agreements to specify provided resources and reimbursement for personal work expenses. Employers generally hold OHS responsibilities, extending to remote work, but implementation varies. Albania's equal treatment doctrine and International Trade Union Confederation principles underscore employer OHS obligations. Global People Strategist confirms overarching OHS regulations apply [53]. In Bosnia

and Herzegovina, employers must enforce OHS protocols for remote workers equal to on-site employees, requiring an internal OHS policy based on risk evaluation. Kosovo lacks clarity on employer obligations for a safe remote working environment. Montenegro maintains employer OHS responsibilities for remote work, reflecting a changing regulatory landscape. North Macedonia requires employers to ensure a secure home office atmosphere as best as possible. Serbia has progressed in OHS accountability for employers, enhanced by post-pandemic guidance and amendments addressing remote work risk assessments. In Albania, supervision methods should be contractually agreed upon, with privacy emphasized by the ITUC. While employment agreements typically specify supervision methods, safeguarding employee privacy, considering monitoring technologies is critical. In BiH, supervision methods are outlined. Kosovo's Labour Law lacks sufficient privacy measures for remote work, risking excessive monitoring. Montenegro requires supervision methods to be detailed in contracts, ensuring employee privacy and adherence to GDPR standards. North Macedonia emphasizes clear communication in contracts and aligns its data protection with EU norms. Serbia requires contracts to detail supervision methods. A crucial but often neglected employer obligation is mitigating remote workers' social isolation. Albania's Labour Code (Art. 15) mandates strategies to prevent remote employee seclusion. Montenegro recommends that remote work does not lead to social isolation. Other WB countries do not explicitly address this in legal texts, though it arises in discussions on remote work management as a best practice. Overall, WB countries prioritize employer accountability for tools and costs, while Kosovo has notable legal gaps. Occupational Health and Safety (OHS) obligations apply to remote work, but enforcement varies, with Serbia and Bosnia and Herzegovina providing more comprehensive requirements like mandatory risk assessments. Oversight is generally based on contracts, increasingly focusing on privacy under GDPR in nations like Montenegro and North Macedonia. Albania's legal framework stands out for mandating employer action on remote employee social isolation.

3.9. Data Protection

The safeguarding of information in remote work is crucial. The Western Balkans, including Albania, are enhancing data protection laws in line with the EU's GDPR. Albania has a Data Protection Law, emphasizing privacy in tele-working. Bosnia and Herzegovina addresses data protection indirectly via confidentiality, particularly in Republika Srpska. Further investigation into regulations for remote work data security is needed. Kosovo lacks adequate legal frameworks for data protection in remote work, raising surveillance concerns. Montenegro is working to align with GDPR, focusing on secured connections and data handling protocols. North Macedonia is also aligning its laws, requiring secure access and comprehensive data management for remote employees. Serbia lacks detailed protections for remote work data security, indicating a need for further research. Montenegro and North Macedonia demonstrate significant progress in aligning remote work data protection with GDPR, while Kosovo identifies a legal shortcoming. Albania has a general Data Protection Law, and Bosnia and Herzegovina and Serbia have basic legislation, but the implementation and guidelines for remote work data security are insufficiently detailed in the literature, indicating a regional gap.

3.10. Social Security Implications

Remote employees in the region should have the same social security rights as on-site colleagues, but legislation often lacks clarity on the specifics, especially with multiple countries involved. In Bosnia and Herzegovina, remote work expense reimbursements are taxed similarly to salaries, yet social security implications are not well covered. Kosovo's data lacks clarity on these consequences, while Montenegro affirms equal social security rights for remote workers. North Macedonia states standard protections apply, with possible host country contributions. Serbia does not provide specific social security details for remote work, and Albania's Labour Code suggests equivalent rights but lacks specific information. Overall, while equitable social security rights for remote workers are

acknowledged in WB countries, there is a lack of detailed regulations addressing unique aspects like home office injuries and cross-border contributions.

3.11. Post-COVID-19 Developments and Legislative Responses

The COVID-19 pandemic prompted rapid integration of remote work in the Western Balkans, requiring structured engagement from governments and businesses. Albania promoted work-from-home practices, yet more legislative action is needed for telecommuting governance. Bosnia and Herzegovina saw a rise in remote employment, notably with a new digital nomad visa. Kosovo's transition exposed weaknesses in its Labour Law on remote work. Montenegro increased remote and flexible work arrangements, aligning legal structures with EU regulations. In North Macedonia, remote work surged, but comprehensive regulations are still under development. Serbia responded to the pandemic's employment impact with targeted ministerial guidance and revised health and safety legislation regulating remote work. While the pandemic accelerated remote work adoption, the legislative responses varied. Bosnia and Herzegovina introduced a digital nomad visa, whereas Kosovo and Albania need to better align their legal frameworks with remote work dynamics.

3.12. Alignment with the EU standards, Gaps, and the Path Forward

Western Balkan countries have made significant strides in establishing legal frameworks for remote work, extending essential employee rights to remote workers, and aligning with EU standards, particularly in data privacy (GDPR). Key measures in Occupational Safety and Health (OSH) have been enacted, with Serbia introducing legislation on remote work safety. Regulations in Albania and Montenegro clarify employer and employee responsibilities for telecommuting. However, challenges remain in fully aligning with the EU framework for remote work. Critical areas requiring further attention include:

1. *Detailing Remote Work Regulations:* Although overarching labor laws are applicable, more comprehensive statutory provisions or binding collective agreements specifically designed for remote work that address aspects such as expense reimbursement, equipment provision, access to training, and career advancement would improve clarity and security.

2. *Working Hours and the Right to Disconnect:* While regulations concerning working hours are generally established, their enforcement in remote work contexts, especially in averting overwork and guaranteeing an actual right to disconnect, needs to be fortified through explicit guidelines, workplace policies, and effective monitoring.

3. *Implementation of Occupational Safety and Health (OSH):* Effectively applying OSH legislation in remote environments, which includes creating standardized methodologies for risk assessments of home offices and enhancing the capabilities of labor inspection agencies, remains a critical endeavor.

4. *Capacity for Enforcement:* The success of any legal framework relies on the ability of labor inspectorates and data protection bodies to ensure compliance and uphold regulations. Bolstering these institutions is vital throughout the region.

5. *Social Dialogue:* Involving social partners (trade unions and employer associations) in the formulation and execution of remote work policies, aligned with the EU model, can result in more equitable and pragmatic outcomes.

As these countries pursue EU integration, aligning labor laws, particularly regarding remote work, with EU standards is essential. This involves not only adopting EU directives but also ensuring their effective application to create a fair and secure environment for the growing remote workforce. The evolving EU framework, including potential directives on the right to disconnect and mental health, will continue to shape legislative priorities in the Western Balkans and Albania.

4. Discussion

The examination of the right to disconnect (R2D) in the EU and Western Balkans highlights interactions among legal systems, organizational methods, and employees' mental health. Despite varied

legal strategies, the main issue remains managing psychosocial hazards from excessive connectivity while ensuring that digital flexibility does not compromise rights to rest and well-being. This analysis synthesizes key insights from literature and case studies, exploring implications for policy, practice, and understanding of employee rights in the modern workplace.

4.1. *The Intertwined Nature of Legal Rights and Psychological Needs*

A key outcome of this study is the connection between the legal and psychological establishment of homeworking, the Right to Disconnect (R2D), and technostress in European countries and the Western Balkans. Literature indicates that continuous connectivity and blurred work-life boundaries impair psychological detachment, crucial for recovery and burnout prevention. Legal frameworks creating an R2D, either through legislation (as in France and Belgium) or social partnerships (like in Germany), aim to address this by instituting a formal right to time free from work-related digital disruptions. The psychological implications of this legal recognition, extending beyond specific regulations, are significant. R2D formalization serves several crucial psychological roles:

1. *Legitimization and Normalization*: It confirms the necessity for disconnection, transforming it from merely a personal inclination or a perceived deficiency in commitment to a recognized entitlement. This shift may alleviate feelings of guilt or anxiety that employees experience when they do not immediately reply to communications outside of official working hours.

2. *Boundary Establishment*: It offers a framework and rationale for workers to delineate boundaries, potentially enabling them to withstand pressures for perpetual availability.

3. *Signaling Organizational Values*: The implementation of home-working and R2D policies, especially when coupled with genuine dedication and training, conveys that the organization prioritizes employee well-being and honors personal time, which can enhance morale and foster trust.

Nevertheless, the analysis also highlights that merely having legal entitlements is inadequate for ensuring psychological well-being. The success of home-working and R2D policies in attaining the intended psychological results, such as diminished stress, enhanced detachment, and improved work-life balance significantly influenced by the organizational context, the degree of adherence to implementation, and the wider work environment.

4.2. *The Critical Role of Organizational Culture and Workload*

Organizational culture is vital, with a culture that rewards constant availability undermining R2D policies. Managers' off-hour communications diminish employee detachment despite guidelines. Merging home-working and R2D with manager and employee training on communication and boundaries is essential. Excessive workload is a significant barrier, pushing employees to work during downtime despite R2D. Thus, R2D must be part of broader psychosocial risk management strategies, addressing workloads and effective work organization. In this context, the German approach, focusing on works council negotiations and OSH evaluations, may offer a comprehensive solution, though its decentralized structure may leave some employees inadequately protected.

4.3. *Varying Effectiveness of Regulatory Approaches in the EU*

The aftermath of COVID-19 has tested and catalyzed change, increasing the visibility of remote work and prompting discussions for comprehensive, progressive regulatory frameworks that align with EU employment goals. Comparative evaluations show no universally superior regulatory framework; France and Belgium focus on extensive coverage through negotiation, while Germany's decentralized model allows for customization but relies on strong works councils, leading to disparities in coverage. The call for an EU-level directive suggests minimum protection across Member States, promoting equitable conditions and the right to rest. Concerns are raised about subsidiarity, varying national industrial relations frameworks, and the need for flexibility. A proposed EU directive must balance minimum standards with national legislative flexibility, reflecting existing EU social policy methodologies. Findings indicate a complex regulatory landscape for home-based work in the Western

Balkans and Albania, with trends toward EU alignment amid significant legal diversity. Strong alignment in data protection due to GDPR requirements showcases these economies' integration capacity, contrasting with less prescriptive EU guidance on issues like the right to disconnect and comprehensive occupational safety and health (OSH) regulations for remote work. General labor laws and individual contracts regulate remote work aspects, offering flexibility but risking inconsistencies and vulnerabilities for workers. The EU supports labor market contract negotiation with stronger statutory entitlements, especially for telecommuting, as noted in the Framework Agreement on Telework. While EU countries set new standards, the Western Balkans strive to align their legal frameworks with the Acquis. Serbia's recent OSH legislation for remote work exemplifies effective responses to remote work challenges and may guide the region. The absence of a "right to disconnect" law underscores the need for legislative advancements to address digital presentation and promote employee well-being. Overall, the regulatory environment for remote work in the Western Balkans is evolving towards EU conformity, despite significant national variations. The data protection alignment driven by GDPR compliance demonstrates these economies' ability to adopt advanced EU legal frameworks. This contrasts with areas like the right to disconnect and OSH procedures for remote work, where EU guidance remains vague, leading to varied national responses. Relying on general labor laws and individual agreements to regulate remote work risks inconsistencies in employee rights and employer responsibilities. While labor market freedom exists, the EU framework often strengthens it through statutory rights, particularly for telecommuting, as noted in the Framework Agreement on Telework. Challenges in enforcement by labor inspectorates and data protection authorities, highlighted in EU assessments, hinder effectiveness, underscoring the need for institutional enhancement alongside legal reform.

4.4. Challenges in Monitoring and Enforcement

A significant issue in all models is the oversight of R2D adherence and enforcement in remote and hybrid work settings. Employers must ensure disconnection without invasive surveillance that risks GDPR breaches. Unpopular technical measures, like server shutdowns, lack flexibility, and relying on employees to report breaches may be ineffective. This indicates a need for collective oversight systems, clear reporting paths, and possibly changing the burden of proof. Additionally, linking R2D compliance with broader OSH metrics and psychosocial risk assessments could enhance monitoring strategies.

4.5. Implications for Workers' Rights in the Digital Age

The home-working and R2D debate raises critical issues in adapting traditional labor laws, such as working hour limits and mandated rest, to the digital work environment. It emphasizes the need to go beyond notions of physical presence, creating frameworks that protect workers' health and autonomy amidst flexibility and connectivity. The R2D primarily focuses on safeguarding rest periods essential for health and dignity, prompting a reevaluation of productivity, performance standards, and employer accountability. Effective implementation requires a comprehensive strategy involving legal frameworks, social dialogue, proactive policies, cultural change, and workload management, marking a vital shift towards equitable working conditions in the 21st century.

5. Conclusion and Recommendations

Digitalization in the workplace presents a dual reality for the European labor force: increased flexibility and significant psychosocial hazards from constant availability and blurred work-life boundaries. This research examines the home working digital-related stress and the emergence of the right to disconnect (R2D) as a key policy in the EU. Through a literature review and comparative analysis of R2D in France, Belgium, and Germany, the study assesses the link between legal frameworks and employees' psychological experiences. Findings show that digital stress, including techno-overload and invasion, threatens employee health and work-life balance. Current EU legal frameworks, such as the Working Time Directive and OSH Framework Directive, provide basic

protection but struggle to address challenges of hyper-connectivity. The R2D is a tool to enforce work hour limits, ensure recovery times, and mitigate the adverse effects of constant connectivity. Comparative case studies show varied national implementations: France implemented negotiation mandates, Belgium enforced psychosocial risk prevention, and Germany used decentralized social agreements. Common themes include the importance of organizational culture, leadership commitment, and addressing workload issues. Legal formalization of the R2D legitimizes disconnection and sets boundaries, but effectiveness is context dependent. In the Western Balkans, including Albania, the regulatory complexities of homeworking are influenced by EU integration. Despite foundational legal frameworks and progress towards EU standards in data protection and labor rights, gaps remain in remote work statutes, OSH guidelines, mechanisms for enforcing work limits, and acknowledgment of the right to disconnect. Serbia's OSH reforms for remote work and Albania's tele-work amendments are positive, yet enhancing regulatory enforcement and social dialogue is crucial to ensure effective implementation and improve conditions for remote workers. Aligning with evolving EU standards is essential for modernizing and creating fair remote work environments that promote economic growth and worker well-being. Monitoring and enforcement challenges highlight the need for innovative and collaborative oversight solutions. Ongoing EU discussions on a potential directive indicate a recognition of the need for baseline standards amid diverse national frameworks. Ultimately, the right to disconnect represents a significant evolution of workers' rights in the digital age, emphasizing health, dignity, and work-life balance, which requires a comprehensive approach integrating legal rights with supportive organizational cultures and management of psychosocial risks.

6. Recommendations

Based on the analysis, the following implications are proposed for EU policymakers, national policymakers, social partners, organizations, and future research:

1. For EU Policymakers: Pursue a directive for a flexible EU-level R2D framework linking it to working time regulations and psychosocial OSH requirements.
2. For National Policymakers: Encourage R2D policies beyond communication to include awareness, training, and workload management, with privacy-respecting monitoring provisions.
3. For Social Partners: Negotiate tailored R2D agreements that define disconnection periods, usage guidelines, training commitments, and violation procedures, integrating R2D into well-being strategies.
4. For Organizations and Employers: Proactively implement R2D policies as investments in health and performance, assess workloads, and integrate R2D into psychosocial risk assessments.
5. For Future Research: Conduct empirical studies to understand the long-term impacts of R2D models on worker health, work-life balance, and organizational performance.

Research should also focus on developing effective, non-intrusive methods for monitoring home-working and R2D compliance and evaluating the effectiveness of training and cultural change initiatives. By adopting these recommendations, stakeholders can collaboratively reap the benefits of digital work while protecting the European workforce's rights.

For the Western Balkans, comparative analysis has several implications:

6.1. Policy Implications

- Targeted Legislative Reform: Policymakers should focus on specific legislative reforms for remote work, clarifying employer obligations regarding costs and equipment, and establishing OSH guidelines for home offices, including the right to disconnect.
- Strengthening Enforcement: National governments must enhance labor inspectorates and data protection authorities through improved resources and training to enforce remote work legislation effectively.
- Promoting Social Dialogue: Robust social dialogue among governments, employers, and trade unions is essential for developing balanced remote work policies.

- EU Accession Process: EU candidate countries should prioritize alignment with EU labor law, OSH, and data protection relevant to remote work in their accession negotiations and reforms.

6.2. Practical Implications for Employers

- Developing Clear Policies: Employers should proactively develop clear, comprehensive, and fair internal policies for remote work, even in the absence of detailed national legislation, covering aspects like working hours, communication protocols, OSH, data security, equipment provision, and cost reimbursement.
- Investing in Training: Employers need to invest in training for both managers and employees on effectively managing and participating in remote work, including aspects of digital well-being, OSH in home environments, and data security.
- Risk Assessment: Conducting thorough risk assessments for remote work arrangements, particularly concerning OSH and data security, is essential.

6.3. Implications for Employees and Trade Unions

- Awareness of Rights: Employees working remotely need to be aware of their rights under existing labor laws and specific remote work agreements. Trade unions have a key role in educating their members.
- Advocacy for Better Standards: Trade unions should continue to advocate for stronger legislative protections for remote workers and negotiate for favorable terms in collective agreements that address the unique challenges of remote work.

6.4. Research Implications

- Longitudinal Studies: Further research, including longitudinal studies, is needed to assess the long-term impacts of remote work and the effectiveness of different regulatory approaches in the Western Balkan region.
- Impact on Specific Sectors/Groups: Research focusing on the impact of remote work on specific sectors (e.g., IT, public administration) and vulnerable worker groups (e.g., women, persons with disabilities) would provide valuable insights.
- Effectiveness of Enforcement: Studies evaluating the effectiveness of enforcement mechanisms for remote work legislation in the region are needed to identify the best practices and areas for improvement.

By addressing these implications, stakeholders in the Western Balkans can work towards harnessing the benefits of remote work while mitigating its risks, fostering a future of work that is both flexible and fair, and aligning more closely with European standards and values.

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