

**Intensive Courses 2023/2024**  
**Erasmus and International Relations Office**  
**Faculty of Law of the University of Lisbon**

***R2D or Back to the Future***  
**An International, European Union and Comparative Labour Law Perspective on**  
**The RIGHT to DISCONNECT from Work**

October 2023

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**Focus:** Labour Law; International law; European Union law; Comparative law.  
**Teaching language:** English.

**Structure**

Place: Faculty of Law of the University of Lisbon, Portugal  
Duration: 10 teaching hours, from 16h00 to 18h00.  
Dates: 23-10-2023 to 27-10-2023.

**Goal:**

Know the main legal issues related to the right to disconnect from work (R2D), through an International, European Union, and Comparative Labour Law perspective, and develop the capacity for critical analysis of the different options made by national legislators in this matter.

**Description**

Describe the state of the art regarding the R2D on international and EU labour law perspectives, emphasizing the 2020 Agreement on Digitalisation and the 2021 EU Parliament Directive Proposal, and examining the national legislation's recent examples and the company-level initiatives.

Underline the several difficulties related to implementing the R2D and enabling it for all employees, highlighting challenges and alerting for some questions; argue about the demand for a global legal protection ensuring and encompassing, not only the right, but also the duty to disconnect, and propose solutions, aiming to provide a motto for further and more detailed legal analysis and developments.

**Learning outcomes**

Upon completion of the course, students are expected to be able to achieve:

- ✓ Concerning knowledge and understanding: a deepened knowledge of legal theory, methodology, practical questions, and possible solutions on the R2D, on an international, European Union, and comparative labour law perspective.
- ✓ Concerning skills and abilities: identify, apply, and analyze advanced and complex legal problems within the area of R2D, from national, comparative, European, and international perspectives; independently plan, write, and defend legal oral presentations; and review another student's oral participation.
- ✓ Concerning judgment and approach: the ability to, from theories within other disciplines discuss, analyze, and assess problems related to social and ethical impacts and practical implementation of legislating on R2D, through a national, European, and international perspective.

**Examination format:**

Instruction is given in the form of lectures open always for some questions and debate.

There is a requirement of active attendance at all lectures, meaning that the student shall: read the materials, prepare the lecture subjects, and participate in lecture discussions.

The examination is conducted through active participation during the seminars of the course.

The final exam is a take-home assignment (paper), submitted as a Word document by email until 06-11-2023.

Submitting the paper is mandatory, and exemption will not be granted.

The paper must focus on one of the topics of each lecture, giving preference to analyzing the way in which each student's national legislation enshrines R2D.

The paper must have between 10 and 25 pages, not including the initial and final pages (cover, title, abstract, index, literature, attachments).

The complete paper requirements (size, format, structure, references) will be provided by 25-10-2023.

**Course content:**

The course encompasses all the labour law questions regarding R2D, from an international, European Union, and comparative perspective.

The course contains five blocks, one for each two-hour lecture, from 16h00 to 18h00.

The first block presents the theme of disconnection from work, digitalization and hyperconnection, and health at work issues.

The second block describes the international and European Union labour law context

The third block is about overviewing the options among the national legislation and the company-level initiatives.

The fourth block addresses the problems related to implementation measures and practical challenges of legislating on the R2D

The fifth block covers the study and analyses of the proposal of a new Directive on the right of disconnect.

**Course (provisional) Description: SYLLABUS**

Block 1 (23-10-2023)

1.1. About disconnection from work

1.2. Digitalization and hyper connection

Block 2 (24-10-2023):

2.1. International labour law context

2.2. European Union labour law context

Block 3 (25-10-2023):

3.1. Overview of national legislations

3.2. Company-level initiatives

Block 4 (26-10-2023):

4.1. Implementation measures

4.2. Practical challenges

Block 5 (27-10-2023):

5.1. The Proposal of a Directive

5.2. Conclusions

Paper delivered until 06-11-2023.

**Required reading:**

Isabel Vieira Borges, "R2d: The Right to Disconnect from Work", in *The Legal Challenges of the Fourth Industrial Revolution*, vol. 57, Springer, 2023, [https://link.springer.com/chapter/10.1007/978-3-031-40516-7\\_14](https://link.springer.com/chapter/10.1007/978-3-031-40516-7_14)

The complete reading list is to be available in 23-10-2023.

**Author Bio**

Isabel Vieira Borges is a Portuguese PhD associate professor at the Faculty of Law of the University of Lisboa (FLUL), teaching since 1992, practiced as a lawyer for several years, took an HR and Leadership Management certified course, by the Catholic University Business & Economics School, is a professionally certified teacher in legal E-learning, by the Lisbon Open University, and works at the HR Management Department at Group CTT.

She is a founding member of the Labour Law Portuguese Association; Private Law Research Centre and Labour Law Institute of the FLUL; and a member of the Community for Labour and Occupational Research and Study and of the International Association on Workplace Bullying & Harassment.

She is also a consultant, advising employees, companies, and unions of workers and employers; executive and scientific coordinator and speaker, in several national and international congresses; teacher and lecturer in many regular certified courses; a reviewer in peer review processes; and has professional experience on management, HR, leadership, labour, employment, social security, civil service, insurance, and data protection law.

She published various publications about labour law; future of work, NTIC and GPS at the workplace; platforms, GPDR, and R2D; violence and harassment, psychosocial risks, digital era, pandemic; harassment, sexual and moral harassment; absences and annual paid leave; collective bargaining and labor agreements; just cause of dismissal and breach of trust; drug addiction and personality rights; worker's polyvalence; qualification of the employment contract and legal presumption.