



Entry into force of the right to disconnect

Although late in coming, Luxembourg has finally adopted a legal framework regulating employees' right to disconnect, applicable since **4th July 2023**.

As a result, **employees with an employment contract, trainees, apprentices and pupils/students employed during the school holidays** who use **digital tools for professional purposes** now benefit from special protection.

From now on, every employer must put in place a **system tailored to the specific characteristics and problems linked to its company or branch of activity**, to ensure that employees' **right to disconnect outside working hours** is respected.

In particular, a charter, internal rules or policy should define:

- the **practical arrangements and technical measures** for disconnecting from digital tools;
- **awareness-raising and training measures**;
- as well as **compensation arrangements** in the event of exceptional derogations from the right to disconnect.

This system of disconnection must be introduced either:

- by **collective agreement or subordinate agreement**;
- at **company level**, within the remit of the staff delegation if one exists, i.e.:
 - in a company with fewer than 150 employees at the time of the last elections : the staff delegation must be informed and consulted ;
 - in a company with at least 150 employees at the time of the last elections : the staff delegation has co-decision powers.
- and in the absence of a staff delegation, by **unilateral decision of the employer after informing the employees**.



An employer who fails to implement this disconnection scheme would be liable to an **administrative fine of between €251 and €25,000** imposed by the Director of the Inspectorate of Labour and Mines (ITM).

However, the article dealing with these penalties will only come into force in 3 years' time, as of 1st July 2026, which will give companies time to comply with their new obligations.

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