

# THE EXTRA POINT

BY JERRY ROBERTS



## # 1541 Calling Workers Outside of Regular Hours is a CRIME?

"The workday, for many people, has become a 24-hour event, with electronic leashes keeping us tied to email and reachable whenever the job demands. But new legislation being proposed could put an end to that—in California, at least." I'm Jerry Roberts, and what if contacting workers outside of their normal hours was against the law? We'll talk this over next, on The Extra Point.

The California state legislature is considering a bill which would bar companies in the state from requiring workers to respond to messages outside of working hours unless agreed upon ahead of time.

"Workers shouldn't be punished for not being available 24/7 if they're not being paid for 24 hours of work," said Assemblyman Matt Haney (D-San Francisco).

This law, if passed, will give workers the right to ignore the calls and messages from the boss when they're at dinner with their family, enjoying a weekend with friends, binging on Netflix, or doing anything else.

If approved, the state would become the first in the U.S. to adopt so-called "right to disconnect" laws.

The bill draws inspiration from similar laws in 13 countries outside of the U.S. such as Argentina, Belgium, Colombia, Greece, France, Ireland, Mexico, Italy, Spain, and Australia.

Haney referenced the "always-on" culture prevalent in many companies, which was amplified during the pandemic, has led to chronic stress and emotional exhaustion among workers.

A 2022 YouGov poll found that 55% of workers felt pressure to respond to calls or check emails long after their traditional workday had ended.

Pew Research reported in 2023 that 28% of Americans checked their work email

"extremely often" or "often" during their off hours. Many who don't engage with the office in off-hours feel they could be overlooked for promotion or at a higher risk of losing their job.

Should this matter to you? Well, a lot of what happens in California seems to find its way to Guam, so it's a situation that should at least be on your radar.

The bill allows exceptions for emergencies, which are defined as "an unforeseen situation that threatens an employee, customer, or the public; disrupts or shuts down operations; or causes physical or environmental damage."

Workers whose jobs require them to be on call would be exempt from this legislation.

Companies — and I suppose this would also include government agencies — would have to describe the time periods that off-hours availability would be necessary...for each worker on their payroll.

Finally, what would a law be without listing the consequences for breaking it? The California Department of Labor will be enforcing the law if it is passed. What are the chances? It's an election year and millions of workers, mostly young workers, will be very interested in seeing this bill become law. Politicians want votes. Seems like a marriage to me.

One more thing. Employers who would contact workers outside of the prescribed times, will pay a fine starting at \$100.

Haney and others who support the measure say it's needed, as it reflects the changing nature of work and the need to establish boundaries in a digitally connected world.

What are the chances of the bill passing? New York State considered a similar bill in 2018, but that effort failed to get traction and failed.

(Con't.)

What can you do?

Have an open and honest discussion with your team members about the issue of contacting them outside of regular hours. Are they okay with it, or is it an issue with them?

See where people stand and make an effort to be flexible. At the same time, explain why it's necessary to get in touch sometimes and it helps the organization be more profitable, and to be a stable employer.

In most cases, both employer and employees can find common ground and a way to make it work.

So, what do you think? Does Guam need a "right to disconnect" law? Will we go the California way, along with the 13 countries who have already adopted this legislation?

That's the Extra Point. Be responsible and make something good happen today. For 93.3FM, the Ray Gibson Show, and First Hawaiian Bank, I'm Jerry Roberts.

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