

Mercados y Negocios

1665-7039 printed

2594-0163 online

Year 23, N. 46, May-August (2022)

The Right to Disconnect: Influence on Competitiveness, Productivity and Creativity

*El derecho a la desconexión: influencia en la competitividad, la
productividad y la creatividad*

<https://doi.org/10.32870/myn.vi45.7651.g6725>

Werner Horacio Varela-Castro
Universidad Autonoma de Coahuila (Mexico)

<http://orcid.org/0000-0003-3925-3251>

werner.varela@yahoo.com.mx

María de los Angeles Briceño-Santacruz
Universidad Autonoma de Coahuila (Mexico)

<http://orcid.org/0000-0002-1525-835X>

absanta2@yahoo.com.mx

María Olivia Castro-Solano
Universidad Veracruzana (Mexico)

<http://orcid.org/0000-0002-1525-835X>

olcastro@uv.mx

Received: January 12, 2022

Accepted: March 8, 2022

ABSTRACT

This research aims to determine which variables and factors are obtained as benefits or advantages of the observance of the right to disconnect law and whether it will influence labor and educational competitiveness. Initially, existing literature was reviewed, and an own elaboration instrument was applied to 73 sample subjects. The found result was the need for recognition and awareness of organizations to respect the obligation of the right to disconnect to generate work and academic independence of workers, teachers, and students to take advantage of the free time of these people in order to improve their social relationships and strengthen their knowledge to perfect their work and increase their job and educational competitiveness.

Keywords: The Right to disconnect; free time; Telework; COVID-19.

JEL Code: J08, J81



Mercados y Negocios por Departamento Mercadotecnia y Negocios Internacionales. Universidad de Guadalajara se distribuye bajo una [Licencia Creative Commons Atribución-NoComercial 4.0 Internacional](https://creativecommons.org/licenses/by-nc/4.0/).

Basada en una obra en <http://revistascientificas.udg.mx/index.php/MYN/>.

RESUMEN

Es incierto cuándo terminará el proceso pandémico y si las empresas dejaran permanentemente el teletrabajo y evitaran con ello el hostigamiento laboral y la violación del derecho a la desconexión digital laboral promulgado en abril del 2021. el objetivo de esta investigación es determinar que variables y factores se obtienen como beneficio o ventaja de la observancia de la ley, y si esta influirá en la competitividad laboral y educativa. Inicialmente se revisó la literatura existente, y se aplicó un instrumento de elaboración propia a 73 sujetos de muestra. Encontrándose; la necesidad de reconocimiento y concientización de las organizaciones a respetar la obligación de la Desconexión Digital para generar independencia laboral y académica de los trabajadores, profesores y estudiantes con el fin de aprovechar el tiempo libre de estas personas en mejorar sus relaciones sociales y reforzar sus conocimientos para perfeccionar su trabajo e incrementar la competitividad laboral y educativa.

Palabras clave: Derecho a Desconexión Digital; tiempo libre; teletrabajo; COVID-19.

Código JEL: J08, J81.

INTRODUCTION

The right to disconnect in the work and educational environment is defined as “the right of a worker to be able to disconnect from work and refrain from participating in electronic communications related to their employment, such as emails and messages, calls or other forms of communication, for hours non-work” (HolmesHR, 2021).

Since leisure is free time dedicated to non-work-related activities, nor essential domestic (or educational) activities, but to a recreational and motivating time. Rest is the interruption of work to relax. Both are essential for physical and mental health (DHpedia, 2019).

These issues are of great relevance and have been dealt with in the International Labor Organization (ILO) since the beginning of the 20th century, from its foundation. Later in 1948, in a decree, article 24 of the Universal Declaration of Human Rights was integrated, recognizing rest, free time, and periodically paid vacations as human rights (DHpedia, 2019).

Faced with the importance and challenges of using digital tools in employment relationships, the French Law in 2016 about work, the modernization of social dialogue, and the protection of professional careers introduced a right to disconnect for workers (Cialti, 2017).

7

More recently, in Mexico, the pandemic generated by Covid-19 accelerated the need to legislate new forms of remote work. In April 2021, unanimously, the Senate approved the addition of Article 68 bis to the Federal Labor Law that establishes the right of workers to right to disconnect and thus, ensure respect for their resting time, permits, vacations, and personal and family privacy outside the working day and privileges the reconciliation of work with personal life. By supporting the right of the working class to disconnect and refrain from participating in electronic communications related to their employment, such as emails, messages, calls, or any other forms of communication, during non-working hours (Senate of the Republic, 2021).

That is why this research work has, in the first instance, the purpose of pointing out the need for a labor regulation manifested in the federal labor law and likewise, to analyze the proposal of the Disconnection Law as a mechanism to avoid labor abuse, which it has shown in favor of effective and efficient performance and productivity of employees and companies.

In the second instance, this work seeks to determine how the lack of respect for the right to digital disconnection in different organizations influences labor and educational competitiveness. This way, they will know, among other questions, how the factors that motivate personal digital disconnection influence emotional balance, productivity, physical

and mental health, and computer fatigue, both in the workplace and in education. This knowledge is helpful to evaluate the differences between the activities carried out before the pandemic and the post-COVID-19 activities and has contributed to developing a better job in the new work and educational reality that we must live. In the literature review, this research looks for the most recent to preserve the current state of the art. Below is described the methodology to be used. Then, the statistical analysis from the information obtained is carried out, generating the results section and the approach to the respective conclusions.

LITERATURE REVIEW

Context

Technology and its constant evolution have made it possible to achieve wide accessibility and connectivity in all areas and contexts, especially concerning the communication needs between employees in the work centers.

Connectivity is undoubtedly an essential element for business and education in today's globalized and digital world. The commercial aspect plays an essential role, and as a company's ability to serve customers, satisfies their needs and requirements, and likewise gives them follow-up, advice, and post-sale support, and regardless of the size of the sale, both suppliers and customers can communicate in real-time, without complications.

8

Today more than half of the world's population is connected to the internet. Undoubtedly, the health emergency, situated as a pandemic due to COVID-19, has driven the apparent need for efficient digital connectivity. Its effectiveness has been proven since it has been precisely this that has allowed many companies. Institutions do not stop their activities and continue the productive, educational, social, entertainment, cultural, information processes, adapting, adjusting or modifying the previous versions. The purpose is to continue despite the pandemic, mainly to avoid the total collapse of the economy in all areas.

Although not everything can be classified as perfect, as in every process that eliminates a development barrier, it generates other situations and conflicts, such as the excess of connection that has impacted the stability of many collaborators in the companies. Although it is true, in Mexico, as in many countries, there is a labor regulation that contemplates working hours, which by contract, the employee or collaborator is subject to comply with for an amount of payment or salary. For this case, in Chapter V Salary, of the Federal Labor Law of Mexico, it is possible to find the following articles:

- *Article 82.*- Salary is the employer's remuneration to pay the worker for his work.
- *Article 83.*- The salary may be set per unit of time, per unit of work, per commission, at a lump sum, or in any other way.

In the case of salary per unit of time, that nature will be precisely established. The worker and the employer may agree on the amount, as long as it is a remunerative salary and the payment for each hour of service provision, as long as the legal maximum working day is not exceeded, and labor and safety rights are not exceeded: respected. They correspond to the position in question. The income that workers receive for this modality, in no case, will be less than that corresponding to a working day.

When the salary is set per unit of work and specifying the nature of the work, the quantity and quality of the material, the state of the tool, and the tools that the employer, if applicable, provides to carry out the work shall be stated, and the time for which they will be made available to the worker, without being able to demand any amount for the natural wear and tear suffered by the tool as a result of work.

- *Article 85.*- The salary must be remunerative and never less than the minimum set under the provisions of this Law. To establish the amount of the salary, the quantity and quality of the work will be taken into consideration.

In the salary per unit of work, the remuneration paid will be that which, in an eight-hour shift, results in the minimum wage, at least for a typical job.

9

As it can be seen, it is clear when referring to the legal maximum daily workday of 8 hours and respect for the worker's labor rights, which in some way contravenes the “working day” that is carried out today at home.

The pandemic has given two visions of the so-called Telework, or Home office. This adjustment for the development of the activities of the collaborators of the companies in the offices, so as not to stop business activities, especially those of an administrative nature, they moved the environments from work or the office to the homes or private spaces of each of the employees, who, making use of most of their resources and infrastructure (internet, cell phone, computer equipment); gave the possibility to carry out the responsibilities of their Market Stall.

However, the working time was extended since the vision for many employers was for the worker to be at "home", where at the same time he could attend to the needs that arose in it. Moreover, on the other hand, the employee, whether due to personal responsibility or because you do not feel in your workspace where you must fulfill a specific 8-hour shift, should be attentive to any call and need from the company or its bosses; being the most immediate instrument of communication, the cell phone and the connection to social networks, resulting in stressful, overwhelming, and exhausting: it should be noted that although many companies before the pandemic, they abused when using the communication mechanisms with their

The Right to Disconnect: Influence on Competitiveness, Productivity and Creativity

employees Outside of working hours, this was further exacerbated by the so-called “Home Office”.

“The demand of bosses about having permanent availability in the WhatsApp groups "at work", the sending of emails during the morning "because at that time it comes to their minds and so as not to forget, they send it", the calls at breakfast time, lunch or dinner occur daily and are tolerated due to the fear of workers of being fired as the 12.5 million who have been collateral victims of COVID-19, according to the latest report from the National Institute of Statistics and Geography (INEGI). In collaboration with the recruiting company OCC Mundial, the Mexican Internet Association, surveyed those working from home during the pandemic in May, and 85 percent said they felt good about teleworking. However, on the other side, 70 percent of the participants revealed that they work more than before when they went to the office. This load has impacted the employees' mental health, which, together with the confinement, increased the anxiety, insomnia, and stress crises, without the possibility of shoveling it with exercise or relaxing in the open air.” (Contreras, 2020)

It is true that when the option of developing work at home, "home office", or "teleworking" was started, there were many errors due to adaptation, coordination to achieve performance, and distance communication. However, according to negative experiences that have been overcome, the efficiency is greater, and the attention to the work is exceeded by any communication and interaction channels. For example, in an interview conducted by Contreras (2020) with the accountant Meneses, a collaborator of a specific company in Mexico, he pointed out the following:

“... the myth persists that the home office means working only half the time and the rest resting, watching television, and going for a walk; the reality now is that nobody wants to lose their job because the situation is awful, we are willing to work the necessary time so that they do not put us on the layoffs list, but in the end, it is very abusive on their part, it is not fair because they pay the same or less, you see that about discount agreements”.

For others, the "home office" has been cheerful, both for companies and the employee, since working from home has allowed them to be more comfortable and pleasant, reducing time and expenses involved as per diem. In addition, commuting to their work centers every day and returning home, being able to cook and make their food, which for many has improved their quality of life; and for companies operating costs and expenses have been reduced.

The vision of the future development of the “Home Office” work alternative was not such a modern or inexperienced idea since, in several European countries, such a practice was already carried out before the pandemic, with intermittent programmed face-to-face actions of the “coworking” type. However, it was not located as an immediate possibility; a transition of between 15 to 20 years was intended since there was still little evidence of the advantages and disadvantages for both companies and employees, this type of performance and virtual work environments, according to some comments issued by the executive director of Skills Agility Lab, Leticia Gasca (cited in Contreras, 2020).

Although the health emergency and the needs arising from it made the evolution time of the "home office" or work at home shortened, taking Mexican companies and their collaborators by surprise, and likewise even the Federal Labor Law, which until today does not contemplate operating regulations in this regard.

DEVELOPMENT

The right to disconnect

Being connected in many cases has not only become a necessity but has even caused certain diseases and disorders, deterioration in family and work relationships; connectivity has its benefit by "optimizing control over our relationship with the digital environment, making the most of the use of that environment as a facilitator of access to knowledge and communication" (Serrano-Puche, 2014).

Mass contact through all kinds of electronic devices facilitates communication. This same mass contact has led many people to evaluate the meaning of connectivity and the implications of being "connected". They not only refer to the type of internet service or wireless broadband that each user has but also to the action of disconnecting. People manage to disconnect from technological communication to connect with human communication.

11

Therefore, it is essential to raise awareness among employees regarding the negative impact on their health caused by hyper-connectivity at work and on a personal level. Indeed, the labor situation that arose and transformed from the health emergency has made connectivity a great need, dependency, instrument, and tool.

Therefore, disconnection has become both a necessity and a right. Unplugging helps set boundaries between working from home and time spent on leisure or other personal matters. For example, Europe is one of the pioneers of teleworking; it has been considered a law for the right to disconnect for some years. Therefore, it is crucial to determine that: The right to disconnect is disconnecting from electronic devices.

The right to disconnect has been considered a "new right" for workers, so few countries are at the forefront of regulating it. It has been recognized that France 2017 made the first demonstration on the European continent, considering this right in the labor laws in the French Labor Code; but "it was the European GDPR of 2018 that allowed the door to be opened for other countries to adopt legislation to protect the privacy and data protection of workers in labor relations." (Montiel, 2020).

The Right to Disconnect: Influence on Competitiveness, Productivity and Creativity

Spain, in 2018, according to Pardo (2020), this country decided to include the new package of digital rights within Organic Law 3/2018, of December 5, on Protection of Personal Data and guarantee of digital rights, the right to disconnect seemed to be configured as a "pioneering" right. Article 88, where it is regulated, expressly states that:

1. Public workers and employees shall have the right to disconnect to guarantee, respect for their rest, leave, vacation time, and personal and family privacy outside of the legal or conventionally established working time.

It means that “the right to disconnect will be preserved, particularly, in the cases of total or partial performance of the work at the employee's home. However, it has not yet been achieved that all companies carry it out”; Latin America has begun to consider this right to convert it into a law of disconnection.

The right to disconnect from the workplace implies for the person the decision not to answer any communication from the company outside working hours. These communications can be phone calls, messages, emails, or WhatsApp). It also includes not attending meetings or gatherings outside of business hours. The worker's right of non-response must be respected at the end of their shift, during leave, or during vacation time, regardless of whether they have work-related electronic devices (corporate number, company equipment).

12

On the other hand, the Technological University of Peru (UTP, 2021), in data collected from various sources, has determined that there was an increase of 70% in the level of the inhabitants of Peru, such data soaring due to the long hours of Telework and the impossibility of avoiding or refusing to attend to the urgent requirement of their work centers and the demands of leaders who assume remote work as “24/7 availability”.

“For experts, the fear of losing their job and the culture of presence makes it difficult for workers to disconnect. “It is a complicated issue because, in many cases, the worker can be conditioned by the bias of ‘if I do not answer the call or do not answer the email now, I can lose my job or limit my possibilities for professional promotion’, especially in a scenario of uncertainty and crisis”. However, there are differences between employees, ‘professional responsibility should not be confused with digital slavery’.” (Fernández-Barcelona, 2021)

Hence, the right to disconnect has arisen in Urgency Decrees N ° 127-2020 and as an obligation for both employers and employees in said country; aiming to preserve the physical, mental, and emotional health of the human team, providing spaces for rest, in order to generate a balance between their personal and work life, preserving the dignity of the employee. Such decree in Article 18 indicates that:

“The employer and worker must respect the right to disconnect from the worker. Therefore, the worker has the right to disconnect from the computer, telecommunications, and similar means used for the provision of services during rest days, licenses, and periods of suspension

of the employment relationship... the employer may not require the worker to carry out tasks or coordination of a labor nature during the time of the right to disconnect.”

For its part in Mexico, on January 11, 2021, the approval of a reform to the Federal Labor Law was published where teleworking is added and regulated, where the new labor regulation says, in its Article 330-E (Senate of the Republic, 2021), in teleworking mode, employers will have the following special obligations:

- I. Provide, install and take care of the maintenance of the necessary equipment for teleworking, such as computer equipment, ergonomic chairs, printers, among others;
- II. Receive work on time and pay wages in the manner and on the stipulated dates;
- III. Assume the costs derived from the work through the telework modality, including, where appropriate, the payment of telecommunication services and the proportional part of electricity;
- IV. Keep a record of the inputs delivered to workers under the teleworking modality, in compliance with the provisions on safety and health at work established by the Ministry of Labor and Social Security;
- V. Implement mechanisms that preserve the security of information and data used by workers in the teleworking modality;
- SAW. Respect the right to disconnection of workers in the telecommuting modality at the end of the working day;
- VII. Register workers in the teleworking modality to the mandatory social security regime, and
- VIII. Establish the necessary training and advisory mechanisms to guarantee the adaptation, learning, and appropriate use of information technologies for workers in the telework modality, emphasizing those who change from face-to-face modality to Telework.

13

Unanimously, the Republic Senate approved a project to establish the right of workers to digital disconnection and thus ensure respect for their: rest time, permits, vacations, and personal and family privacy outside of working hours established. With 116 votes in favor of April 30, 2021, the plenary session supported the right of the working class to disconnect and refrain from participating in electronic communications related to their employment, such as emails and messages, calls, or other forms of communication, for hours' non-labor. (Amedirh, 2021).

Several of the pronouncements in favor by the representatives of the different political parties, members of the Senate indicated the following: Alejandra Reynoso Sánchez, senator for the PAN, pointed out that the right to disconnect should be a right for every worker because failure to do so can affect people's health, with mental, physical, and emotional exhaustion.

They are taking advantage of the opportunity the digital age gives everyone, but without abuse. Manuel Añorve Baños, Senator of the PRI, emphasized that it is time for the Congress of the Union to recognize this new reality. "Workers extend their working hours, including weekends and vacations, which reduces the quality of family life, and increases stress and anxiety".

For her part, Patricia Mercado from Movimiento Ciudadano commented that "the flexibility of teleworking is beneficial when it maintains or increases the quality of life of people" noting that "there must be a balance between productivity and the health of workers." In this addition to *Article 68 Bis of the Federal Labor Law*, the following is noted:

"It establishes the right of workers to digital disconnection and thus ensures respect for their rest time, permits, vacations, and personal and family privacy outside of the established working day.

It provides that the regulation, as well as the modalities of the right to disconnect, address the nature of the labor relationship and privilege the reconciliation of work with personal life: "They will be subject to what is specified in collective bargaining or in what is agreed between the employer and representatives of the workers. "

It indicates that "the employer must draw up, in coordination with said representatives, an internal policy directed at employees, including managerial positions, which defines the modalities for disconnection"; In addition, actions to sensitize staff on the reasonable use of technological tools, which avoid the risk of fatigue or other health problems, including mechanisms to prevent and punish hostile acts that may arise when the worker exercises their right to disconnect, as well as acts that segregate staff or imply effects on the benefits to which they are entitled." (Lemus, 2021)

It is possible to point out that teleworking, working at home or home office, is undoubtedly an adaptation of the old reality to the present, which has implied a change in paradigms, action, spaces, and environments, and that its validity could be permanent. Hence, the right to disconnect from work is more necessary than ever since it does involve not only the worker but also his own family and society in general.

Considering all of the above indicates that "the table is served". However, the laws are an essential instrument to generate changes and respect rights, but by themselves, they do not work miracles and may not be sufficient to fulfill the purpose for which they were promulgated. Because achieving that the right of digital labor disconnection is implemented and respected depends both on the internal policies of the companies, as well as on the knowledge of the workers to exercise said right, hence the need to make effective the organizational and operational measures to its implementation and guarantee the worker's right to disconnect, and promote the achievement of the development of more committed, healthy and motivated employees, making their performance and the productivity results of the companies more efficient.

The company and employees' measures must be directed towards a reasonable use of technological tools “that avoids the risk of computer fatigue and digital obesity. It will be the different options available by the organizations that indicate whether things are being done well” (Fernández-Barcelona, 2021).

The right of workers to disconnect

Undoubtedly, the pandemic experience has conditioned making many changes in the traditional personal and work routines, and everyone has had to adapt to the "new normal", taking action so that everything continues without slowing down as far as possible. However, there was no prior preparation or skills for developing Telework or home office in Mexico. In addition, the economic crisis has subjected employees to fear of losing their jobs if they do not remain “always available”.

However, there is a classification of the type of collaborators: the efficient, the deficient, those with the highest and lowest performance, the highly responsible, and the irresponsible. The reality is that remote work becomes an ongoing cost to work, hence the emergence of techno-stress, hyperconnectivity, and digital obesity, among others, which many are suffering from employees, and affecting their personal and family life and health. It is, therefore, necessary to act in companies, to establish legal mechanisms that ensure and guarantee the effectiveness of a normative regulation for remote work and the corresponding: the right to disconnect.

RESEARCH PROBLEM

There is still no certainty as to when the pandemic process will end, nor whether the experience of the companies leads them to leave teleworking permanently. Therefore, it is crucial to enact the right to disconnect. However, the lack of knowledge circumscribes the research problem to determine how the right to digital disconnection influences labor and educational competitiveness to avoid workplace harassment and violate the right to disconnect.

OBJECTIVES

General objective

- Know how the right to disconnect influences job and educational competitiveness

Specific objectives

- Establish how to avoid workplace harassment and violate the right to disconnection.

The Right to Disconnect: Influence on Competitiveness, Productivity and Creativity

- Determine what factors motivate personal digital disconnection and influence different aspects of emotional balance: productivity, physical and mental health, and computer fatigue, both in the workplace and in education.

HYPOTHESIS

H: There is the right to disconnect that influences job and educational competitiveness

RESEARCH METHOD

Scope and limitations

The method used in this project was an investigation at an explanatory and non-experimental level since a deliberate manipulation of the variables was not carried out; that is, there were no conditions or stimuli to which the research subjects were exposed, nor were any constructed situations to see its effects. Furthermore, it is transversal because the research showed us how the right to disconnect influenced organizations' labor and educational competitiveness, and a study was not carried out over time. Finally, it is from the field because the surveys were carried out in the habitat or workplace of the interviewees, and they were not removed from their environment to carry out the research.

16

Sample size and description

A proprietary instrument was applied to 73 subjects; this instrument consisted of 39 interval questions with a Likert scale from 0 to 6 and 4 nominal variables that characterize the sample. This instrument was validated by obtaining Cronbach's alpha, where a value of 96.3% was obtained, with which there is high reliability and content validity, also presenting an estimation error of 4.1% of the mean.

On the other hand, the sample was made up of several subjects where the most significant number of them were male with 56.2% and 43.8% female; of these interviewees, the majority were students (35.6%), 16.4% were teachers, and 47.95% of the sample was made up of public and private workers.

Regarding their marital status, he tells us that of these, the vast majority are single (60.3%), a large part is married, and only 9.6% are in a common-law union or another marital status, and finally, 35.6% of those interviewed have 16 to 25 years old, 27.4% are in the range between 26 and 35 years old, 26.0 between 36 and 45 years old, and the rest are more than 46 years old.

RESULTS

Univariate data analysis

As shown in table 1, frequency distribution by gender, the most significant number of respondents corresponded to the male gender with 56.2%, while the rest corresponded to 43.8% of the female gender.

Table 1. Frequency Distribution by Gender

Gender	Frequency	Accumulated Frequency	Percentage	Accumulated percentage	Histogram
1 Female	32	32	43.84	43.84	
2 Male	41	73	56.16	100	

Source: Own elaboration.

Table 2 shows that most of those interviewed were students (35.6%), 16.4% were teachers, and 47.95% of the sample was made up of public and private workers.

Table 2. Frequency Distribution by Work Activity

Work activity _41	Frequency	Accumulated Frequency	Percentage	Accumulated percentage	Histogram
1 Private job	18	18	24.66	24.66	
2 Public employee	17	35	23.29	47.95	
3 Teacher	12	47	16.44	64.38	
4 Student	26	73	35.62	100	

Source: Own elaboration.

The Right to Disconnect: Influence on Competitiveness, Productivity and Creativity

Table 3. Frequency Distribution by Marital Status

Civil_State42	Frequency	Accumulated Frequency	Percentage	Accumulated percentage	Histogram
1 Single	44	44	60.27	60.27	
2 Married	22	66	30.14	90.41	
3 Free Union	6	72	8.22	98.63	
4 Others	1	73	1.37	100	

Source: Own elaboration.

Table 4 shows that the frequency distribution by age 35.6% of the interviewees is 16 to 25 years old, 27.4% are between 26 and 35 years old, and 26.0 between 36 and 45 years old. The rest are over 46 years old.

Table 4. Frequency Distribution by Age

Years_43	Frequency	Accumulated Frequency	Percentage	Accumulated percentage	Histogram
16 to 25	26	26	35.62	35.62	
26 to 35	20	46	27.4	63.01	
36 to 45	19	65	26.03	89.04	
46 or more	8	73	10.96	100	

Source: Own elaboration.

18

Table 5. Frequency distribution by the level of most common explanation: Commonalities

Variable	Variable Code	Initial	Explanation
Facilitate the development of academic tasks31	(DesTareas31)	.925	86%
Increase learning activities32	(actiAprend32)	.935	83%
improve family relationships3	(RelaFAM3)	.890	83%
Learn educational values35	(AprValores35)	.855	81%
Improve attitudes at home8	(actituCasa8)	.889	81%
Exercise a legitimate right2	(Ejderech2)	.847	80%
Raise awareness of the need for the right to disconnect1	(ConcieDD1)	.874	79%
Increase skills (work and educational) 39	(habilidad39)	.877	79%

Source: Own elaboration.

As can be seen in Table 5, the variables that most commonly show a more significant explanation of the advantages of raising awareness of the need to disconnect digitally (ConcieDD1, 79%): through exercising a legitimate right (Ejderech2, 80%) already established in the federal labor law, which will allow the worker, teacher or students to facilitate the development of academic tasks (DesTareas31, 86%), as well as increase

learning activities (actiAprend32, 83%) with accentuation of educational values (AprValores35, 81%) and both work and educational skills (ability39, 79%), which seeks to improve family relationships (RelaFAM3, 83%) and attitudes at home (atituCasa8, 81%).

Multivariate factor analysis

Three initial tests were performed to determine if the study contained valid variables: Determinant of the correlation matrix, KMO, and Bartlett's sphericity. The test shows the validity of the study (Table 6). It is based on the coefficient of the determinant of the correlation matrix with a value of almost zero (3.044E-019). In addition, a correlation is observed at an average level of sample adequacy of the variables at 84.0% initial in KMO. (Batista et al, 2004).

Table 6. KMO Tests, Bartlett Test, and Determinant

Kaiser-Meyer-Olkin measure of sampling adequacy.		.840
	Approximate chi-square	2479.987
Bartlett's test of sphericity	degrees of freedom	741
	Sig.	.000
Correlation matrix	Determinant	3.044E-019

Source: own elaboration.

In addition, the Chi-square (2479.9) is at an acceptable level. Therefore, essential data were obtained when correlating the variables through which the initial hypothesis was approved. The minimum validity factor in the Bartlett sphericity test is 741, whose significance is close to 0.000, which indicates that it is significant at 95% confidence ($\alpha < 0.05$).

In Table 7, the total explained variance of 68.39%, where the variables are reduced to communalities, and the maximum level of explanation of the survey for the investigation is determined; a minimum acceptable level is 50%. The rest is explained with the theory contained in the literature, and this complements the model for the application of the right to disconnect in companies and sees the impact that this has had, among others, on their productivity and competitiveness.

The Right to Disconnect: Influence on Competitiveness, Productivity and Creativity

Table 7. Total Explained Variance

Factors	Initial eigenvalues			Sums of the squared saturations of the extraction			Sum of the squared saturations of the rotation		
	Total	% of variance	% accumulated	Total	% of variance	% accumulated	Total	% of variance	% accumulated
1	17.232	44.185	44.185	16.934	43.421	43.421	6.576	16.861	16.861
2	3.007	7.710	51.895	2.721	6.976	50.397	4.362	11.185	28.047
3	2.110	5.410	57.305	1.822	4.672	55.069	4.160	10.666	38.713
4	1.769	4.536	61.841	1.434	3.676	58.745	3.417	8.762	47.475
5	1.447	3.709	65.550	1.116	2.861	61.606	2.968	7.611	55.086
6	1.391	3.565	69.115	1.042	2.673	64.279	2.030	5.205	60.292
7	1.203	3.085	72.200	.857	2.197	66.476	1.791	4.593	64.884
8	1.088	2.791	74.991	.745	1.911	68.387	1.366	3.502	68.387

Source: Own elaboration.

As shown in Table 8, for effects of the significance of the factors to be studied, a Re-Test of the factors under study was carried out, taking into account a minimum value of 0.8 to explore the significance of the individual factors. Based on tradition, the reliability value in exploratory research must be equal to or greater than 0.6; among these authors, Nunnally (1995) even establishes that a reliability value of 0.6 or 0.5 may be in the first phases of the investigation be sufficient.

20

Table 8. Exploratory Re-Test of Reliability of Unit Factors

FACTORS	VARIABLES	CRONBACH's ALPHA
FACTOR 1 Work and Educational Skills	habilit39	tecnoEA36
	AprValores35	estCenEsc25
	gustoTrab38	DesTareas31
	salario26	actiAprend32
	equipInf37	
		0.9405
FACTOR 2 Labor Independence	Ejderech2	depLabor22
	ConcieDD1	Recobli11
		0.86545
FACTOR 3 Attitudes with Psychological Balance	actituCasa8	actitPers13
	equilibPsi16	FacilSEA9
	planProd19	
		0.896551
FACTOR 4 take advantage of free time	Conocimie28	relaSoc27
	tiempLib14	PerfTrab29
		0.820350
FACTOR 5 Work and educational break	DescJorE10	DeLabor4
	AliviarTE6	
		0.815306
FACTOR 6 Personal and Family Health	RelaFAM3	saluFísi21
		0.849586

Source: own elaboration.

Based on the above, the six (6) significant factors in terms of reliability and individual validity are described in the subsequent parts, as seen in Table 7, which refers to the Re-Test of Cronbach's alpha, the factors: 1 Skills Labor and Educational (0.9405), 2 Minimize Labor

Dependency (0.86545), 3 Attitudes with Psychological Balance (0.896551), 4 Take advantage of free time (0.820350), 5 Work and educational rest (0.815306), 6 Personal and Family Health (0.849586), all exploratory with Cronbach's alpha greater than 0.8 and Eigenvalues greater than one.

Table 9. Work and Educational Skills

FACTOR 1	CF	N	Mn	Mx	Me	Md	Mo	St. Dev	Z	CV	Sk	K	OmK2
habilidad39	.811	73	0	6	5.10	6	6	1.30	3.91	0.26	-1.85	6.62	0.00
AprValores35	.778	73	0	6	5.01	6	6	1.53	3.27	0.31	-1.80	5.77	0.00
gustoTrab38	.765	73	0	6	4.99	6	6	1.43	3.49	0.29	-1.76	5.94	0.00
salario26	.717	73	0	6	5.07	6	6	1.51	3.35	0.30	-1.86	6.14	0.00
equipInf37	.711	73	0	6	4.85	5	6	1.44	3.37	0.30	-1.25	4.14	0.00
tecnoEA36	.688	73	0	6	5.22	6	6	1.43	3.66	0.27	-1.98	6.45	0.00
estCenEsc25	.592	73	0	6	5.07	6	6	1.32	3.85	0.26	-1.64	5.59	0.00
DesTareas31	.579	73	0	6	4.92	5	6	1.39	3.53	0.28	-1.35	4.23	0.00
actiAprend32	.572	73	0	6	4.86	5	6	1.44	3.38	0.30	-1.37	4.32	0.00

Source: Own elaboration.

Table 9, which refers to the increase in work and educational skills, shows that the interviewees often agree that digital disconnection will allow them to improve their taste for work (TasteTrab38, Me = 4.99), which almost always results in an increase in their work and educational skills (ability39, Me = 5.10) which improves their salary (salary26, Me = 5.07), we also found that the subjects stated that almost always avoiding permanent connection is a Support to study in schools (estCenEsc25, Me = 5.07), where it often leads to Increase learning activities32 (actiAprend32, Me = 4.86) through the use of Better teaching-learning technologies36 (tecnoEA36, Me = 5.22) which facilitates the development of academic tasks (DesTareas31), Me = 4.92) and the assimilation of educational values (AprValores35, Me = 5.01), these two aspects of work and education develop the Integration of a great team informático37 (equipInf37, Me = 4.85)

Table 10. Labor Independence

FACTOR 2	CF	N	Mn	Mx	Me	Md	Mo	St. Dev	Z	CV	Sk	K	OmK2
Ejderech2	.805	73	0	6	4.53	5	6	1.73	2.62	0.38	-0.87	2.68	0.01
ConcieDD1	.773	73	0	6	4.22	5	6	1.83	2.31	0.43	-0.74	2.55	0.03
depLabor22	.604	73	0	6	5.12	6	6	1.22	4.19	0.24	-1.70	6.28	0.00
Recobli11	.578	73	0	6	4.15	5	6	1.99	2.08	0.48	-0.75	2.31	0.01

Source: Own elaboration.

As can be seen in Table 10, labor independence, the subjects surveyed many times agreed on, among other advantages and benefits, raising awareness and recognizing the need to carry out the right to disconnect (ConcieDD1, Me = 4.22) on the part of the organizations the obligation (Recobli11, Me = 4.15) of the employer and a legitimate right to exercise

The Right to Disconnect: Influence on Competitiveness, Productivity and Creativity

(Ejderech2, Me = 4.53), on the part of workers, teachers, and students that almost always impacts on minimizing work dependency (depLabor22, Me = 5.12).

Table 11. Attitudes with Psychological Balance

FACTOR 3	CF	N	Mn	Mx	Me	Md	Mo	St. Dev	Z	CV	Sk	K	OmK2
actituCasa8	.770	73	0	7	5.38	6	6	1.17	4.59	0.22	-2.18	8.45	0.00
equilibPsi16	.605	73	0	7	5.36	6	6	1.25	4.28	0.23	-2.07	7.26	0.00
planProd19	.587	73	0	6	4.89	5	6	1.22	4.01	0.25	-1.27	4.91	0.00
actitPers13	.577	73	0	6	5.16	6	6	1.31	3.93	0.25	-1.64	5.32	0.00
FacilSEA9	.553	73	0	6	5.11	6	6	1.40	3.65	0.27	-1.60	4.95	0.00

Source: Own elaboration.

Table 11, attitudes with psychological balance tells us that the subjects questioned many times agree to establish a productive operational plan (planProd19, Me = 4.89) that almost always facilitates the teaching-learning system (FacilSEA9, Me = 5.11) and maintain psychological balance (equilibPsi16, Me = 5.36) to develop better personal attitudes13 (actitPers13, Me = 5.16) and at home8 (atituCasa8, Me = 5.38).

Table 12. Take Advantage of Free Time

FACTOR 4	CF	N	Mn	Mx	Me	Md	Mo	St. Dev	Z	CV	Sk	K	OmK2
Conocimie28	.668	73	0	6	5.19	6	6	1.28	4.07	0.25	-1.82	6.18	0.00
tiempLib14	.597	73	2	6	5.40	6	6	0.97	5.58	0.18	-1.60	4.79	0.00
relaSoc27	.571	73	0	6	5.00	6	6	1.49	3.35	0.30	-1.65	5.21	0.00
PerfTrab29	.569	73	0	6	5.11	6	6	1.37	3.73	0.27	-1.90	6.68	0.00

Source: Own elaboration.

As can be seen in table 12, Factor 4 take advantage of free time, pay attention to what was mentioned by all the students, teachers, and workers questioned, who almost always agree that the right to disconnect from work allows them to take advantage of their free time (LibTime14, Me = 5.40) in improving their social relationships (relaSoc27, Me = 5.00 and reinforcing their knowledge (Knowledge28, Me = 5.19) to improve their work (PerfTrab29, Me = 5.11).

Table 13. Work and Educational Break

FACTOR 5	CF	N	Mn	Mx	Me	Md	Mo	St. Dev	Z	CV	Sk	K	OmK2
DescJorE10	.741	73	0	6	4.55	5	6	1.62	2.81	0.36	-0.89	3.07	0.01
AliviarTE6	.685	73	2	6	4.62	5	6	1.30	3.56	0.28	-0.41	1.89	0.00
DeLabor4	.643	73	0	6	4.63	5	6	1.65	2.81	0.36	-0.99	3.12	0.00

Source: Own elaboration.

As shown in Table 13 of factor 5 work and educational rest, the interviewees stated that they agreed many times that the right to disconnect allows rest from the educational day (DescJorE10, Me = 4.55) and from work (DeLabor4, Me = 4.63) as well as alleviating educational work (AliviarTE6, Me = 4.62).

Table 14. Personal and Family Health

FACTOR 6	CF	N	Mn	Mx	Me	Md	Mo	St. Dev	Z	CV	Sk	K	OmK2
RelaFAM3	.654	73	2	6	5.32	6	6	0.93	5.71	0.18	-1.54	4.77	0.00
saluFísi21	.550	73	0	6	5.29	6	6	1.37	3.86	0.26	-2.33	8.28	0.00

Source: Own elaboration.

In table 14, factor 6; Personal and Family Health, the right to disconnect in the opinion of the interviewees almost always improves family relationships (RelaFAM3, Me = 5.32) and physical health (saluFísi21, Me = 5.29) of workers, teachers, and students.

Confirmatory factor analysis. Model using structural equations

Once the previous knowledge has been delimited and validated theoretically and statistically to formulate concrete hypotheses about the relationship between indicators and latent dimensions his interest is focused on testing these hypotheses. The CFA subjects these assumptions to contrast statistics that, if rejected, would advise against the reliability assessment. (Batista-Fogueta, et al, 2004). In this sense, it is necessary to adjust the model (Table 15). To do this, use Chi-Square indicators and degrees of freedom. It will be determined if the quotient of these data should be less than five ($P < 5$) as the desired result to show the fit of the proposed model, called “testing the omission model” (Cea D’Ancona, 2004).

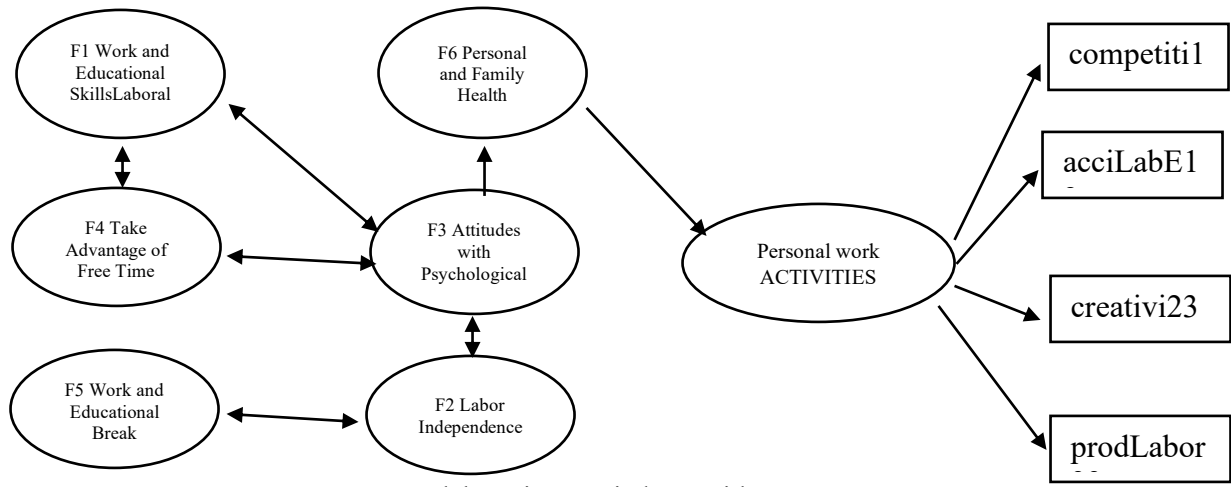
Table 15. Model Fit Summary

Model	NPAR	CMIN	DF	P	CMIN/DF
Default model	67	883.917	429	.000	2.060
Saturated model	496	.000	0		
Independence model	31	2247.305	465	.000	4.833

Source: own elaboration carried out with AMOS.

As can be seen in Table 15, Chi-Square (CMIN) 883.917 regarding the division of the Degrees of Freedom (DF) 429 sets a setting of 2.060, suggesting a ratio of approximately less than five as a rational principle of efficient adjustment, called “testing the default model”. These values indicate that the model is consistent and perfect goodness of fit.

Figure 1. Confirmatory model using structural equations



Source: own elaboration carried out with AMOS-SPSS

In Figure 1, it is observed that the latent variables F1 Work and Educational Skills, F3 Attitudes with Psychological Balance, and F4 take advantage of free time are related to F2 Work independence and F5 Work and educational rest, impacting F6 Personal and family health one of the factors more important.

24

According to the model, which allows the employees to affirm that the personal work activities that the workers are carrying out are those that allow, Increased creativity (creativi23 Me = 5.37), Increased labor productivity (prodLabor33 Me = 5.11). Which allows, according to the model, to affirm that the personal work activities that the workers are carrying out are those that allow “Generate greater labor competitiveness” (competiti15, Me=4.99), Increase labor and educational actions (acciLabE12 Me=4.21), Increase creativity (creativi23 Me=5.37), as well as Increase labor productivity (prodLabor33 Me=5.11) Therefore, Figure 1 and Table 15 corroborate what is established in the Working Hypothesis. (Cea D’Ancona, 2004).

CONCLUSIONS

The result of the investigation gave several conclusions in addition to the two that essentially respond to the general and specific objectives set: Signed agreements and the necessary measures are required for the reasonable and assertive use of the technological means of communication, which lead to avoiding workplace harassment and the violation of the right to disconnect:

- The variables that show more commonly and in general, a more excellent explanation about the benefits or advantages of individual behaviors that influence the individual execution of the right to disconnect: are those that involve raising awareness of the need to carry out and/or exercise this proper legitimate law already established in the federal labor law that will allow the worker, teacher or students to facilitate the development of academic tasks, as well as increase learning activities with emphasis on educational values and both work and educational skills, with which better family relationships and attitudes.
- The combination that represents the increase of labor and educational skills by avoiding permanent digital connection allows the company to improve salaries and integrate large work teams with computer skills.
- The main benefit and/or advantage of the recognition and awareness of organizations is respect for the obligation of the right to disconnect that will impact the labor and academic independence of workers, teachers, and students.
- Good personal attitudes manifested at home originate in a teaching-learning system that is operationally planned to maintain the psychological balance of workers, teachers, and students.
- The right to disconnect from work allows them to take advantage of their free time to improve their social relationships and reinforce their knowledge to perfect their work and increase productivity and competitiveness.
- The right to disconnect allows a rest from the educational and working day, as well as alleviating educational work.
- The right to disconnect improves family relationships and the physical health of workers, teachers, and students.

Finally, it is concluded that the right to disconnect influences competitiveness, productivity, and creativity. Regarding the hypothesis raised about how the existence of the right to disconnect influences labor and educational competitiveness, it was corroborated and verified.

REFERENCES

- Amedirh. (April 30, 2021). *¿Ya es legal el derecho a la desconexión digital en México?* Mexico: AMEDIRTH. Link: <https://www.amedirh.com.mx/servicios/noticias/ya-es-legal-el-derecho-a-la-desconexion-digital-en-mexico>
- Batista, J., Coenders, G., & Alonso, J. (2004). Confirmatory factor analysis. Its role on the validation of health related questionnaires. *Medicina clinica*, 122, 21-27.
- Cea, A. (2004). *Análisis multivariable. Teoría y práctica en la investigación social*. Madrid: Síntesis.
- Chiuffo, F. (2019). The ‘Right to Disconnect’ or ‘How to Pull the Plug on Work’. SSRN <http://dx.doi.org/10.2139/ssrn.3422283>
- Cialti, P. H. (2017). El derecho a la desconexión en Francia:¿ más de lo que parece?. *Temas laborales: Revista andaluza de trabajo y bienestar social*, (137), 163-181.
- Contreras, A. (June 30, 2020). Home Office, entre la eficiencia y el abuso laboral. México. *RS Gaceta Reivindicación Sindical*.
- DHpedia. (2019). *Artículo 24 de la Declaración Universal de Derechos Humanos*. DHpedia. Link: https://dhpedia.wikis.cc/wiki/Art%C3%ADculo_24_de_la_Declaraci%C3%B3n_Universal_de_Derechos_Humanos
- Escobar, M. & López, G. (2019). *El derecho a la desconexión digital*. Valladolid: Universidad de Valladolid.
- Fernández-Barcelona, C. (March 25, 2021). Desconexión digital, que es y porqué es tan difícil respetarlo en tiempos de la COVID-19. *La Vanguardia*. Link: <https://www.lavanguardia.com/economia/20210325/6605207/derecho-desconexion-digital-dificil-tiempos-covid19-brl.html>
- Foro jurídico. (April 30, 2021). *¿Ya es legal el derecho a la desconexión digital en México?* Recovered on August 9, 2021 in <https://forojuridico.mx/reconoce-senado-derecho-de-trabajadores-a-la-desconexion-laboral/>

- González, G. G. (2020). Public employees' right to digital disconnection: Scope and significance of an emerging right in the context of the health crisis. *Revista Catalana de Dret Public*, 54-71. Recovered from <https://pesquisa.bvsalud.org/global-literature-on-novel-coronavirus-2019-ncov/resource/pt/covidwho-962401>
- González, S. R. (2020). Digital disconnection is a limit to corporate control of working time. In Carby-Hall, J., & Méndez, L.M. (Eds.), *Labour Law and the Gig Economy* (pp. 209-221). Routledge. <https://doi.org/10.4324/9781003033721>
- HolmesHR. (4 may, 2021). *Se aprobó la desconexión digital para los trabajadores en México*. Retrieved on July 7, 2021 in <https://www.holmeshr.com/blog/desconexion-digital/>
- Kardaras, N., Keane, B.M., & Alter, A.L. (2017). *Irresistible: The Rise of Addictive Technology and the Business of Keeping Us Hooked*. New York: Penguin Books.
- Kaun, A. (2021). Ways of seeing digital disconnection: A negative sociology of digital culture. *Convergence*, 27(6), 1571–1583. Recovered from <https://journals.sagepub.com/doi/full/10.1177/13548565211045535>
- Lemus, L. M. (abril 1, 2021). Reformas sobre Teletrabajo. Desconexión Digital, Derechos de la Personalidad y Seguridad de la Información. Recovered the day julio, 2021 <https://forojuridico.mx/reformas-sobre-teletrabajo-desconexion-digital-derechos-de-la-personalidad-y-seguridad-de-la-informacion-2/>
- Lomborg, S., & Ytre-Arne, B. (2021). Advancing digital disconnection research: Introduction to the special issue. *Convergence*, 27(6), 1529-1535. Recovered in <https://journals.sagepub.com/doi/pdf/10.1177/13548565211057518>
- Miñarro Yanini, M. (05/11/2019). La desconexión digital en la práctica negocial: más forma que fondo en la configuración del derecho. *Publicaciones Derecho Laboral y Seguridad Social*. Enviado por Editorial el Mar. Recovered the day March 14, 2021 in <https://www.laboral-social.com/desconexion-digital-practica-negocial-mas-forma-fondo-configuracion-derecho.html>
- Moe, H., & Madsen, O. J. (2021). Understanding digital disconnection beyond media studies. *Convergence*, 27(6), 1584–1598. Recovered from <https://doi.org/10.1177/13548565211048969>
- Molina Navarrete, C. (2017). Jornada laboral y tecnologías de la info-comunicación: "desconexión digital", garantía del derecho al descanso. *Revista andaluza de trabajo y*

bienestar social, ISSN 0213-0750, N° 138, 2017, págs. 249-283. Recovered the day 22 de marzo del 2021 en <https://dialnet.unirioja.es/servlet/articulo?codigo=6552395>

Montiel, R. J. (November 25, 2020). Derecho a la desconexión digital. *Profesionistas.org.mx*. Recovered the day March 22, 2021 in <https://profesionistas.org.mx/derecho-a-la-desconexion-digital/>

Pardo, D. V. (March 30, 2020). Desconexión digital y Covid-19: un derecho más necesario que nunca para cuidar a nuestros trabajadores, 5 días. *El país economía*. Recovered on August 9, 2021 in https://cincodias.elpais.com/cincodias/2020/03/30/legal/1585568649_777945.html

Ruiz, C. M. (2020). The digital disconnection as a guarantee and tool for the conclusion of the work day: its necessary concretion in times of covid-19. *Revista General del Derecho del Trabajo y de la Seguridad Social*. Consulted in <https://pesquisa.bvsalud.org/global-literature-on-novel-coronavirus-2019-ncov/resource/pt/covidwho-755013?lang=es>

Senate of the Republic. (January 11, 2021). *Ley Federal del trabajo*. (S. d. Legislatura, Ed.) DOF. Obtained from https://leyes-mx.com/ley_federal_del_trabajo/330-E.htm

28

Senate of the Republic. (may 4, 2021), *Incorpora Senado a la Ley del Trabajo el derecho a la desconexión digital laboral*. Recovered the day May 15, 2021 from <http://comunicacion.senado.gob.mx/index.php/informacion/boletines/50905-incorpora-senado-a-la-ley-del-trabajo-el-derecho-a-la-desconexion-digital-laboral.html>

Serrano Argüeso, M. (2019) “Always on”. Propuestas para la efectividad del derecho a la desconexión digital en el marco de la economía 4.0. ISSN 2282-2313 Vol. 7, N°. 2, págs. 164-191. *Revista internacional y comparada de RELACIONES LABORALES Y DERECHO DEL EMPLEO*. Recovered the day March 23, 2021 in <https://dialnet.unirioja.es/servlet/articulo?Codigo=6985834>

Serrano-Puche, J. (2014). Por una dieta digital: hábitos mediáticos saludables contra la obesidad informativa. *Ámbitos de comunicación*. Recovered on August 7, 2021, from <http://ambitoscomunicacion.com/2014/por-una-dietadigital-habitos-mediaticos-saludables-contra-la-obesidad-informativa>.

Taléns Visconti, E. D. (2018). La desconexión digital en el ámbito laboral. Un deber empresarial y una nueva oportunidad de cambio para la negociación colectiva. *Revista*

de información laboral, ISSN 2254-3171, N° 4, 2018, págs. 193-208. Recovered from <https://dialnet.unirioja.es/servlet/articulo?codigo=6531704>

Treré, E., Natale, S., Keightley, E., & Punathambekar, A. (2020). *The limits and boundaries of digital disconnection*. *Media, Culture & Society*, 42(4), 605–609. Recovered the day December 13, 2021 in <https://journals.sagepub.com/doi/pdf/10.1177/0163443720922054>

UTP. U. T. (March 26, 2021). *¿Qué es el derecho a la Desconexión Digital y porqué es tan importante?* Blog, Escuela de posgrado UTP. Recovered the day March 28, 2021 from <https://www.postgradoutp.edu.pe/blog/a/que-es-el-derecho-a-la-desconexion-digital-y-porque-es-tan-importante/>

Zamora, S. (February 21, 2019). Desconexión digital ¿novedad o anécdota? Departamento Laboral de ONTIER. *Diario La Ley*, N° 9363, Sección Tribuna, Editorial Wolters Kluwer diariolaley. Recovered the day March 13, 2021 in <https://diariolaley.laleynext.es/dl/2019/02/21/desconexion-digital-novedad-o-anecdota>

