



The proposed ‘right to inaccessibility’

A qualitative study among employees and trade union negotiators
in the ‘gehandicaptenzorg’

Master thesis

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Chapter 1: Introduction

1.1 Short introduction to the subject and problem description

In the Netherlands, in 2018, 1.3 million employees reported burnout or psychological strain symptoms (GGZ, 2019). Furthermore, the work-related healthcare costs in 2017 were 8.7 billion euro, of which 4.7 billion euro was spend on employees with mental and psychosocial healthcare symptoms (GGZ, 2019). At the same time, research of Lobosco (2019) highlighted that 33% of the people aged 16-34 is addicted to their smartphone. According to Lee, Chang, Lin and Cheng (2014), smartphones nowadays are no longer only communication gadgets, but rather necessities in people's lives. For example, for many people, their phone is the first thing they look at in the morning and the last thing they look at before going to sleep (Lee et al., 2014). Moreover, the rising use of internet and social media in combination with almost everyone possessing smartphones, Ipads and laptops, facilitates the ability to communicate at any time from any place (Hensen, 2015). As a result, employees are more often continuously available for their work. For instance, employees could have a conference call during diner with the family (Hensen, 2015) and could accomplish their assignments independently of time and place. In this way, people adjust their personal life and work-related commitments (Raišienė & Jonušauskas, 2013).

Thereby, according to Harris (2014), due to smartphone technology emails can be accessed with such ease there is no reason anymore to wait to get to a computer before answering or sending an email. In this way, technology causes increased demands on employees which may result in negative consequences (Day, Paquet, Scott, & Hambley, 2012), for example blurring boundaries between work life and private life (Chesley, 2005). So, by use of informational technologies (e.g. smartphones and laptops), employees can easily and quickly possess the right information needed for work, work from home and communicate with colleagues all the time (Raišienė & Jonušauskas, 2013). Regrettably, employees feel more and more dependent on the constant connection by use of technologies (Raišienė & Jonušauskas, 2013). In addition, the increased presence of technologies caused a more competitive business environment (Brough, O'Driscoll, & Kalliath, 2005). Which results in the need of employees to devote more time and energy to their work (Harris, 2014). Furthermore, according to Hensen (2015), due to organizations handing over work smartphones to their employees, employees feel the urge to be available anywhere and at any time in return. This increase in personal time spent on work, results in blurring boundaries between work life and private life (Harris, 2014). As a consequence, a job today is something we are, for preference 24/7 (Fleming, 2016).

Being 'alert' 24/7 leads to stress and even burnouts, especially among youngsters (PW, 2019). The use of technology for work creates expectations that people are obligated to work faster and to work anywhere and anytime (Hind, 1998). In 1984, the psychologist Craig Brod introduced the term technostress, which is described as a modern disease caused by someone's inability to cope or deal with technology in a healthy manner (Ayyagari, Grover, & Purvis, 2011). Kouzmin and Korac-

Kakabadse (2000) highlight that due to globalization and technology, organizations have cultures nowadays that reward people who work exceptionally hard and who spend longer hours at work. Hence, despite the fact that technology has been integrated into organizations to make work more efficient, technology can cause increased demands on employees and can result in a negative impact (Day et al., 2012). For instance, blurring work/home boundaries due to the expectation of employees that they are obliged to be available for work anywhere and anytime (Hind, 1998). As a result, allowing yourself to recover properly after workhours turns out to be more and more difficult.

Already in 1919 and 1921, the International Labour Organization (abbreviation: ILO), introduced two conventions ((Convention 014 – Weekly Rest (Industry) and Convention 01 – the Hours of Work (industry)) with regard to the right of employees to have enough personal time (Bosch, 1999; Hensen, 2015; International Labour Organization, n.d.). In the Netherlands, to ensure the health, safety and well-being of the employees the guidelines with regard to the maximum of workhours are currently regulated in the ‘Arbeidstijdenwet, 1995’ (Hensen, 2015). As previously mentioned, nowadays there is a rise in mentioned burn-out symptoms among employees. The Dutch government is aware of the rising problem of negative consequences related to the use of technology for work within today’s labour market. Therefore, in reaction to this issue a law was proposed by Gijs van Dijk of the Labour Party (‘Partij van de Arbeid’ in Dutch, further referred to in this research by using the Dutch abbreviation: PvdA): ‘the right to inaccessibility’ (‘Wet op het recht op onbereikbaarheid’ in Dutch). This proposed law is based on the idea that everyone should be assured of free time after work hours (Barrahmun, 2019), in order to combine work life and private life. By proposing and eventually implementing this law, employers should implement policies against the risks (among others: the increase of stress and burnout symptoms) that originate from the expected feelings of employees to be available 24/7.

Interestingly, the problem of employees being available 24/7 is recently tackled in the Collective Agreement (abbreviation: CA) of the ‘gehandicaptenzorg’ (in Dutch). In reaction to the proposed law ‘the right to inaccessibility’ of the PvdA, the trade unions, active in the ‘gehandicaptenzorg’ sector, bargained in April 2019 in order to take up ‘the right to inaccessibility’ on days off in the CA of the ‘gehandicaptenzorg’. As a result, the ‘right to inaccessibility’ was implemented in the CA of the ‘gehandicaptenzorg’ in January 2020 (FNV, 2019). This is interesting for this research since it is for the first time in the Netherlands that ‘the right to inaccessibility’ is implemented. Furthermore, in the Netherlands the CA of the ‘gehandicaptenzorg’ is the only CA which guarantees the ‘right to inaccessibility’ to employees (FNV, 2019).

In the European Union (EU) different actions are already taken to tackle the problem of employees being always available after work hours. According to Baroncini (2016), in 2016 the governments of France, Germany and Belgium started to investigate whether it is possible to register in legislation that employees are allowed to be unavailable after work hours. At that time, for instance car manufacturer BMW in Germany already shut off work mail in the evening (Baroncini, 2016).

Since January first 2017, in France it is forbidden by law for employers to expect/demand employees to be available 24/7 (Barrahmun, 2019). In addition, in Germany, Belgium and Spain companies and some institutions of the government implemented rules in order to protect employees as well.

1.2 Research objective and questions

Although different actions have been taken in other EU countries, in the Netherlands this rising phenomenon has not legally been tackled yet. Therefore, the aim of this study is to examine whether the proposed law of the PvdA suits the rise in negative consequences of employees being available 24/7. While exploring this, the Collective Agreement of the ‘gehandicaptenzorg’ in the Netherlands will be taken into account.

Based on the above, the following research question is central in this study: *‘Will the proposed ‘right to inaccessibility’ address the rise of negative consequences of employees being available 24/7?’*.

In order to answer this research question, the following sub-questions are formulated.

1. What are the negative consequences of employees being available 24/7?
2. What will the ‘right to inaccessibility’ of the PvdA look like?
3. How is the prevention of employees with regard to being available after work hours dealt with in the Collective Agreement of the ‘gehandicaptenzorg’?

1.3 Structure and approach research method

This research will have an explorative nature. First, the rising phenomenon (increase in health-related consequences due to the impact of technology) will be elaborated in more detail. Second, the proposed legal framework is taken into consideration and hereafter the current situation in the Collective Agreement of the ‘gehandicaptenzorg’ will be taken into account. To acquire information about the proposed research question and the sub-questions, data will be collected by the use of semi-structured interviews via the telephone or skype. The use of skype is preferred since in that way informal and nonverbal communication of the respondents will be noted as much as possible (Sturges & Hanrahan, 2004). The research will be of cross-sectional nature, meaning that the data of each respondent will be collected at one point in time (Dielman, 1983).

This study will try to provide suggestions which could be made in the Dutch legal framework. This will be done by firstly exploring the current situation of the blurring boundaries between work life and private life in the Netherlands. Secondly, by exploring the proposed law in the Netherlands and lastly by exploring in what way the boundaries between work life and private life are protected in the CA of the ‘gehandicaptenzorg’. The CA will be taken into account since it provides practical examples of how employees are already protected and could therefore be seen as an example for other companies and Collective Agreement bargainers.

1.4 societal and scientific relevance

As previously mentioned, in 2018 1.3 million employees in the Netherlands reported burnout or psychological strain symptoms (GGZ, 2019). According to GGZ (2019), 60% of the employees in the Netherlands mention they are available after work hours. Moreover, according to Volksgezondheidszorg (2013), 60% of the employees experienced work related stress (of which, among others, burnout symptoms). This is far above the EU average of 51%. Interestingly, 49% of the employees in France reported the experience of work-related stress, which is 2% beneath the EU average of 51% (Volksgezondheidszorg, 2013). Since 2017 France implemented a law (the droit à la déconnexion) which grants employees the right to be unavailable after work hours. The Dutch government is, like the government of France, aware of the rising phenomenon of burnout and psychosocial strain symptoms due to the blurring boundaries between private and work life. Therefore, in reaction to this rising phenomenon the PvdA proposed the new law.

This study has a societal relevance since it will, by use of interviews, (1) contribute to the awareness of the rising phenomenon (employees being 'alert' 24/7), (2) explore what organizations and social partners already implemented in order to prevent their employees, (3) explore whether the proposed law suits the phenomenon and eventually (4) propose recommendations for organizations to deal with the prevention of employees with regard to employees being 'alert' 24/7. Next to this, research showed the negative consequences of employees being 'alert' 24/7, this research is therefore of importance since it creates awareness. For example, solely by interviewing employees in the 'gehandicaptenzorg' awareness was created with regard to their 'right to inaccessibility' provided by their CA. This research therefore contributes to the wellbeing of employees by offering them knowledge and awareness with regard to their rights. Moreover, due to recent developments (Covid-19 disease) the societal relevance of this study increased. In March 2020, Covid-19 turned our world upside down by its increasingly high spreading factor. At that time, many governments across the world demanded their residents to work from home as much as possible. This 'new' way of working puts high demands on employees and leads to blurring work/home boundaries. A Dutch work and organizational psychologist, Paul Kop, warned the Dutch residents: *"Blijf niet de hele tijd 'aan' staan. En vergeet niet om wat te lachen en te koken met wie dan ook. Dat is heel gezond, helemaal nu er veel zorgen kunnen zijn."* (Smits, 2020, Tip: zoek genoeg afleiding).

Previous research mainly focused on the phenomenon technostress (e.g. Ayyagari et al., 2011; Kouzmin & Korac-Kakabadse, 2000) or on the relation between technostress and blurring private and work life boundaries (Harris, 2014; Raišienė & Jonušauskas, 2013). However, there is very little research on (1) the new proposed law in the Netherlands in relation to the rising phenomenon and (2) on the practical consequences of implementing 'the right to inaccessibility' in the CA of the 'gehandicaptenzorg'. Hence, this study has a scientific relevance as well, since it will both contribute to the existing literature on the relation between being available after work hours and blurring private

life and work life boundaries and it will contribute to the less explored relationship between the new proposed law and the rising phenomenon in the Netherlands. Thereby, this study explores an already existing implementation in the CA of the 'gehandicaptenzorg' which protects the right of employees to be unavailable after work hours. This study will focus on the situation in the Netherlands however governments and CA bargainers of other countries could learn from the proposed recommendations as well.

Chapter 2: the negative consequences of employees being available

24/7

2.1 Introduction

In the previous chapter, the short introduction to the subject, the research objective and questions, the structure and approach of the research and the societal and scientific relevance of this study were explained. It became clear that the availability of technology (for instance the prevalence of smartphones and laptops) allows employees to work from anywhere at any time, which could result in negative consequences (Hensen, 2015). Therefore, to protect employees the PvdA proposed ‘the right to inaccessibility’, based on this, the research question of this study was formulated: *‘Will the proposed ‘right to inaccessibility’ address the rise of negative consequences of employees being available 24/7?’*.

In this chapter the negative consequences of employees being available 24/7 will be examined. This will be analyzed by the use of previous researches and theories, like for instance the spillover theory of work/family balance. The main aim of this chapter is to explore the negative consequences of employees being available 24/7, therefore the sub-question for this chapter is: *‘What are the negative consequences of employees being available 24/7?’*

2.2 Exploring the consequences of employees being available 24/7

According to the report ‘Arbobalans’ (in Dutch) in 2018, the reported level of physical and environmental work pressure stabilized the past 10 years, while, on the contrary, the reported amount of psychosocial work pressure increased from 35% in 2007 to 40% in 2017. In line with this, the reported amount of burn out symptoms among employees increased from 11% in 2007 to 16% in 2017 (Arbobalans, 2018). As previously mentioned, in 2018 in the Netherlands, 1.3 million employees reported burnout or psychological strain symptoms (GGZ, 2019) and the work-related healthcare costs in 2017 were 8.7 billion euro, of which 4.7 billion was spent on employees with mental and psychosocial healthcare symptoms (GGZ, 2019). Already in 2005, the WHO reported that most organizations focused on preventing and eliminating physical risks at the workplace, while psychosocial risks and the effects of work on mental health were largely ignored (Ayyagari et al., 2011). The increasing amount of reported burnout symptoms could be linked to the term technostress, which was introduced by the psychologist Brod in 1984 (Ayyagari et al., 2011). Technostress is referred to as a modern disease which is caused by someone’s inability to cope or deal with technology in a healthy manner (Ayyagari et al., 2011). Thereby, Hensen (2015) argues that employees are constantly available for work since technology allows employees to work from anywhere at any time. In line with this, in 2018 almost 47% of employees in the Netherlands mentioned they are available after work hours and 60% is almost always using their smartphone or

computer for communication (GGZ, 2019). This results in them being 'alert' 24/7 and therefore not being able to recover properly after work hours. Which in turn leads to constantly experiencing stress, feelings of panic and even burnouts, especially among youngsters (Hensen, 2015; PW, 2019).

According to Skakon, Nielsen, Borg and Guzman (2010), work-related stress is one of the largest problems in the European Union work environment. This since job stress on the one hand puts large emotional costs on employee wellbeing, while on the other hand it results in financial burdens for organizations (Skakon et al., 2010). Stress is referred to as a relationship between an individual and their environment which is appraised as demanding and endangering the individual's wellbeing (Lazarus & Folkman, 1984). In line with this, Ayyagari et al. (2011) highlight that stressful outcomes are determined by how people cognitively interpret or appraise environmental demands. Moreover, stress arises when an individual evaluates the demands placed by the environment as exceeding the individual's resources (Raišienė & Jonušauskas, 2013). As a result, in many occupations, job stress is seen as a threat to employee's psychological and physical wellbeing (Kinman & Jones, 2003). For instance, informational technologies make it possible for employees to easily and quickly reach the information they need for work and thereby to work from home or to share insights with colleagues real-time (Raišienė & Jonušauskas, 2013). Thereby, next to informational technologies being used for work, people use their smartphones in order to keep up with the times as well (Lee et al., 2014). As a result, the first thing people do while waking up in the morning is reaching to their smartphone (Lee et al., 2014). Therefore, Lee et al. (2014) argue that smartphones nowadays are no longer only communication gadgets, but rather necessities in people's lives. Most people use their smartphones for entertainment or to relieve stress, however this could induce persistent activity (Thomé, Härenstam, & Hagberg, 2011). Compulsive use of technology leads to mental health symptoms such as sleep disturbance, depression and psychological distress (Chesley, 2005; Thomée et al., 2011).

As previously mentioned, the prevalence of smartphones and laptops allows employees to spend more of their personal time working (Harris, 2014). An increased number of employees has the feeling they are obliged to be available for work anywhere and anytime, which results in blurring work/home boundaries (Hind, 1998). For instance, people are now able to have a conference call during dinner with the family (Hensen, 2015). This interference of work-life during after work hours could be regarded as work-life conflict. Work-life conflict arises when areas of work and life are incompatible and doing something for work interferes with family-life and vice versa (Harris, Marrett, & Harris, 2011). According to Harris (2014), the spillover theory is related to work-life balance. The spillover theory argues that the family part of life and the work part of life can impact each other through a permeable boundary (Chesley, 2005). This means that a person's attitudes, emotions, skills and behaviors produced in one domain flow into the other (Balmforth & Gardner, 2006). Moreover, Chesley (2005) highlights, role boundary permeability is someone's ability to be in one role physically while psychologically in another role. Spillover can have positive or negative effects and can occur in both directions (Balmforth & Gardner, 2006; Hanson, Hammer, & Colton, 2006). However, high

work-life conflict is, among others, linked to reduced job satisfaction, higher absenteeism and intention to quit, job stress, poorer physiological and psychological health and diminishing family functioning (Bell, Rajendran, & Theiler, 2012). Besides, Brough, O'Driscoll and Kallaith (2005) argued that technological developments (for example, the ability to have a conference call during dinner with the family) are one of the areas that have contributed to the blurring boundaries between work and family life and thus to the increase of spillover between both domains.

According to van Baardwijk (2019), technology related stress factors could be reduced by not using communication gadgets during after work hours. In line with this, research of Barley, Meyerson and Grodal (2011), shows that communication with the help of technologies increases the negative stress felt by the communicating individuals (Raišienė & Jonušauskas, 2013). For instance, the intense communication leaves no time to think and to discuss ideas. Moreover, Raišienė and Jonušauskas (2013) argue that technologies make workers feel dependent on the constant connection with others more and more. Thereby, this ability to continuously receive lots of information could lead to individuals experiencing information overload (Bawden & Robinson, 2009). In the Netherlands, in 2018, almost 28% of the employees mentioned they experienced information-overload (GGZ, 2019). Information overload refers to a state of affairs in which an individual's efficiency in using information in their work is hampered by the amount of relevant and probably useful information available to them. The information must be of some potential value, otherwise the individuals could simply ignore it. According to Bawden and Robinson (2009), the feeling of information overload is associated with feelings of being overwhelmed and a loss of control.

This first chapter aimed to explore whether there are negative consequences of employees being available 24/7. Previous researches (e.g. Chesley, 2005; Thomée et al., 2011) argued that compulsive use of technology leads to mental health symptoms, for instance: sleep disturbance, depression and psychological distress. Furthermore, technology allows employees to work from home, this results in an interference between work life and private life (Harris et al., 2011). In the same vain Brough et al. (2005) concluded that technological developments increased the spillover between work life and family life. This could result in work-life conflict and high work-life conflict is associated with, among others, a decline in physiological and psychological health and diminishing family functioning (Bell et al., 2012).

This raises questions, for instance, whether everyone experiences negative consequences due to employees being available 24/7 and whether everyone experiences the same negative consequences. Therefore, based on the above, the following sub-question could be formulated: *'What are the negative consequences of employees being available 24/7?'*

Chapter 3: The ‘right to inaccessibility’

3.1 Introduction

In the previous chapter, the negative consequences of employees being available 24/7 were examined. In this chapter, the proposed law ‘the right to inaccessibility’ will be explored. This will be done by examining the considerations behind the proposed law and by examining the effects of ‘the right to inaccessibility’ provided in the Collective Agreement of the ‘gehandicaptenzorg’. The main aim of this chapter is therefore to explore the considerations behind the ‘right to inaccessibility’ and the effect of this proposed law in the Collective Agreement of the ‘gehandicaptenzorg’. This led to two sub-questions in this chapter: *‘What will the ‘right to inaccessibility’ of the PvdA look like in practice?’* and *‘How is the prevention of employees with regard to being available after work hours dealt with in the Collective Agreement of the ‘gehandicaptenzorg’?’*.

3.2 The considerations behind the ‘right to inaccessibility’

The main issue of technostress is that it leads to employees lacking the ability to recover properly during after workhours (Hensen, 2015). The combination of stress and not being able to recover properly results in the negative consequences on both the physical and psychosocial well-being (for instance: continuously experiencing feelings of panic, sleep disturbance and symptoms of burnouts) (Hensen, 2015). As mentioned before, in 2017 the healthcare costs in the Netherlands, with regard to work-related mental and psychosocial issues, were 4.7 billion euro (GGZ, 2019). The rise of the negative consequences on the physical and psychosocial well-being and the increasing costs in the healthcare, resulted in the proposed law of the ‘right to inaccessibility’ of the PvdA (which will be discussed in more detail in paragraph 3.4).

Moreover, since each employee has the right to be protected and should be supported to recover properly after work hours (Bosch, 1999; Hensen, 2015) the ILO (n.d.), for example, introduced the following Conventions:

- Convention 014 – Weekly Rest (Industry), 1921
- Convention 01- the Hours of Work (industry), 1919
- Convention 047 – Forty-Hour Week Convention, 1935
- Convention 030 – the Hours of Work (Commerce and Offices), 1930

Convention 01 and Convention 047 rule that daily working time is limited at eight hours and weekly working time at 40 hours (Bosch, 1999). Furthermore, Convention 014 provides an uninterrupted rest period of not less than 24 hours every seven days (Bosch, 1999). These ILO conventions are important guidelines in international labour law and many national labour law

standards are derived from this (Hensen, 2015). Moreover, the Court of Justice of the EU ruled that member states are not allowed to deviate from the guidelines offered in the international treaties and conventions (Hensen, 2015).

In the Netherlands, guidelines with, among others, regard to workhours are regulated in the ‘Arbeidstijdenwet, 1995’ and the ‘Arbeidsomstandighedenwet, 1998’ (in Dutch). The ‘Arbeidstijdenwet’ was introduced in 1995, this since the government of the Netherlands considered: *“In overweging hebben genomen, dat het met het oog op de veiligheid, de gezondheid en het welzijn in verband met de arbeid, zulks mede in verband met de tenuitvoerlegging van de Richtlijnen van de Raad van de Europese Unie van 23 november 1993 betreffende een aantal aspecten van de organisatie van de arbeidstijd (PbEG 1993, L 307) en van 22 juni 1994 betreffende de bescherming van jongeren op het werk (PbEG 1994, L 216), en mede ter bevordering van de combineerbaarheid van arbeid en zorgtaken, alsmede andere verantwoordelijkheden buiten de arbeid, noodzakelijk is wettelijke regelen te stellen inzake arbeids- en rusttijden”* (Overheid.nl, n.d., Aanhef Arbeidstijdenwet). The ‘Arbeidstijdenwet, 1995’ aims to guarantee the health, safety and well-being of employees against outrageous workhours by making sure employees are offered enough private time (Hensen, 2015). Next to this, the combination of work and private life activities is mentioned as consideration for the ‘Arbeidstijdenwet’. Individuals should be able to combine care for family members with their job (for example being able to work from home) (Hensen, 2015).

Especially the last consideration mentioned (individuals should be able to combine care for family members with their job) is interesting in this research. Workhours are not only regulated in the ‘Arbeidstijdenwet, 1995’, but in the ‘Arbeidsomstandighedenwet, 1998’ as well. The recently used ‘Arbeidsomstandighedenwet’ was introduced in 1998, this since the government of the Netherlands considered: *“dat het wenselijk is de kwaliteit van het arbeidsomstandighedenbeleid te verbeteren, meer ruimte voor maatwerk te creëren en de bestuurlijke boete in te voeren alsmede enige andere wijzigingen aan te brengen en daartoe een nieuwe Arbeidsomstandighedenwet vast te stellen”* (Overheid.nl, n.d., Aanhef Arbeidsomstandighedenwet).

3.3 Arbeidsomstandighedenwet, 1998

As will be explained in 3.4 ‘the right to inaccessibility’, the proposed law of the PvdA aims to adjust Article 3 and Article 5 of the ‘Arbeidsomstandighedenwet’. Therefore, in this subsection the ‘Arbeidsomstandighedenwet’ and explicitly Article 3 and Article 5 will be explored in more detail.

In 1998 the recent ‘Arbeidsomstandighedenwet’ (Abbreviated in Dutch: Arboret) was introduced. Over the years the Arboret was adjusted multiple times (Van der Meulen, 2015). The last major adjustments were implemented in 2006. The aim of these adjustments was, in the long term, to create a ‘level playing field’ (meaning: an equal public defense for all employees throughout Europe) (Van der Meulen, 2015). The Arboret contains in general rules on how to organize the duty

(zorgplicht in Dutch) of employers to properly take care for their employees. Next to this, article 16 provides as well the so-called ‘Arbobesluit’ (which is a detailed framework providing the responsibility in the area of health and safety on the work floor) (Van der Meulen, 2015). The Arboret contains rules for both employers and employees in order to guarantee the health, safety and well-being of the employees (Arboportaal, n.d.). Hence, both employers and employees are responsible for guaranteeing a healthy and safe work environment (Arboportaal.nl, n.d.).

In general, Article 3 describes the rules employers should take into account by guaranteeing health and safety on the work floor. This means that organizational policies should aim to provide employees with the best possible work circumstances. Article 3 is itemized in four paragraphs. Paragraph 1 defines the rules employers should comply to. These rules impose the general ‘zorgplicht’ of the employer (Van der Meulen, 2015). *“In artikel 3, eerste lid, is in de aanhef een algemene zorgplicht voor de werkgever opgenomen om te zorgen voor de veiligheid en de gezondheid van de werknemers inzake alle met de arbeid verbonden aspecten”* (Tweede kamer, 2005-2006). For instance, every employer should have an organizational policy which aims to prevent the psychosocial workload of employees as well (Overheid.nl, n.d.). This is written down in Article 3, paragraph 2 of the ‘Arbeidsomstandighedenwet, 1998’: *“De werkgever voert, binnen het algemeen arbeidsomstandighedenbeleid, een beleid gericht op voorkoming en indien dat niet mogelijk is beperking van psychosociale arbeidsbelasting”* (in Dutch). Hence, this means employers should consider, while formulating the labour conditions policies (‘Arbeidsomstandighedenbeleid’ In Dutch), how to minimize and prevent the impact of the psychosocial workload (e.g. technostress) on employees.

Next to this, Article 3 highlights in paragraph 4: *“De werkgever toetst het arbeidsomstandighedenbeleid regelmatig aan de ervaringen die daarmee zijn opgedaan en past de maatregelen aan zo dikwijls als de daarmee opgedane ervaring daartoe aanleiding geeft”*. Paragraph 4 emphasizes the importance of continuously considering whether the policies are suitable.

The most recent adjustments on the Arboret were in September 2006. The considerations underlying the adjustments were the increasing responsibility of both employers and employees for the organizational policies with regard to labour circumstances (Overheid.nl, 2006. Wijziging Arbeidsomstandighedenwet 1998, 30552, nr. A). The most important adjustment was the implementation of, what is now, article 3 paragraph 2. According to Tweede Kamer (2004-2005), the consideration behind implementing article 3, paragraph 2 was: *“Voor een echt preventief beleid en goede zorg voor de medewerkers is het nodig dat de aandacht voor psychosociale arbeidsbelasting permanent in het reguliere beleid verankerd is”* (p.31). Furthermore, it was considered that a combination of a long period of work-related stress and an incapability of the employee to recover, could result in sickness (van Baardwijk, 2019). As a result of Art. 3 (2), policies with regard to psychosocial work demands should be implemented in the general labour policies of the organization. This means that the employer has the duty to prevent psychosocial work demands to negatively

influence the employees. Thus, if after exploration it turns out that continuously being available results in high psychosocial work demands, employers should implement in their organizational policies the ‘right to inaccessibility’ of their employees. This in order to prevent their health and well-being (van Baardwijk, 2019). Therefore, this is interesting for this research since by implementing the responsibility for the psychosocial workload of the employees, the first step regarding the proposed ‘right to inaccessibility’ was taken.

Furthermore, Article 5 Arbowet is of importance in this research. Article 5 describes the risk assessment and evaluation (‘Risico inventarisatie en evaluatie’ in Dutch, abbreviation in Dutch: RI&E). Based on Art. 5 the employer is legally bound to implement labour conditions policies based on a RI&E. Article 5, paragraph 1 provides that the employer should write down in the RI&E which labour risks are imposed on employees. Paragraph 3, Art 5 then provides that the employer should provide a strategy entailing the provisions the employer establishes to prevent the assessed risks. Thereby, paragraph 3 highlights: *“In het plan van aanpak wordt tevens aangegeven binnen welke termijn deze maatregelen zullen worden genomen”*.

In the same vein as Art. 3 (paragraph 4), Art. 5 paragraph 4 emphasizes the importance of continuously considering whether the RI&E is still suitable. In February 2011, the last adjustments on article 5 were made (Overheid.nl, 2011). The adjustments entail ‘het inzagerecht’ (Dutch) of employees with regard to the RI&E. Since February 2011 the ‘inzagerecht’ is written down in Article 5 paragraph 6: *“De werkgever zorgt ervoor dat iedere werknemer kennis kan nemen van de risico-inventarisatie en -evaluatie”*.

Obviously, employers who do not comply to the rules of the Arbowet will get a penalty. According to Tweede Kamer (2004-2005), Art. 3 paragraph 1 (which lays down the obligation of employers to comply to the ‘algemene zorgplicht’) corresponds with the civil ‘zorgplicht’ described in Article 658, paragraph 1, book 7 ‘Bijzondere Arbeidsovereenkomsten’ of the ‘Burgerlijk Wetboek’ (Abbreviated in Dutch: BW). Article 33 of the BW therefore provides that not complying to Art 3, paragraph 1 can result in an administrative penalty (Tweede Kamer, 2004-2005).

3.4 ‘The right to inaccessibility’

The idea behind the ‘right to inaccessibility’ is that everyone should be assured of free time after work hours (Barrahmun, 2019). ‘The right to inaccessibility’ was proposed by Gijs van Dijk of the PvdA in February 2019. Van Dijk considered: *“Door de komst van smartphones en tablets zijn werknemers altijd bereikbaar en hierdoor voelen werknemers de druk om ook tijdens hun vrije tijd te reageren op werkberichten. Dit wetsvoorstel beoogt te regelen dat werkgevers maatregelen zullen nemen tegen de risico’s van de nadelige gevolgen, zoals stress en burn-outklachten, door het gevoel van continue bereikbaar te zijn.”* (Memorie van toelichting, 2019, p.1). In the Netherlands there are laws (e.g. the ‘Arbeidstijdenwet’ and the ‘Arbeidsomstandighedenwet’) which assure the recovery of

employees during after work hours, however due to the rise of smartphones these laws are no longer suitable in order to guarantee the health, safety and wellbeing of the employees (Memorie van toelichting, 2019). Therefore, the PvdA proposes to adjust the existing laws. The PvdA intends to reassure this by making two adjustments in the ‘Arbeidsomstandighedenwet’:

First, expand article 3(2) with the following: “*Hierbij wordt in ieder geval invulling gegeven aan het recht van de werknemer om onbereikbaar te zijn om arbeid te verrichten buiten werktijd*” (in Dutch) (Overheid.nl, n.d., Initiatiefwetsvoorstel op het recht op onbereikbaarheid, p.1.).

Second, to insert an additional paragraph in article 5. The PvdA proposed to insert an additional paragraph in article 5, which will become: 5(2) “*In de risico-inventarisatie en -evaluatie wordt tevens vastgelegd hoe de rusttijd, als bedoeld in artikel 5:3 van de Arbeidstijdenwet, wordt gewaarborgd door de werkgever*” (In Dutch) (Overheid.nl, n.d., Initiatiefwetsvoorstel op het recht op onbereikbaarheid, p.1.). By inserting this paragraph, the follow up paragraphs will be numbered differently. For instance, the original paragraph 5(2) will become 5(3) and so on (Overheid.nl, n.d.).

According to previous research (e.g. Bosch, 1999; Hensen, 2015) it is necessary for employees to recover after work in order to be able to combine work life and private life. It is therefore important that employees actually experience their ‘rusttijden’ (In Dutch) provided by the ‘Arbeidstijdenwet, 1995’ as time off. Therefore, the PvdA proposed the ‘right to inaccessibility’. As a result of implementing this right, employers should establish organizational policies to prevent employees against the risks of being available 24/7. Since this is only a proposed law of the PvdA, questions arise what the implementation of this law would look like. This leads to the following sub-question: ‘*What will the ‘right to inaccessibility’ of the PvdA look like in practice?*’

3.5 Effect of the ‘right to inaccessibility’ in Collective Agreements

Labour ethics are very diverse across the world (Brandsma, van Velzen, & Bassie, 2018). For instance, in Japan working overtime is a sign of commitment, while in Scandinavia overtime is seen as not being able to handle your workload (Brandsma et al., 2018). In Denmark, overtime is seen as inefficiency and not being able to stick to your planning. Thereby, officially each workweek in Denmark counts 37 hours, in practice however most employees will not reach 33 hours a week (Baroncini, 2016). Nonetheless, the rising phenomenon of technostress and employees being available 24/7 not only occurs in the Netherlands. As previously mentioned, the governments of France, Germany and Belgium already investigated in 2016 whether a law could be adopted which allows employees to be unavailable after work hours (Baroncini, 2016). At that time, car manufacturer Porsche in Germany already suggested to delete e-mails send by employees after work hours (Brandsma et al., 2018) and car manufacturers BMW and Volkswagen in Germany already shut off work mail in the evening (Baroncini, 2016; Brandsma et al., 2018).

Nevertheless, up till now, only France has implemented a law (‘le droit à la déconnexion’, art.

L2242-17 Code du Travail) in January 2017 which is similar to the proposed ‘right to inaccessibility’ of the PvdA (Peters, 2020). ‘Le droit à la déconnexion’ forbids employers to expect/demand employees to be available 24/7 (Barrahmun, 2019). In the same vein, this means, in France, the right of employees to be disconnected after workhours is legally acknowledged. A combination of two arrests of the Court of Cassation led to the introduction of ‘le droit à la déconnexion’ (van Baardwijk, 2019). First, in 2001 the Court of Cassation (French supreme court) ruled that no employee is under obligation to either accept working at home or to bring there his files and working tools (Ducorps-Prouvost, 2016). This since, such obligation invades the private life of employees. Second, in 2004 the Court of Cassation ruled: ‘*The fact that (the employee) was not reachable on his cell phone outside working hours cannot be considered as a misconduct*’ (Ducorps-Prouvost, 2016, p.3). Furthermore, the Court ruled that rest periods should be defined as: “*een tijd die veronderstelt dat de werknemer, direct of indirect, behalve in uitzonderlijke gevallen, volledig is vrijgesteld van het uitvoeren van werkzaamheden, zelfs als deze slechts incidenteel van aard zijn*” (van Baardwijk, 2019, p.28). The court emphasized that failure to comply with the statutory rest period causes damage. As a result, taking into consideration the definition of rest periods, the Court seems to indicate that disconnection should be used to comply to statutory rest periods.

In practice, in France ‘le droit à la déconnexion’ is implemented by adding a seventh paragraph to art. L2242 of the Code du Travail (Labor code). Art. L2242 (7) creates the possibility to bargain about the influence of the quality of life at the work floor. As a result, it is possible to bargain about the ‘right to disconnection’. The aim of ‘le droit à la déconnexion’ is to enable employees to better combine and balance work and private life. Companies from fifty employees have to comply to ‘le droit à la déconnexion’. In practice, ‘le droit à la déconnexion’ provides that employees are allowed to turn off their phone after workhours and not to respond to work mail (Petter, 2019). Consequently, it does not prevent employees to receive messages or phone calls during after work hours. However, ‘le droit à la déconnexion’ could be used as a tool to be disconnected and to therefore better combine work life and private life (van Baardwijk, 2019).

Art. L2242 (8) Code du travail provides the possibility to sanction in situations where the employer does not comply to art 7. If failure to comply with the obligation finds place, a punishment, up to an one-year term of prison and a fine of 3750 euros, is possible (Ducorps-Prouvost, 2016).

In the Netherlands, in reaction to the proposal of ‘the right to inaccessibility’ trade unions adjusted the CA of the ‘gehandicaptenzorg’ (in Dutch). One trade union for example considered that especially in the healthcare sector, employers expect employees to be flexible (FNV, 2019). For instance, whenever someone calls in sick, there will be a gap in the work schedule. Many employers expect their other employees to jump in. This means that the employees should be accessible on their smartphone whenever this happens, which results in employees being ‘alert’ 24/7 (FNV, 2019). Therefore, the ‘right to inaccessibility’ is implemented in the CA of the ‘gehandicaptenzorg’ (in Dutch) (FNV, 2019). This right is implemented by adding a sentence in the CA. In CA

‘gehandicaptenzorg, 2020’ this sentence can be found: “5. *De werknemer heeft het recht om op een vrije dag onbereikbaar te zijn voor werk.*” (CAO Gehandicaptenzorg, 2019-2021, 6 Arbeidsduur en werktijden, Artikel 6:6 Arbeids- en rusttijden, p.36). The direct result of this implementation will be that employees can not be disturbed during after work hours, which means that free time actually will be free time (FNV, 2019).

Interestingly, as mentioned before, in the Netherlands, the ‘gehandicaptenzorg’ is the first sector which implements this ‘right of inaccessibility’ of employees (FNV, 2019). This provides the opportunity to explore what the implementation of this right looks like in practice and why other trade unions have not yet succeeded to implement this right.

Which leads to the third sub-question central in this study: *‘How is the prevention of employees with regard to being available after work hours dealt with in the Collective Agreement of the ‘gehandicaptenzorg’?’*

Chapter 4: Method

4.1 introduction

In chapter 2 and 3 the theoretical background of this research was explored which led to the three sub questions of this study. In this chapter the research method will be described. Since this is an exploratory research, the researcher chose to use semi-structured interviews in order to collect data to answer the research question and the sub questions. Since the proposed law ‘the right to inaccessibility’ has not been implemented yet, the researcher chose to interview negotiators of the trade unions active in the ‘gehandicaptenzorg’ sector and employees in the ‘gehandicaptenzorg’. This since in this sector the ‘right to inaccessibility’ is implemented in the CA, therefore the interviews should lead to practical examples which can be used in order to answer the research questions.

4.2 Research design

To acquire information about the proposed research questions, an exploratory qualitative research method was used. By the use of a qualitative research method, researchers are able to study complex constructs, which facilitates the exploitation of the construct (Baxter & Jack, 2008). To gather data, semi-structured interviews were conducted. At the start of this research, face-to-face interviews were preferred, this since by using face-to-face interviews the informal and nonverbal communication of respondents could be noted as well (Sturges & Hanrahan, 2004). However, due to the outbreak of Covid-19, face-to-face interviews could not be conducted at the time the interviews were planned. Therefore, it was preferred to conduct the interviews by use of telephone. All semi-structured interviews were held within a few weeks’ time and the respondents were asked permission for recoding the interview. The semi-structured interviews were recorded to make sure no data went missing while analyzing.

Open-ended questions for the semi-structured interviews were predetermined by the researcher. Thereby, there was room for extra in-depth questions to explore the topics the respondents experienced as important (Longhurst, 2003). The data of each respondent was collected at one point in time hence the research was of cross-sectional nature (Dielman, 1983). The research design and the research tools were approved by the Ethics Review Board of Tilburg University.

4.3 Sample

This study focuses on the proposed law ‘the right to inaccessibility’. The law has not been implemented yet, however in April 2019 the ‘right to inaccessibility’ was implemented in the CA of the ‘gehandicaptenzorg’. To obtain information with regard to the practical consequences of implementing such right, the researcher chose to interview negotiators of the trade unions active in the ‘gehandicaptenzorg’ sector and employees in the ‘gehandicaptenzorg’. By interviewing both trade

union negotiators as employees both perspectives were included. In total eight interviews were held. Five interviews with employees in the 'gehandicaptenzorg' and three interviews with trade union negotiators, of the three trade unions involved in the collective agreement negotiating process, were held. Due to the highly unusual circumstances (outbreak Covid-19 disease March 2020) and the feeling of the researcher the moment of saturation was reached according to the Comparative Method for Themes Saturation (Constantinou, Georgiou, & Perdikogianni, 2017), interviews were held with five employees and three trade union negotiators. Due to the time-constraints with regard to obtaining data and the complexity of the relationship, the researcher chose to only include employees and employee representatives in this study. Therefore, employers and employer representatives (e.g. employer organizations negotiators) are not included in the sample of this study.

Employee respondents were found based on convenience sampling and from thereof by use of snowball sampling. Trade union negotiators were found based on snowball sampling and purposive sampling. Convenience sampling is an approach in which participants are easily accessible (Etikan, Musa, & Alkassim, 2016). Furthermore, snowball sampling is referred to as the researcher accesses informants through contact information provided by other informants (Noy, 2008). For example, snowball sampling was used by contacting employees of the 'gehandicaptenzorg'. By use of convenience sampling one employee was contacted, from thereof colleagues of the employee were contacted. Next to snowball sampling (the supervisor used his network and from thereof 1 trade union negotiator was found), trade union negotiators were found based on purposive sampling. Purposive sampling refers to: "*the deliberate choice of a participant due to the qualities the participant possesses*" (Etikan et al., 2016, p.2).

In Table 1 (next page) some demographic information of the respondents is provided.

Table 1:*Demographics of respondents*

Respondent	Profession	Gender	Age	Years of employment in 'gehandicaptenzorg' sector/ in collective bargaining
ID-W-1	Employee in the 'gehandicaptenzorg'	Female	28	6 years
ID-W-2	Employee in the 'gehandicaptenzorg'	Female	48	16 years (from 1991 till 2002 and from 2005 till now).
ID-W-3	Employee in the 'gehandicaptenzorg'	Female	59	21 years
ID-W-4	Employee in the 'gehandicaptenzorg'	Female	59	38 years
ID-W-5	Employee in the 'gehandicaptenzorg'	Female	45	20 years
ID-C-1	Trade union negotiator	Male	Reaching Dutch pension age	10 years in this function for the Trade union
ID-C-2	Trade union negotiator	Female	Unknown	10 years in this function for the trade union
ID-C-3	Trade union negotiator	Female	Unknown	Unknown

4.4 Procedure

To gather data in an ethical and legal way, the proposed research design was sent to the Ethics Review Board of Tilburg University. After approval, convenience sampling, purposive sampling and snowball sampling were used in order to find respondents. For this research it was interesting to both interview employees in the 'gehandicaptenzorg' and negotiators of the trade unions active in the sector 'gehandicaptenzorg'. The respondents were contacted via email or telephone to set a date and time for the interview. Before the start of the interview the respondents received an accompanying letter (provided in Appendix A, in Dutch) which described the intention of the research, guaranteed anonymity and assured confidentiality of the personal details of the respondents.

The interviews were approximately 45 minutes, partly depending on the length of the answers per respondent. Before the start of the interview, all respondents were asked if they gave permission to record the interview. Furthermore, to provide the opportunity to enlarge the data, at the end of each interview the respondents were asked if there was anything they would like to add. Afterwards, each interview was transcribed.

4.5 Instruments

The interviews conducted in this research were semi-structured, this means that on beforehand open-ended questions were developed which were asked during the interview (Appendices B and C, in Dutch) (Ayres, 2008). The interviews, both with employees and trade union negotiators, started with a general introduction in which the duration of the interview was explained, anonymity was guaranteed and in which the respondents were explained that they could always choose not to answer a question or to pull back during the interview without having negative consequences. Hereafter, the interviews started with questions on the background of the respondents. An example question is: *“Could you tell something about yourself?”*. In the interviews with trade union negotiators, the respondents were asked where they received input for the CA-negotiation process as well.

After discussing the backgrounds of the respondents and the sources of information of trade union negotiators, interviews with employees moved on with questions regarding their feelings with regard to being continuously available. An example question is: *“Are you required to be available on your days off?”*. Thereafter the interviews continued with questions regarding the consequences of being continuously available. *“Can you recover from you work in the evening and on your days off?”* and *“Have there been any technical developments the last 10 years which influence the way in which you perform your job?”* are example questions. This part of the interview went into the part with questions regarding the work-life balance of the respondents. For example, *“If you have the possibility to work from home, do you think this would influence your private life? Both in negative or positive way? Could you give an example?”* was asked. Lastly, questions were asked referring to the ‘right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’. For example, the question: *“Did you notice some changes since the ‘right to inaccessibility’ was implemented in the Collective Agreement? If so, could you give an example? If not, why?”* was asked.

After discussing the backgrounds, interviews with trade union negotiators immediately moved on with questions regarding to the ‘right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’. For example, *“Could you explain why the trade unions felt the urge to implement ‘the right to inaccessibility’ in the CA of the ‘gehandicaptenzorg?’”* and *“Did you already receive feedback from the employees with regard to the practical consequences of the implementation of this right in the CA?”* were asked. Hereafter, questions were asked with regard to the proposed law of the PvdA. One example question is: *“Would you encourage the PvdA to legally implement ‘the right to inaccessibility’? Could you motivate your answer?”*

All interviews were wrapped up by the researcher asking whether the respondent had anything to add or felt an important part was left out. Lastly, the researcher showed the respondents gratitude for their participation in the research.

4.6 Analysis

While listening to the records via a mobile phone, the interviews were transcribed literally in Word. Hereafter, the transcripts were transferred into ATLAS.ti, a program used for coding the data. Within this program, the method of Strauss and Corbin (1990) was applied to analyze the interviews. This method makes it possible to see similarities and/or differences in the interviews by the use of three steps: open coding, axial coding and selective coding. In this research, the first step, open coding was done by reading the transcripts and generating codes to text fragments out of the data. A text fragment was chosen based on the relevance for this research. Thereafter, each text fragment was linked to a fitting code based on the underlying meaning of the sentences (Boeije, 2014; Burnard, 1991). In order to use the data to the full potential, some text fragments have multiple codes. The codes were based on the information of the respondent regarding the topics examined in the theoretical framework. Examples of the first codes for negotiators of the trade union are: “Symbool”, “Praktische gevolgen” and “Bronnen input”. Examples of the first codes of employees in the ‘gehandicaptenzorg’ (in Dutch) are: “Flexibel”, “Werk druk” and “WhatsApp groep chat”. The code tables with all initial codes can be found in Appendix E (in Dutch) for negotiators of the trade unions and in Appendix D (in Dutch) for employees in the ‘gehandicaptenzorg’ (in Dutch).

When no new codes were generated from open coding, conceptual saturation was reached (Kendall, 1999). Hereafter, axial coding (the second step) was used for splitting, clustering, creating and renaming the codes that came out of open coding (Boeije, 2014). Fragments classified with the same code were clustered (Borgatti, 2005), this reduced the number of codes. As a result, axial coding helps to systematically think about the data and how the codes relate to each other (Boeije, 2014; Kendall, 1999). The importance of themes is shown by using main and sub codes (Boeije, 2014). For example, all employee respondents frequently mentioned the influence of WhatsApp group chats and the consequences of the chats. Therefore, a main code is: “Continue bereikbaar” and a sub code: “Appgroepen”.

Finally selective coding (the last step) was used. Here the core categories were defined by refining, selecting and comparing the codes (Heath & Cowley, 2004). Then the researcher formulated what the respondents stated upon the research questions by signaling which subjects came back multiple times. In order to get closer to related theories, the core codes were compared to what is stated in previous literature on the topics examined in this research.

Besides the coding, relevant quotes were highlighted in the transcripts. Quotes were carefully selected by the researcher and were considered relevant whether they were the most descriptive or explanatory interpretation of the data. Those quotes were used in the results section. By comparing the codes and the quotations across different interviews, answers on the research questions were provided in the results section (Appendices D and E, in Dutch).

Chapter 5: Results

5.1 Introduction

In the previous chapters (2&3) the theoretical background was explored and chapter 4 described the method of this research. In order to collect data to answer the research questions, eight explorative semi-structured interviews were held. Interviews were held with both employees and trade union negotiators active in the ‘gehandicaptenzorg’ sector. In this chapter the results of the interviews will be discussed and the importance of some factors (which are relevant for answering the research questions) will be highlighted by the use of quotes. The aim of this chapter is to display the relevant findings of the interviews.

5.2 The negative consequences of employees being available 24/7

When discussing the antecedents of ‘the right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’, the negative consequences of employees being available 24/7 were taken into account. The most frequently mentioned consequence is the blurring boundary between work and private life due to the use of WhatsApp group chats. However, all respondents pointed out the importance of the factors high workload and not being able to recover as well. Furthermore, the factor high workload is related to high sickness rates, high turnover, high physical and emotional demands and the influence of modern technology. During the interviews the respondents highlighted the relationship between these factors and the enlargement of the perceived work load, which in turn results in, for example, being more tired after work.

While considering the negative consequences of employees being available 24/7, it is therefore of importance to consider the perceived workload of the respondents. In general, the workload is perceived high by all respondents: *“Maar als jij in de zorg werkt, moet je er wel hart voor hebben anders hou je het gewoon niet vol. Er wordt best wel wat van je gevergd vind ik.” (ID-W-3)*. One respondent explained they perceive the workload as high, since for example, they often have many calls and questions, while at the same time they are nursing a client. Moreover, three out of five employees explained they experience time pressure. They for example, often read reports (about the clients) at home since they do not have time at the beginning of their shift. This means, while taking over a shift, normally they should at first read reports to make sure they are updated. However, due to clients demanding attention and tasks needed to be done, the employees do not have time to read the reports during worktime before starting their tasks.

Next to this, many other factors influencing the perceived workload were mentioned as well. For example, one respondent highlighted: *“Er zijn periodes dat het wel gewoon heel druk is. Vorig jaar hadden we veel ziekteverzuim en sta je veel met inval te werken en voel je wel echt de*

verantwoordelijkheid en ligt er ook aan wie er invalt, of het een flexer is of niet. Maar ik voel dan wel extra druk omdat ik me dan verantwoordelijk voor alles voel.” (ID-W-2). This quote highlights the importance of the factors: sickness rates, working with flex workers and the high responsibility respondents feel towards their clients.

Furthermore, respondents mentioned that due to the high turnover in combination with high sickness rates, many shifts (in particular on holidays and during the summer break) are not covered. As a result, often flex workers fill the shifts which are not covered by the staff. However, all respondents mentioned the influence of working with a colleague or a flex worker. While considering the influence of working with flex workers for example was said: *“Dan draai je de dienst heel anders. Als je met een bekend iemand staat, draai je de dienst heel anders”* (ID-W-5). Later was asked whether they were, at the end of the workday, more tired while working with flex workers instead of working with their own colleagues. On which the respondent (ID-W-5) only answered with: *“Yes”*.

In addition, during the interviews the importance of modern technology was discussed. All respondents mentioned that the last ten years the technology changed the way they execute parts of their work. For example, until 10 years ago, all client information was written down in ring binders. Then the first possibilities to report client information by use of computers was implemented. Over those 10 years the system was upgraded a few times and now everything is reported digital. The respondents mentioned that the most recent upgrade found place approximately two months ago. As a result of that upgrade, it was from then on possible for the employees to access, among others, work mail and the client reports from home. The respondents reported different views on this possible access. Two out of five employees mentioned they did not open work mail and did not read reports from home. *“Ik zeg ik doe dat niet. Zij: hoezo? Ik: ja als ik thuis ben, dan ben ik afgewerkt. Doe ik de volgende dag weer.”* (ID-W-4). Those two employees clearly set boundaries for themselves. This since they experience a high responsibility towards their clients, however they also have the feeling the employer should give them the space and time to read the reports during workhours. They said for example: *“En ik vind het niet erg om iets in mijn vrije tijd te doen. Maar ik kom er gewoon achter dat je dat gaat doen omdat je anders om 7u als je gaat werken, je niet bijgelezen bent. Of niet actueel bent.”* (ID-W-5).

The three other respondents mentioned the advantages of having access to, among others, the client reports from home: *“Maar als je notulen moet uitwerken van een bespreking, ook omdat er op het werk eigenlijk nauwelijks geen tijd is. Maak ik zelf de keuze. Iedereen zegt dat ik er tijd voor vrij mag maken op het werk. Maar ik doe het in mijn eigen tijd, vind dat gewoon fijner. Kan ik het in alle rust doen.”* (ID-W-2).

Next to having access to email from home, the modern technology allows employees to make WhatsApp group chats. The respondents mentioned they have one serious WhatsApp group chat in which unfulfilled shifts for the coming two days are dropped or change of shift requests are asked (for example: someone has to go to the doctor with a sick child and asks to change their shift with a

colleague). Next to the serious WhatsApp group chat the respondents mentioned the so called: 'Funapp'. One of the five employees mentioned she left the chat: *"Niet dat ik niet van fun houd. Maar ik had al zoveel appgroepjes en omdat er heel veel onzin voorbijkwam... dus daar ben ik uitgestapt"* (ID-W-5). Noticeable, while discussing the influence of incoming emails and incoming WhatsApp chats on the private life of respondents, all five mentioned that incoming WhatsApp messages are harder to ignore: *"Dat bepaal ik echt zelf wanneer ik die open. En een appje krijg je en heel veel mensen kunnen dat even langs zich neerleggen. Maar als ik een appje krijg, dan wil ik dat eigenlijk ook meteen beantwoorden. En dan blijf ik erover nadenken."* (ID-W-5).

While discussing the influence of WhatsApp chat groups on their days off all respondents emphasized: *"Ik vind dat op sommige momenten ook wel, belastend weet ik niet of ik het zo kan noemen, maar wel als ik zie dat er bijvoorbeeld voor vanavond een dienst opgelost moet worden. En iedereen reageert maar met nee ik kan niet."* (ID-W-1). *"Dan vind ik dat soms ook wel moeilijk om te zien."* (ID-W-1). Noticeably, all five respondents reported this.

5.3 The negative consequences of employees being available 24/7 according to trade union negotiators

While discussing the negative consequences of employees being available 24/7 with the trade union negotiators active in the healthcare sector (in particular the 'gehandicaptenzorg'), the most frequently mentioned consequence was the blurring boundary between work life and private life as well. During the interviews all trade union negotiators indicated that this phenomenon was mentioned among their members during feedback sessions. However, the respondents highlighted that the degree of experiencing blurring boundaries between work and private life as a burden among employees differs per organization and sometimes even per location. *"En dat maakt het ook zo slecht grijpbaar en ook dat wij hebben gezegd we willen er formele afspraak over maken. Er zijn een hele hoop teams waar het vast ook goed gaat, ongetwijfeld. Maar in een hele hoop teams ook niet."* (ID-C-1).

According to the respondents, the blurring boundaries between work and private life are caused by several factors. The most frequently mentioned factor is the rise of using WhatsApp group chats. *"Nu met de digitale revolutie, met de opkomst van de smartphone in de afgelopen, wat is het, 10 jaar. Ja zo'n beetje. Heb je ook gehad dat mensen zelf, werknemers, appgroepen gingen maken. Dat was handig. Gewoon met je team even een appgroepje van, nouja. Ook goh ik kan volgende donderdag niet, mijn kind moet naar de tandarts en ik wil mee. Wie kan mijn dienst overnemen."* (ID-C-1). At first, these WhatsApp group chats seemed harmless, useful and time efficient. This since, all respondents mentioned instead of calling every employee individually, now it is possible to reach the whole group with one simple WhatsApp message in the group chat. However: *"Dat is eigenlijk geëvolueerd tot appgroepen waar eigenlijk een soort ruilhandel van diensten begon."* (ID-C-1) and

“Die appgroepen werden een permanente bron van stress omdat iedereen op haar of zijn vrije dag werd aangesproken van goh, morgenmiddag heb ik niemand, wie kan er komen werken.” (ID-C-1).

During the interviews was asked whether the personality and age of employees influences the extent to which WhatsApp messages in the group chats are experienced as blurring the boundaries between private and work life. The respondents agreed that most likely personality has an impact: *“Ja dat heeft ook een beetje te maken met hoe mensen in elkaar zitten.” (ID-C-2).* All respondents agreed that some employees, on their days off, simply put their phone away. While others see the incoming text with unfulfilled shifts and can’t stop thinking about fixing the ‘problem’. On the influence of the factor age the respondents did not agree. One respondent mentioned: *“Ik denk dat iemand van 25 zich net zo ’n verantwoordelijke collega voelt als iemand van 55.” (ID-C-1).* While another respondent highlighted: *“Je ziet wel dat mensen assertiever worden naarmate ze meer ervaring hebben en langer werken ergens en een bepaalde positie hebben en ook minder angst hebben voor hun manager bij wijze van spreken. Dus in die zin, uhm. Ja.” (ID-C-2).*

Next to the WhatsApp group chats, accessibility from home to work mail was discussed. The respondents emphasized that, in the discussed group of employees, work mail during days off was not experienced in the same way as a burden as WhatsApp messages. This since: *“Het is vooral de appgroepen, de meeste zorgmedewerkers zijn niet zo van de mail.” (ID-C-2).*

Besides blurring the boundaries between private and work life, incoming WhatsApp text messages negatively influence the extent to which employees can recover on their days off. However, especially recovery is perceived as important: *“In feite, vrij is vrij. En vrij is juist vrij om bij te komen van dat werk. Om te zorgen dat je na 2 dagen vrij, 3 dagen vrij er weer tegen kan.” (ID-C-1).*

5.4 Practical consequences of ‘the right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’ according to employees

Interviews with the employees emphasized the importance of WhatsApp group chats on the experience of negative consequences due to employees being available 24/7. All five employees mentioned experiencing the WhatsApp chatgroups as twofold. On the one hand, the group chats are encountered as useful and time efficient. This since: *“Ja, dat vind ik heel dubbel. Als ik op het werk ben vind ik het heel fijn dat ie er is, want dan zet ik het op de app en ga ik verder met werken en dan kijk ik na een uur wie er gereageerd heeft.” (ID-W-3).* While on the other hand the group chats are experienced as the most important contributing factor to the blurring work and private life boundaries: *“Als je het dan hebt over op een vrije dag wil ik 100% vrij zijn. En dan krijg ik een appje. En sommige collega’s, want ik heb het er wel met ze over. Die schrijven van nee ik kan niet. En die gaan verder met hun dag. Terwijl ik dan nog wel eens 3x kijk van is het opgelost.” (ID-W-5).*

After discussing the experienced negative consequences of being available 24/7, the ‘right to inaccessibility’ in the Collective Agreement of the ‘gehandicaptenzorg’ was discussed. While

discussing the experienced practical consequences of implementing this right, all five respondents mentioned that no practical consequences were experienced. Noticeable, neither did they recall an update from the team leader or manager about the new implemented 'right to inaccessibility'. *"Ik ben benieuwd hoe het in de praktijk zich gaat vertalen, zoals ik zeg, ik zie er in de praktijk nog niks van terug."* (ID-W-4).

To further investigate if really nothing has changed after the implementation of the right in the CA, it was discussed whether rules were made with regard to the function of the WhatsApp group chats. All respondents emphasized rules were made (i.e. only text messages with urgent unfulfilled shifts are send in the group) among the colleagues themselves. Managers, in the teams of the respondents, were not involved in this. *"Dat doen we zelf. Ja, we houden elkaar een beetje in de gaten. Mij hebben ze ook al een keertje teruggefloten. Maar ik dus ook voor mijn collega's."* (ID-W-4). However, one respondent mentioned that in cases of not respecting each other's boundaries, they exactly know where to report this. They however all prefer to control the group chats themselves.

During the interviews it became clear that all respondents feel responsible for filling the gaps. Not only towards the clients, but towards their colleagues as well: *"We hebben ook wel en team dat zich verantwoordelijk voelt om de groep dragend te houden. Er zit niemand in van zoek het maar uit."* (ID-W-3). When asking whether they perceive the responsibility of the employer (filling in the gaps in the schedule) as their own responsibility or as the responsibility of the team, four of the five respondents explicitly pointed out they experience that at first, it is the responsibility of the team to fill in the shifts. *"We gaan steeds meer toe naar een zelfsturend team, dus dat je steeds meer verantwoordelijkheden als team krijg ten vroeger stond er gewoon een leidinggevende boven die heel veel. Bij ziekte werd er heel veel geregeld en nu moeten we dat als team zelf oplossen waardoor je natuurlijk wel meer druk ervaart."* (ID-W-2). After the implementation of the 'right to inaccessibility' in the CA, no practical consequences were experienced.

Moreover, respondents were asked how they perceive the 'right to inaccessibility' in the CA. All five respondents pointed out they experience the implemented right in the CA as twofold as well. This since, firstly, they do not know what exactly the sentence in the CA means. They experience the right to inaccessibility as global and cryptic. Thereby, according to for example one respondent, practically it is hard to implement this right: *"Als ik dus niet benaderd kan worden omdat ik vrij ben. Dat is fijn. Maar van de andere kant, als ik op het werk ben en mijn collega's het recht hebben, die vrij zijn. En wij hebben op dat moment met spoed een dienst nodig."* (ID-W-1). Secondly, the respondents wonder to what extent the 'right to inaccessibility' in the CA can be maintained. Moreover, all respondents mentioned that they perceive the 'right to inaccessibility' as their own responsibility: *"Ik denk dat het ten eerste je eigen verantwoordelijkheid is om dat aan te geven."* (ID-W-2). However, if someone is less assertive or feels highly responsible the respondents agree: *"Degene die heel moeilijk nee kunnen zeggen en misschien moeten die ooit tegen zichzelf in*

bescherming genomen worden. En dan is het natuurlijk wel fijn als een teamleider daarvoor gaat staan.” (ID-W-2).

5.5 Practical consequences of ‘the right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’ according to trade union negotiators

After discussing the experienced negative consequences of being available 24/7, the ‘right to inaccessibility’ in the Collective Agreement of the ‘gehandicaptenzorg’ was discussed. It became clear that the trade union respondents experienced the WhatsApp chatgroups as the most important factor (negatively influencing the blurring boundaries between private and work life) as well. However, like the employee respondents, the trade union negotiators pointed out the responsibility of the employees to set their own boundaries as well: *“Dat is ook de grap van die apps, heel veel van die apps doen de mensen zelf he. Ik ken een werkgever, organisatie X, keurige werkgever, heel christelijk allemaal. Echt keurig. Die heeft op een gegeven moment gezegd ik ga die appgroep verbieden, mag niet meer. Vrij is vrij. Jullie mogen niet in je vrije tijd nog allemaal oproepjes met diensten doen, dat was de werkgever.” (ID-C-1).* As a result, the respondent mentioned, new chats were formed.

All respondents emphasized that the ‘right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’ is viewed as a symbol. *“Soms is symbolwetgeving belangrijk omdat het een maatschappelijke discussie aanwakkert en versterkt” (ID-C-2).* By implementing this right in the CA, the trade unions tried to create awareness and to offer employees ‘a helping hand’. *“En we merken dat dat voor heel veel mensen, met name de mensen die wat minder sterk in de schoenen staan, dat dat toch wel een steun in de rug is.” (ID-C-2).* This quote provides information about the practical consequences of the implementation of ‘the right to inaccessibility’ in the CA as well. According to all respondents the employees perceive the implemented right as a helping hand and some have even invoked the right already. This has been done by for example, indicating towards colleagues their right to be inaccessible on their days off: *“Ik ben nu 6 dagen uit geroosterd en ga ik... Gaat mijn telefoon uit en oh wat heerlijk dat dat kan. Van ik heb gewoon dat recht.” (ID-C-2).*

Based on the above, respondents indicated trade unions received feedback with regard to the implementation of the right in the CA. However, respondents mentioned a remark must be made, trade unions often hear the ‘bad’ stories. One respondent pointed out the differences per team. In some teams for example managers (informally) expect employees to answer the group chat on their days off and to be flexible towards their colleagues with regard to changing shifts: *“Als het terugkomt in een functioneringsgesprek van jij reageert nooit of jij hebt nooit wat over voor je collega’s. je bent niet collegiaal dus, dat is in de zorg het ergste wat je kunt zeggen.” (ID-C-1).* Respondents indicated they received positive feedback with regard to the teams in which this phenomenon happened. However, with regard to the teams which did well already and thus who did not give feedback to the trade unions, nothing is said.

Moreover, the shift of responsibility from employer to employees to fill in the schedule was discussed. According to the respondents, by implementing ‘the right to inaccessibility’ the responsibility should shift back towards the employer. *“Uiteindelijk is het dat als er te weinig mensen zijn, en de roosters niet volkomen. Het is het probleem van de werkgever. En die moet het oplossen. En nu is het, automatisch al geworden, van de werknemer moet het oplossen.”* (ID-C-2).

5.6 The proposed law ‘the right to inaccessibility’ of the PvdA

The proposed law ‘the right to inaccessibility’ of the PvdA was discussed as well during the interviews. As previously mentioned, the employee respondents pointed out they did not experience differences since the implementation of the ‘right to inaccessibility’ in the CA. Thereby, they indicated the global and vague implementation of the right in the CA. As a result, in the interviews with employees not many was said about the legal implementation of ‘the right to inaccessibility’.

The trade union respondents however all had to say something about the proposal of the PvdA to implement the ‘right to inaccessibility’ in the law. Before discussing the proposed law of the PvdA, the ‘right to inaccessibility’ in other Collective Agreements was explored. According to two of the three respondents, ‘the right to inaccessibility’ is only implemented in the CA of the ‘gehandicaptenzorg’ and the CA of the VVT (Verpleeg- en Verzorgingstehuizen en Thuiszorg, in Dutch). They noticed however, that only the implementation of this right in the CA of the ‘gehandicaptenzorg’ got attention in the media and is therefore more known. The third respondent mentioned an initiative to implement this right in the CA of doctors who are still in education as well. All respondents remark the importance of implementing ‘the right to inaccessibility’ in all CA’s of sectors in which occupations involve working in shifts: *“Ja. Overal waar met dienstroosters wordt gewerkt.”* (ID-C-1).

Furthermore, the trade union negotiators were positive with regard to implementing the ‘right to inaccessibility’ in the law: *“Misschien is het beter om het gewoon in wetgeving zoals in Frankrijk komt. Dat het gewoon een soort algemeen recht wordt, wat weliswaar ook dan weer symbol wetgeving is.”* (ID-C-2). Two out of three respondents highlighted that the ‘right to inaccessibility’ even when implemented in the law, would remain a symbol. As mentioned in paragraph 5.5 (Practical consequences of ‘the right to inaccessibility’ in the CA of the ‘gehandicaptenzorg, according to trade union negotiators), trade union negotiators pointed out the positive side of symbol legislation. Even if the ‘right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’ is formulated globally, it creates acknowledgment and offers ‘a helping hand’ towards the employees. Interestingly however, employees were more sarcastic towards the formulation of ‘the right to inaccessibility’ in the CA: *“We hebben het er wel over gehad, goh er is een cao over onbereikbaar zijn. Dan wordt er een beetje mee gelachen van: allemaal heel leu ken aardig! Maar zo werkt het niet in de praktijk.”* (ID-W-3).

Interestingly, one trade union negotiator argued that due to the implementation of the right into the law, trade unions are not urged to negotiate further about this topic: *“Kijk als het in de wet staat dan hoef je het in de cao niet meer af te spreken he. Wetgeving gaat boven cao.”* (ID-C-1).

While, on the contrary, another respondent argued that due to the implementation of the right into the law, trade unions should negotiate further on this topic: *“Het lijkt mij prima als het in de wet staat en dan kan je altijd nog kijken kan je nog iets aanvullends of concretiseren voor de sector waar je in bent. Nee, dus lijkt me goed”* (ID-C-3).

Chapter 6: Discussion

6.1 Introduction

In the previous chapter the results of the interviews were discussed. Thereby, the importance of some factors was highlighted by using quotes. By displaying the relevant findings of the interviews, the basis for this chapter was laid down. The aim of this chapter is to discuss the results of the interviews with the previously explored theoretical background in chapters 2 and 3. Furthermore, this chapter will provide the limitations of this research and interesting outcomes of this study which could be elaborated in future research. This chapter will finish with some practical and theoretical implications.

6.2 Discussion

The aim of this research was to (1) gain more knowledge on the negative consequences experienced among employees due to them being available 24/7, (2) to explore the practical consequences of the ‘right to inaccessibility’ in the Collective Agreement of the ‘gehandicaptenzorg’ and (3) to explore in what way the proposed ‘right to inaccessibility’ of the PvdA will address the negative consequences experienced by employees being available 24/7. By the use of interviews with both employees in the ‘gehandicaptenzorg’ and trade union negotiators active in the ‘gehandicaptenzorg’, the negative consequences of employees being available 24/7, the practical consequences of ‘the right’ to inaccessibility’ in the CA and the proposed ‘right to inaccessibility’ by the PvdA were examined in an explorative way.

Literature (example given, Chesley, 2005; Day et al., 2012) states that technology causes increased demands on employees which may result in negative consequences. For example, the blurring boundaries between work life and private life. Moreover, the term technostress was introduced by psychologist Craig Brod in 1984. Technostress was described as a modern disease caused by someone’s inability to cope or deal with technology in a healthy manner (Ayyagari et al., 2011). The results of this researched showed that, in line with the literature, the employees in the ‘gehandicaptenzorg’ experience negative consequences as a result of the increased demands caused by (among others) technology. Employees highlighted that especially the WhatsApp group chats result in blurring boundaries between work life and private life. One WhatsApp group was mentioned as obligatory and most demanding; the group in which unfulfilled shifts and change requests are dropped. Colleagues mentioned another chat group as well, this one was not work related. Employees are therefore not obligated to join the group and consequently this one is not experienced as a burden. Nonetheless, due to their commitment towards both their colleagues and clients, WhatsApp messages related to unfulfilled shifts have a high impact on the well-being of the employees on their days off. This since most of them keep wondering the rest of the day whether the shift will be fulfilled.

Moreover, the results showed that employees perceive work related WhatsApp messages after work hours differently than work related e-mails. This since the WhatsApp message comes on their private number and often comes with a 'ping' or just pops up on the screen. Where the e-mail is linked to a work account and therefore does not pop up on their mobile phones. Therefore, the WhatsApp chatgroups are experienced as most influential. Still, in line with previous research of Raišienė and Jonušauskas (2013), the results of this study highlight that by use of informational technologies (e.g. smartphones and laptops) employees can easily and quickly communicate with colleagues all the time. Both the results of this research and previous research of Harris (2014) emphasize the increase of personal time spent on work (in this research for example the possibilities to read the client reports from home or the WhatsApp chat groups which they are obliged to be part of).

The employee respondents mentioned the high sickness rates and the phenomenon of understaffing in the whole healthcare sector, which results in many unfulfilled shifts (especially during the summer break). Often flex workers are needed to fill in the gaps in the schedule. However, working with flex workers instead of their own colleagues results in employees feeling more responsible (to make sure the clients are nursed properly and that everything goes right, this since flex workers do not know the clients and the work environment). This increased feeling of responsibility in turn increases their perceived stress level. In line with this, research of Skankon et al. (2010) emphasizes the influence of work-related stress. Stressful outcomes are determined by how people cognitively interpret or appraise environmental demands (Ayyagari et al., 2011). Stress arises when the individual appraises the demands as exceeding the individual's resources. In line with this, the results pointed out the responsibility of the employees towards clients and to fill in gaps in the shifts and the influence of working with flex workers. All these factors put pressure on the employees and they emphasized that those factors often result in stress felt at work. Due to understaffing, employees almost always have to work over hours. If this happens week after week, a lot is asked from the employees. This therefore often leads to higher sickness rates. As a consequence, flex workers jump in, which in turn leads to an increased stress level among the employees. Finally, on the long-term higher stress levels can lead to a higher sickness rate. Hence, the aforementioned could be described as a vicious circle.

Due to (among others) the understaffing in the 'gehandicaptenzorg' which results in many unfulfilled shifts, the obligated WhatsApp chatgroup is sometimes experienced as a burden. This since when colleagues send a message with the question if someone can come to work that evening due to a colleague being sick. The employees can feel obliged to fill in the gap. This has, among others, to do with the personality of the 'gehandicaptenzorg' employees, which is characterized by empathy and responsibility towards both clients and colleagues. However, employees highlighted that sometimes they are feeling stressed when everyone in the chat answers with: 'I can't come today'. As a result, they keep on thinking about the unfulfilled shift and the colleague who will stand alone, e.g., that evening. If this happens, the WhatsApp chat message influences their day off. In line with this, Harris

et al. (2011) referred to work-life conflict as a result of the interference of work-life during after work hours. The interference of their private life, the WhatsApp chat messages, can lead to work-life conflict, which arises when areas of work and life are incompatible and something for work interferes with family- life and vice versa (Harris et al., 2011).

Furthermore, the trade union negotiators emphasized, in line with the previously mentioned literature and the results of the interviews with employees, the increased influence of modern technology on the blurring work life and private life boundaries (influence WhatsApp chat groups). However, the trade union negotiators were more pessimistic than the employees with regard to the extent of which employees experience WhatsApp chatgroups as a burden. Argumentation for this more pessimistic view could be that often the trade union members reach out to the trade union in cases in which situations go wrong. For example, a team in the ‘gehandicaptenzorg’ in which employees really experience the WhatsApp chat groups as a burden. Maybe in those teams the colleagues do not have that much respect for each other or are not willing to change shifts. The interviewed team however described a close team in which everyone is flexible and respectful.

Next to the negative consequences of being ‘alert’ 24/7, the implemented ‘right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’ was discussed as well. The results of this study showed that employees experience this right as twofold. On the one hand they have the right to be inaccessible at days off. On the other hand, the knowledge of unfulfilled shifts which results in colleagues standing alone and clients not having the care they deserve, weighs heavily on their state of mind on their days off. Furthermore, the employees emphasized they did not experience any differences since the implementation of the ‘right to inaccessibility’. Thereby, only one trade union negotiator mentioned the trade union received positive feedback with regard to the implementation of the right. In line with this, the study of van Baardwijk (2019) discussed the formulation of the ‘right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’. The CA only refers to ‘the right to inaccessibility’ on a day off. However, what is meant by a day off is not specified in the CA. This raises the question whether after work hours (e.g. starting from 6 p.m.) are seen as days off?

Moreover, the global formulation of ‘the right to inaccessibility’ in the CA lights up another debate in law. The results of this study emphasized that ‘the right to inaccessibility’ in both the CA and when implemented in the law, is viewed as symbolic legislation. This since the right is in the CA formulated globally. In paragraph 5.5 (Practical consequences of ‘the right to inaccessibility’ in the CA of the ‘gehandicaptenzorg, according to trade union negotiators), trade union negotiators pointed out the positive side of symbol legislation. Even if the ‘right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’ is formulated globally, it creates acknowledgment and offers ‘a helping hand’ towards the employees. Interestingly however, employees were more sarcastic towards the formulation of ‘the right to inaccessibility’ in the CA. Employees perceived the implemented right as to global and not functional in practice. This since, if a shift is unfulfilled, someone has to go to the location. They often gave as example that it is not a fabric you can shut off, they are responsible for

taking care of people. In line with the different point of views of the trade union negotiators and the employees, there are in the literature two points of view with regard to symbol legislation. Van Klink (2014) argues that the tendency exists to call any legislative proposal, which seems difficult to implement and enforce, symbolic. Van Klink (2014) further explains that symbol legislation refers to situations in which legislation is implemented with the meaning to function as symbol within society. Symbol legislation does not focus on compliance with standards, but rather on achieving other effects independent of compliance with standards. For example, creating awareness among society. However, different points of view with regard to symbol legislation exist. A more negative view on symbol legislation argues that symbol legislation can provide social peace for a while, however what about the longer term. If it turns out symbol legislation only leads to solving the problem cosmetically, the confidence in the government will be damaged (van Klink, 2014). In the same vein, the results of this study showed no practical consequences of implementing ‘the right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’. Employees pointed out they were making fun of this right and they had the idea managers and employers are not aware of the situations on the work floor (e.g. working with clients, it is not a fabric you can shut off).

6.3 Limitations and future research

Despite the strengths of this study, there are some limitations. Firstly, obviously due to the current situation (Covid-19 outbreak) the process of collecting data was influenced. At first the researcher’s intention was to collect data by use of semi-structural face-to-face interviews. Normally face-to-face interviews are highly recommended. This since, with the use of face-to-face interviews, the informal and nonverbal communication of the respondents can be noted as well (Sturges & Hanrahan, 2004). However, due to the Covid-19 outbreak in March 2020 it was not possible to conduct face-to-face interviews in May 2020. Due to the outbreak a lot of pressure was put on the healthcare sector, including the ‘gehandicaptenzorg’ and the trade union negotiators. The respondents which were willing to contribute preferred interviews by telephone instead of by Skype. Therefore, eight semi-structured interviews by use of telephone were conducted. In future research it would be beneficial to conduct face-to-face interviews or to use skype instead of the telephone. This to include the informal and nonverbal communication of the respondents as well.

Secondly, the combination of the given time frame for finishing the thesis (at last August 2020) and the corona outbreak (which put pressure on healthcare sector employees and made face-to-face interviews impossible) led to including or excluding respondents based upon a short-term availability. For this research, among others, convenience sampling was used. Convenience sampling means that the sample is chosen based on the extent to which respondents are easily accessible. Convenience sampling in the current situation (given time frame, pressure in healthcare sector and impossibility to conduct face-to-face interviews) could result in a bias since for example one trade

union negotiator was not able to participate in the given time frame. Maybe this results in the exclusion of some views on the practical consequences of being 'alert' 24/7 and the practical consequences of implementing the 'right to inaccessibility' in both the CA of the 'gehandicaptenzorg' and in the law.

Thirdly, in order to collect data, the respondents were found by using (among others) convenience sampling and after that snowball sampling. This means, for example, one employee was contacted by using convenience sampling. Thereafter, the contacted employee reached out to the four other employees. Thereby, one trade union negotiator was contacted by using convenience sampling as well. Collecting respondents in this specific way could lead to an inaccurate sample, this since the employee could for example only recommend colleagues which they have a good relationship with. To prevent this, in future research contacting respondents in a different way would be beneficial. This can be done by selecting and contacting all the respondents themselves.

Fourthly, this research had a cross-sectional design (which means that the data was only collected at one point in time). The cross-sectional design could influence the story the respondents tell. For example, the extent to which the employees experience the WhatsApp chatgroup as a burden could differ depending on the time the interview was held. Maybe the employee just worked 7 days before the interview and received the morning of the eighth day a message in which a colleague sends unfulfilled shifts. In future research, the use of a longitudinal design (which involves repeated measures) would be beneficial to prevent missing out on data and to have a better insight in the explored subjects. A longitudinal design prevents, for example, the mood of the respondent in influencing the story told.

Fifthly, seven of the eight respondents were female. Moreover, all employee respondents were female. In line with the respondents for this research, statistics show that in 2018, 80% of all employees in the 'gehandicaptenzorg' were female (VGN, 2018). Still, this could be seen as a bias since there is not controlled for the factor gender. Therefore, in future research it would be beneficial to include male respondents as well (preferably 50/50).

At last, one recommendation for future research popped up after discussing the results of this study. As mentioned in paragraph 6.2, in law there is a debate with regard to the influence of symbol legislation. In the same vein, results of this study showed different interpretations and points of view with regard to symbol legislation. In the discussion the different point of views and the influence of symbol legislation was briefly discussed. However for future research it would be interesting to elaborate the influence of perceiving the 'right to inaccessibility' as a symbol legislation on the practical consequences which result by the implementation of this right.

Next to this, for future research it would be interesting to explore the point of view of the employer's and the employer organizations with regard to guaranteeing 'the right to inaccessibility' to the employees. This since this research only interviewed employees and trade union negotiators. However, 'the right to inaccessibility' provided for in the CA of the 'gehandicaptenzorg' should be

assured and implemented by the employers. Therefore, in future research it would be beneficial to investigate this side of the relationship as well.

6.4 Practical and theoretical implications

The practical contribution of this research is fourfold. First, the results of this research provide employees in the 'gehandicaptenzorg' with the knowledge that due to several factors (i.e. the high workload, the personality of the employees and the increased use of modern technology ((e.g. WhatsApp chat groups)) the boundaries between their work life and private life are blurring. This research therefore creates awareness among employees. Moreover, the results show that especially the WhatsApp chat groups play a large role in the blurring boundaries between work and private life. The extent to which WhatsApp chat groups are experienced as a burden differ per person, per team, per organization and even per location. As a result, the practical contribution of creating this awareness is that the employees are 'alarmed' and are encouraged to set boundaries in order to prevent themselves.

Second, the results of this study show the twofold meaning of the implemented 'right to inaccessibility' in the CA. At one hand the employees positively perceive this right on their days off. This since if they are not contacted any more on their days off, they are more likely to recover. However, at the other hand, if they are at work and someone calls in sick. They wonder how they should reach out to their colleagues to fill in the gap in the schedule. The practical contribution of creating knowledge with regard to this twofold perspective of the right in the CA, is that trade unions could try to elaborate upon this in the next CA.

Third, both during interviews with employees and trade union negotiators the proposal of the PvdA to implement 'the right to inaccessibility' in the law was discussed. Both groups indicated, due to the global formulation of this right in the CA, that most likely implementing this right in the law will result in symbol legislation. This raises questions with regard to the influence of symbol legislation. The practical contribution of this research is therefore as well the raise of a debate about the relationship between 'the right to inaccessibility' as symbol legislation and the practical consequences of implementing this right.

Fourth, nowadays, especially as a result of the Covid-19 outbreak in March 2020, working at or from home is a popular topic. The results of this research pointed out the possibility of employees in the 'gehandicaptenzorg' to access client reports and work mail from home. These new possibilities and the 'new' way of working (working from home) put high demands on employees and lead to blurring work/home boundaries. Consequences could be that employees, among others, are 'alert' 24/7. This research creates awareness among employees and helps them to set boundaries.

With regard to the theoretical contributions of this research, this present research elaborated on previous literature containing the relation between technostress and blurring private and work life boundaries (Harris, 2014; Raišienė & Jonušauskas, 2013), by investigating the experience of

employees on the work floor of the 'gehandicaptenzorg' with regard to this relation. Furthermore, this present research investigated the 'right to inaccessibility' both in the CA of the 'gehandicaptenzorg' as implemented in the law. It thereby contributes to the less explored relationship between the new proposed law of the PvdA and the rising phenomenon in the Netherlands.

Chapter 7: Conclusion

Smartphones nowadays are no longer only communication gadgets but rather necessities in people's lives (Lee et al., 2014). At the same time, there is a rise in mentioned burn-out symptoms among employees. Literature of (Harris, 2014; Raišienė & Jonušauskas, 2013), explored the relationship between technostress and blurring work/life boundaries. The Dutch government is aware of the rising problem of negative consequences related to the use of technology for work within today's labour market. Hence, in reaction to this issue, the PvdA proposed 'the right to inaccessibility' ('Wet op het recht op onbereikbaarheid' in Dutch). At this moment, 'the right to inaccessibility' is, in the Netherlands, only implemented in the CA of the 'gehandicaptenzorg' and the 'VVT sector'. In the European Union different actions are already taken to tackle the problem of employees being always available after work hours. Therefore, 'le droit à la déconnexion' was taken into account. The aim of this study however, was to examine whether the proposed law of the PvdA suits the rise in negative consequences of employees being available 24/7. This led to the following research question central in this study: *'Will the proposed 'right to inaccessibility' address the rise of negative consequences of employees being available 24/7'.*

In order to answer the research question, sub-questions were formulated. (1) *'What are the negative consequences of employees being available 24/7?'*, (2) *'What will the 'right to inaccessibility' of the PvdA look like?'* and (3) *'How is the prevention of employees with regard to being available after work hours dealt with in the Collective Agreement of the 'gehandicaptenzorg'?'.* In order to examine the research question and the sub-questions and to include two perspectives, both employees and trade union negotiators were interviewed.

With regard to the first sub-question (*'What are the negative consequences of employees being available 24/7?'*), the results of this study highlighted that the most important consequence are the blurring work/home boundaries. Next to this, as most influential factor the obligated WhatsApp group chat, meant for changing shifts and filling in gaps in the schedule, was mentioned. The text messages in this chat are often resulting in stress and discomfort by employees on their days off. This since, if everyone negatively responds and the employees see near the beginning of the shift that still nobody wants to fill it in, they are continuously thinking about it and feel responsible towards their colleagues and their clients on their day off. However, days off are meant to recover from their work. Another important result of employees being available 24/7 is therefore a lack of recovery.

Furthermore, with respect to the second sub-question (*'What will the 'right to inaccessibility' of the PvdA look like?'*), the results of this study were vague. Both employees and trade union negotiators pointed out that in the CA of the 'gehandicaptenzorg' the right is formulated vague and globally. They therefore expect that 'the right to inaccessibility' of the PvdA will be formulated vague and globally as well. Moreover, the respondents emphasized that most likely the impact of implementing this right in the legislation would be perceived as symbolic. This since this right is

experienced twofold. At the one hand, for the employees on their day off it is advantageous not to be contacted anymore. This since it will positively influence their disconnection of work and therefore their recovery. However, at the other hand, for the employees on the work floor it is less time efficient to contact each employee individually instead of just sending one group message. Next to this, employees have the feeling managers and employers are not aware of the situation on the work floor. The ‘right to inaccessibility’ sounds beneficial, however in practice, due to their high sense of responsibility and their commitment towards their colleagues and clients, the chatgroups will remain and their ‘right to inaccessibility’ will more be viewed as a formality.

Lastly, with regard to the third sub-question (*How is the prevention of employees with regard to being available after work hours dealt with in the Collective Agreement of the ‘gehandicaptenzorg’?*), this study showed that only in the CA of the ‘gehandicaptenzorg’ and the ‘VVT-sector’ this right is implemented. The ‘gehandicaptenzorg’ got a lot of attention in the media due to the implementation of this right in the CA. Therefore, the researcher chose to interview employees employed in the ‘gehandicaptenzorg’ sector and trade union negotiators active in this sector. The results showed that the right in the CA is perceived as twofold. Thereby no regulation of this right finds place. Employees highlighted that mostly employers let employees decide how to deal with the WhatsApp chatgroups. Moreover, employees are held responsible for filling in the gaps in the schedule. This, in combination with understaffing and high sickness rates, results in employees being available after work hours. Due to, if a shift is unfulfilled and send in the group chat, they have to answer this chat on their days off. Trade unions tried to prevent employees for being available 24/7 by implementing ‘the right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’ and the ‘VVT’, however, this right is viewed as a symbol.

By answering the sub-questions, an answer for the research question: ‘*Will the proposed ‘right to inaccessibility’ address the rise of negative consequences of employees being available 24/7*’ can be formulated. The results of this study emphasized that most likely, just as ‘the right to inaccessibility’ in the CA of the ‘gehandicaptenzorg’, the implementation of the ‘right to inaccessibility’ by the PvdA, will be perceived as symbol legislation. However, symbol legislation can have a large impact only by creating awareness among the target group. One respondent for example explicitly pointed out that some employees just need a helping hand in order to set boundaries for themselves. It is hard to say to which extent the proposed ‘right to inaccessibility’ will address the rise of negative consequences of employees being available 24/7. However, by implementing this right in the legislation, everyone in the Netherlands will be covered by this right. Especially for sectors in which employees work in shifts this is advantageous. This since due to gaps in the schedule, often employees have to step in to fill this gap. As a result, they are often available on their free days by telephone, to step in in situations of understaffing. This affects their days off and blurs the boundaries between work life and private life. The implementation of this right to ‘inaccessibility’ could lead to just that helping hand in order for employees to set boundaries and to really take off on their free days.

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Appendices

Appendix A – Cover letter respondents



Onderwerp: onderzoek naar het wetsvoorstel van de PvdA over het recht op onbereikbaarheid

Beste,

Aanleiding voor dit onderzoek

In het kader van de master Labour Law and Employment Relations aan de Universiteit van Tilburg onderzoek ik de negatieve consequenties als gevolg van werknemers die 24/7 'alert' zijn en de praktische gevolgen van het wetsvoorstel het recht op onbereikbaarheid. Voor het eerst in Nederland is in de CAO van de gehandicaptenzorg het recht op onbereikbaarheid opgenomen. Graag zou ik u over de praktische gevolgen hiervan een paar verdiepende vragen stellen.

Indien u bereid bent deel te nemen aan dit onderzoek, nodig ik u uit voor een interview.

Informatie over het interview

Het interview heeft als doel om in te gaan op het garanderen van het recht op onbereikbaarheid in de cao van de gehandicaptenzorg.

Na overleg zal dit interview 45-60 minuten duren.

Vertrouwelijkheid

De door u verstrekte gegevens zullen uitsluitend voor dit onderzoek gebruikt worden. Indien u ermee akkoord gaat, zal het interview worden opgenomen. Dit is om de kwaliteit van het interview te waarborgen. Uw deelname aan het onderzoek is vrijwillig. Zonder negatieve gevolgen heeft u het recht om deelname aan dit onderzoek te weigeren en om u gedurende het onderzoek terug te trekken.

Vragen/opmerkingen

Indien u vragen heeft over het onderzoek of interesse heeft in de bevindingen van het onderzoek, kunt

u contact opnemen met Maartje Jansen of Robbert Coenmans. Voor eventuele opmerkingen of klachten over dit onderzoek kunt u ook contact opnemen met de “Ethics Review Board” van Tilburg Law School.

Alvast hartelijk bedankt voor uw deelname aan het onderzoek! Link naar de vragenlijst

Met vriendelijke groet,

Maartje Jansen

Robbert Coenmans PhD onderzoeker en docent aan de Universiteit van Tilburg

Appendix B – Interviewguide werknemers gehandicaptenzorg (In Dutch)

Beste,

Hierbij nodig ik u uit om deel te nemen aan mijn onderzoek gericht op de negatieve consequenties van werknemers die 24/7 ‘alert’ zijn. Dit afstudeeronderzoek is onderdeel van de masteropleiding Labour Law and Employment Relations aan de Universiteit van Tilburg. Het doel van dit interview is meer inzicht te verkrijgen in de negatieve consequenties van werknemers die continue beschikbaar zijn (o.a. via de smartphone of laptop) en in het opgenomen recht op onbereikbaarheid in de cao van de gehandicaptenzorg. Het interview zal 45 a 60 minuten duren, rekening houdend met uw beschikbaarheid. Er zal vertrouwelijk met de verstrekte gegevens worden omgegaan en de verzamelde informatie zal volledig anoniem worden behandeld en geanalyseerd.

Door in het onderstaande ‘ja’ aan te vinken geeft u aan dat u deel wilt nemen aan dit onderzoek. Ook betekent dit dat u de bijgevoegde informatie zorgvuldig heeft gelezen, voldoende informatie van ons gekregen hebt en dat u ermee instemt dat deze gegevens en het audiomateriaal van het interview, voor een periode van minimaal 10 jaar na uw deelname aan het onderzoek bewaard zullen worden.

Tevens begrijpt u dat er geen consequenties zijn voor deelname aan dit onderzoek en dat u daarnaast op elk moment kunt stoppen met uw deelname aan het onderzoek zonder dat dit negatieve consequenties zal hebben.

Ja, ik wil deelnemen aan dit onderzoek (interview)

Nee, ik wil niet deelnemen aan dit onderzoek (interview)

Naam respondent:

Datum:

Handtekening:

Hartelijk bedankt voor uw deelname aan dit onderzoek!

Voorafgaand aan het interview

- a. Vraag de respondent of het interview opgenomen mag worden, als de recorder wordt aangezet voordat je de vraag stelt, staat het antwoord gelijk op tape. Als de respondent echter aangeeft bezwaar te hebben tegen een opname, dan moet de opname meteen gestopt worden.
- b. Begin met kort iets te vertellen over jezelf en geef daarna een korte introductie over de inhoud van het interview (bijvoorbeeld: waar gaat het over, hoe er met de data wordt omgegaan en hoe lang het interview zal duren, 45-60 minuten).
- c. Garandeer de respondent dat de gegevens vertrouwelijk behandeld zullen worden.
- d. Mocht een respondent een vraag liever niet willen beantwoorden, geef dan aan dat hij of zij dit ten alle tijde mag aangeven zonder dat dit negatieve gevolgen zal hebben.
- e. Geef aan dat het gebruikelijk is om bij kwalitatieve onderzoeken de respondent enkele dagen na het interview een samenvatting op te sturen, die dan doorgelezen wordt zodat de respondent kan aangeven of hij/zij ermee akkoord gaat en of er nog eventuele op- of aanmerkingen zijn.
- f. Vraag of de respondent bereid is om een aantal extra vragen (telefonisch) te beantwoorden als je merkt dat je achteraf iets vergeten bent te vragen of als je graag meer verduidelijking wil.
- g. Vraag hoe lang de respondent beschikbaar is voor het interview en of er eventuele uitloop mogelijk is.

Algemene en achtergrondinformatie (max. 10 minuten aan besteden)

1. Kunt u kort iets over uzelf vertellen? Leeftijd? Getrouwd? Kinderen?
2. Hoe bent u tot dit beroep gekomen, wat heeft u gestudeerd?
3. Kunt u kort iets over uw loopbaan en uw huidige baan vertellen?
4. Voor hoeveel uur per week heeft u een contract?
5. Hoeveel uur werkt u echt gemiddeld per week?
6. Haalt u energie uit uw werk?

Continue beschikbaar (Continuously available; 10 minuten)

7. Heeft u een werktelefoon of laptop gekregen van uw werkgever?
 - 7.1 Zo ja, heeft u daardoor het idee dat u buiten werktijd ook die telefoon moet opnemen/ appjes moet bijhouden/ mailtjes moet beantwoorden?
 - 7.2 Zo nee, zou u dat wel graag willen?
8. Had u behoefte aan een werktelefoon/ werklaptop? Kunt u uw antwoord toelichten?
9. Wordt u na werktijd nog wel eens gebeld of gemaïld door uw leidinggevende? Kunt u dit toelichten?
10. Heeft u buiten werktijd veel contact met uw collega's (uitsluitend bedoeld voor het werk, niet omdat u een vriendschap buiten uw werk heeft)?
11. Heeft u buiten werktijd contact met uw cliënten?

12. Als u buiten werktijd om beschikbaar/ bereikbaar bent, staat hier dan een vergoeding tegenover?

13. Moet u voor uw werk diensten draaien?

13.1 Zo ja, hoe zien die diensten eruit? Is dat op oproepbasis of bent u dan op locatie?

14. Wordt u geacht bereikbaar te zijn op uw vrije dagen (voor spoedgevallen etc.)?

Gevolgen continue beschikbaar zijn (Negative consequences; 10 minuten)

15. Ervaart u een hoge werkdruk? Zou u kunnen toelichten waarom u dit juist wel of niet ervaart?

16. Zijn er de afgelopen 10 jaar technologische veranderingen geweest die van invloed waren op hoe u uw werk uitvoert? (*Eventueel deze voorbeelden opgooien als de respondenten er geen weten: denk hierbij bijvoorbeeld aan het gebruik van computersystemen om persoonsgegevens te verwerken, het gebruik van tablets op de werkvloer eventueel en technologische veranderingen die thuis werken mogelijk maken*).

16.1 Zo ja, werden er trainingen aangeboden om goed te kunnen werken met de nieuwe technologie?

16.2 Zo ja, hadden deze technologische veranderingen invloed op de manier waarop u communiceert met zowel uw collega's als uw cliënten?

17. Zo ja, is de werkdruk verhoogd of juist verlaagd door de mogelijkheden die ontstaan zijn door het gebruik van deze communicatietechnologie?

18. Ervaart u uw werk als fysiek zwaar? Zo ja, waar komt dat dan door?

18.1 merkt u door de technologische veranderingen van de afgelopen 10 jaar dat uw werk in dit opzicht veranderd is?

19. Merkt u op het einde van uw werkdag dat uw energie op is? Als dat zo is, ervaart u ook ooit extreme moeheid?

19.1 Heeft u het idee dat dit door de technologische veranderingen is toegenomen?

20. Ervaart u stress tijdens uw werk? Zou u kunnen beschrijven op welke momenten en wat de oorzaak hiervan is?

20.1 Ervaart u ook stress door het gebruik van technologie (smartphones, tablets, laptops)? Zo ja, waar komt dit dan door?

21. Heeft u het idee dat u 's avonds, op uw vrije dagen en in het weekend kan opladen en bijkomen van uw werk?

21.1 zo niet, bent u hier niet toe in staat door het gebruik van de telefoons en laptops? (het binnenkomen van werk gerelateerde e-mails en appjes)

Werk-privé balans (10 minuten)

22. Terugkoppeling naar vraag 8 (wordt u na werktijd wel eens gebeld of gemaïld door uw leidinggevende). Als hierop positief geantwoord is, de vraag uitbreiden: krijgt u vaak werk gerelateerde telefoontjes, e-mails of appjes 's avonds, op uw vrije dagen of in het weekend?

22.1 Zo ja, heeft u dan de neiging om meteen op te nemen, de berichten te lezen en te antwoorden? Ongeacht waar u mee bezig was (voorbeeld geven: spelen met kinderen/ kleinkinderen, huishoudelijke taken, ontspannende activiteit).

23. Heeft u het gevoel dat u soms op twee plaatsen tegelijk moet zijn?

24. Denkt u tijdens uw vrije tijd vaak aan gebeurtenissen die tijdens uw werk gebeurde? En andersom, denkt u tijdens uw werk vaak aan uw thuissituatie?

25. Bent u van mening dat u soms aan het werk bent maar met uw gedachten er niet bij bent (bijvoorbeeld gedachte bij gebeurtenissen in de privé situatie?). Of andersom, bent u van mening dat u, soms, tijdens uw vrije dagen nog met uw werk bezig bent?

26. Door de opkomst van de telefoons, tablets en laptops zijn er meer mogelijkheden om thuis te werken, met het oog op uw functie, kunt u ook bepaalde taken thuis uitvoeren? Zo ja, hoe zou u hier tegenover staan?

27. Mocht u thuis kunnen werken, denkt u dat dat dan invloed heeft op uw privéleven (zowel positief als negatief)? Zou u hier een voorbeeld bij kunnen geven?

28. Kunt u voordelen noemen van het gebruik van telefoons en laptops om flexibel werken mogelijk te maken?

29. Zou u uw ideale situatie kunnen schetsen met betrekking tot flexibel werken en het gebruik van technologische hulpmiddelen (telefoon en laptop) om dit mogelijk te maken?

Recht op onbereikbaarheid in de CAO-gehandicaptenzorg (10 minuten)

30. Vanaf januari 2020 heeft de cao van de gehandicaptenzorg het recht op onbereikbaarheid opgenomen in de CAO. Dat houdt in dat er letterlijk in de CAO is opgenomen dat: *‘De werknemer heeft het recht om op een vrije dag onbereikbaar te zijn voor werk’*. Merkt u verschil nu dat is opgenomen? Zo ja, kunt u een voorbeeld geven? Zo nee, kunt u aangeven waarom niet?

31. Bent u van mening dat de recente aanpassing (de toegevoegde zin) werknemers beschermt om na werktijd/ op vrije dagen de telefoon of werkmail te beantwoorden?

32. Bent u van mening dat het genoodzaakt was om deze zin op te nemen in de CAO om werknemers te beschermen tegen overmatig gebruik van de telefoon? Of vindt u dat werknemers hier zelf verantwoordelijk voor zijn?

33. Zou u kunnen beschrijven hoe er onder de collega's omgegaan wordt met betrekking tot het recht op onbereikbaarheid? Worden jullie er bijvoorbeeld op aangesproken wanneer u een mail na werktijd verstuurt naar collega's?

34. Kunt u aangeven of er sinds de aanpassing in de CAO meer controle is op de werkvloer mbt het juist naleven van het recht op onbereikbaarheid? (Als de respondent niet goed weet hoe te antwoorden, dit voorbeeld voordragen: zijn er bijvoorbeeld regels gemaakt om cliënten niet meer buiten werkuren om te benaderen?)

Afronden (5 minuten)

- a. Bedanken respondent en vragen of hij/zij nog ergens op terug wil komen of iets wil aanvullen.
- b. Spreek met de respondent een datum af wanneer hij/zij de samenvatting (in Word document) van het transcript zal ontvangen en spreek af wanneer je zijn/haar akkoord of aanvullingen/opmerkingen weer terug mag verwachten (indien nodig tussentijds een reminder sturen). Bespreek met de respondent of hij/zij met track changes zal werken in het Word document of dat hij/zij de aanvullingen/opmerkingen in een apart document/e-mail beschrijft.
- c. Vraag of de respondent bereid is om een aantal extra vragen (telefonisch) te beantwoorden als je merkt dat je iets vergeten bent te vragen of als je graag iets meer verduidelijking op een antwoord wil hebben.

Appendix C – Interviewgide CAO-onderhandelaars in de gehandicaptenzorg (In Dutch)

Beste,

Hierbij nodig ik u uit om deel te nemen aan mijn onderzoek gericht op de negatieve consequenties van werknemers die 24/7 ‘alert’ zijn. Dit afstudeeronderzoek is onderdeel van de masteropleiding Labour Law and Employment Relations aan de Universiteit van Tilburg. Het doel van dit interview is meer inzicht te verkrijgen in de negatieve consequenties van werknemers die continue beschikbaar zijn (o.a. via de smartphone of laptop) en in het opgenomen recht op onbereikbaarheid in de cao van de gehandicaptenzorg. Het interview zal 45 à 60 minuten duren, rekening houdend met uw beschikbaarheid. Er zal vertrouwelijk met de verstrekte gegevens worden omgegaan en de verzamelde informatie zal volledig anoniem worden behandeld en geanalyseerd.

Door in het onderstaande ‘ja’ aan te vinken geeft u aan dat u deel wilt nemen aan dit onderzoek. Ook betekent dit dat u de bijgevoegde informatie zorgvuldig heeft gelezen, voldoende informatie van ons gekregen hebt en dat u ermee instemt dat deze gegevens en het audiomateriaal van het interview, voor een periode van minimaal 10 jaar na uw deelname aan het onderzoek bewaard zullen worden.

Tevens begrijpt u dat er geen consequenties zijn voor deelname aan dit onderzoek en dat u daarnaast op elk moment kunt stoppen met uw deelname aan het onderzoek zonder dat dit negatieve consequenties zal hebben.

Ja, ik wil deelnemen aan dit onderzoek (interview)

Nee, ik wil niet deelnemen aan dit onderzoek (interview)

Naam respondent:

Datum:

Handtekening:

Hartelijk bedankt voor uw deelname aan dit onderzoek!

Voorafgaand aan het interview

- a. Vraag de respondent of het interview opgenomen mag worden, als de recorder wordt aangezet voordat je de vraag stelt, staat het antwoord gelijk op tape. Als de respondent echter aangeeft bezwaar te hebben tegen een opname, dan moet de opname meteen gestopt worden.
- b. Begin met kort iets te vertellen over jezelf en geef daarna een korte introductie over de inhoud van het interview (bijvoorbeeld: waar gaat het over, hoe er met de data wordt omgegaan en hoe lang het interview zal duren, 45-60 minuten).
- c. Garandeer de respondent dat de gegevens vertrouwelijk behandeld zullen worden.
- d. Mocht een respondent een vraag liever niet willen beantwoorden, geef dan aan dat hij of zij dit ten alle tijde mag aangeven zonder dat dit negatieve gevolgen zal hebben.
- e. Geef aan dat het gebruikelijk is om bij kwalitatieve onderzoeken de respondent enkele dagen na het interview een samenvatting op te sturen, die dan doorgelezen wordt zodat de respondent kan aangeven of hij/zij ermee akkoord gaat en of er nog eventuele op- of aanmerkingen zijn.
- f. Vraag of de respondent bereid is om een aantal extra vragen (telefonisch) te beantwoorden als je merkt dat je achteraf iets vergeten bent te vragen of al je graag meer verduidelijking wil.
- g. Vraag hoe lang de respondent beschikbaar is voor het interview en of er eventuele uitloop mogelijk is.

Algemene en achtergrondinformatie vragen (max. 10 minuten)

1. Kunt u kort iets over uzelf vertellen? (leeftijd, gezinssituatie, kinderen?)
2. Kunt u iets over uw loopbaan vertellen?
3. Wat is uw functie?
4. Hoe bent u bij uw huidige functie terecht gekomen?
5. Zou u kort het cao-onderhandelingsproces kunnen beschrijven? Denk hierbij onder andere aan de bronnen waar u informatie/input uit haalt voor het onderhandelingsproces.

Recht op onbereikbaarheid in de gehandicaptenzorg CAO (15 minuten)

6. Kunt u aangeven waarom ervoor gekozen is om het recht op onbereikbaarheid op te nemen in de CAO van de gehandicaptenzorg?
7. De gehandicaptenzorg is de eerste sector in Nederland die het recht op onbereikbaarheid heeft opgenomen in de CAO, kunt u aangeven hoe dit komt?
8. Bent u van mening dat de recente aanpassing de werknemers in de gehandicaptenzorg beschermt tegen overmatig gebruik van technologie (smartphones, tablets, laptops) en tegen het continue bereikbaar zijn?
 - 8.1 Zo ja, waar baseert u dit op?
 - 8.2 Zo nee, waarom niet en wat zou er beter kunnen?
9. Wordt er op de werkvloer gecontroleerd of het recht op onbereikbaarheid ook daadwerkelijk

toegepast wordt? Zo ja, kunt u aangeven hoe dit gecontroleerd wordt? Zo nee, waar komt het door dat er geen controles plaatsvinden?

10. Kunnen werknemers het aangeven als er naar hun mening niet voldoende wordt gedaan om het recht op onbereikbaarheid te handhaven?

11. Kunt u de consequenties van het niet voldoende naleven van het recht op onbereikbaarheid beschrijven?

12. Heeft u al feedback ontvangen van de mensen op de werkvloer met betrekking tot de praktische gevolgen van de recente aanpassing?

Hieronder valt onder andere:

12.1 merken de werknemers dat ze daadwerkelijk in mindere mate benaderd worden door managers en collega's buiten werktijd?

12.2 Hebben de werkgevers daadwerkelijk het gedrag aangepast en richtlijnen opgesteld met betrekking tot het recht op onbereikbaarheid van de werknemers?

13. Naar uw mening, hoeveel maatwerk moet er bij het invoeren van het recht op onbereikbaarheid geboden worden?

14. Vervolg op vraag 13: ziet u hier ook nog verschillen per functie in?

Wetsvoorstel recht op onbereikbaarheid (10 minuten)

15. Pleit u ervoor om de recente aanpassing ook in andere sectoren op te nemen?

16. Kunt u een gelijksoortig voorbeeld noemen in andere CAO's, bedoeld om werknemers te beschermen tegen overmatig overwerken/ continue bereikbaar te zijn? *(mochten die er naar de respondent zijn/haar weten niet zijn, terugkoppelen naar vraag 15 en vragen of er daardoor juist in andere CAO's ook een recht op onbereikbaarheid moet komen).*

17. Bent u voor het wetsvoorstel van de PvdA om het recht op onbereikbaarheid wettelijk op te nemen? Kunt u uw antwoord motiveren?

18. Bent u van mening dat de PvdA er juist aan heeft gedaan om een wetsvoorstel op te stellen om de Arbowet te veranderen, of had de PvdA beter de vakbonden kunnen laten onderhandelen om het recht op onbereikbaarheid in de CAO's op te nemen? Kunt u uw antwoord toelichten?

19. Denkt u dat een recht op onbereikbaarheid in de Arbowet beter gehandhaafd zal worden dan in een cao? Kunt u uw antwoord toelichten?

Afronden (5 minuten)

a. Bedanken respondent en vragen of hij/zij nog ergens op terug wil komen of iets wil aanvullen.

b. Spreek met de respondent een datum af wanneer hij/zij de samenvatting (in Word document) van het transcript zal ontvangen en spreek af wanneer je zijn/haar akkoord of aanvullingen/opmerkingen weer terug mag verwachten (indien nodig tussentijds een reminder sturen). Bespreek met de respondent of hij/zij met track changes zal werken in het Word document of dat hij/zij de

aanvullingen/opmerkingen in een apart document/e-mail beschrijft.

c. Vraag of de respondent bereid is om een aantal extra vragen (telefonisch) te beantwoorden als je merkt dat je iets vergeten bent te vragen of als je graag iets meer verduidelijking op een antwoord wil hebben.

Appendix D – Code Table werknemers

Achtergrond	Contract uren	
	Fluctuatie van uren	
	Functie	
	Gezinssituatie	
	Leeftijd	
	Roostering	
	Team samenstelling	
	Therapeutisch aan het werk	
	Werk ervaring	
Continu Bereikbaar	Aangeven Grenzen	
	Appgroepen	Afspraken gemaakt
		Bewustwording
		Belastend
		Collega's onderling
		Dubbel
		Goed weggelaten
		Invloed prive leven
		Invloed werktelefoon
		Rol leeftijd
		Teamsfeer
		Vakantie
		Verantwoordelijkheid naar clients/ collega's
		Verplicht
	Verplicht reageren	
	Invloed teamleider	
	Zelfbescherming	
	Contact buiten werkuren	
	Contact met clients buiten werkuren	
	Invloed gezinssituatie	
Invloed persoonlijkheid		
Oproepdienst		
Verschil mail en app		
Vragen stellen		
Invloed sector		
Introductie nieuwe technologie	Leeftijd	

	Trainingen		
	Verandering t.o.v. 10 jaar geleden		
Introductie recht onbereikbaarheid	Bescherming van teamleider		
	Bescherming werknemers nodig		
	Collega's onder elkaar		
	Dubbel		
	Eigen verantwoordelijkheid		
	Intranet		
	Niks veranderd		
	Op de hoogte gesteld		
	Praktische gevolgen		
	Verplichtingen werkgever verschoven naar teamniveau		
	Moderne technologie	Invloed op het werk	Teamsfeer
			Voordelen
Frustratie			
Hulp vragen			
Rol leeftijd			
Rol persoonlijkheid			
Stress			
Thuiswerken	Eigen tijd		
Werk / prive	2 plekken tegelijk		
	Overloop		
	Verhaal vertellen		
Werk situatie	Elke dag anders		
	Flexibel werken		
	Fysiek zwaar		
	Gebruik telefoon		App groepen
			Functie
	Hoge werkdruk		Druk in het hoofd
			Fysiek zwaar
			Invloed bezetting
			Invloed cliënten
		Invloed corona situatie	
Invloed financiën			
Invloed tekorten			
Invloed ziekteverzuim			
Persoonlijkheid			
Stress			

	Verantwoordelijkheid naar clients/ collega's
	Vermoeiend
Ideale situatie ivm thuiswerken	
Mailtjes na werktijd	
Moe na het werk	
Omloop	
Op 2 locaties werken	Dingen overnemen
Opladen / recoveren	Invloed appgroep
	Invloed ervaring
	Invloed flexmedewerkers
	Invloed gezinssituatie
	Invloed leeftijd
	Invloed verloop omstandigheden
Plezier uit het werk halen	
Team sfeer	
Telefoontjes buiten werkuren	Noodgevallen
Vacatures open staan	
Verandering t.o.v. 10 jaar geleden	
Werktelefoon	
Ziekteverzuim	Invloed flexmedewerkers

Appendix E – Code Table CAO-onderhandelaars

Achtergrond	Belangenbehartiging	
Cao-onderhandelingsproces	Bronnen input	
	Veranderingen laatste 10 jaar	
Opnemen recht onbereikbaarheid in de wet		
Recht op onbereikbaarheid	Achtergrond	Behoeftte verschillend per organisatie
		Cultuur ding
		Duurzame inzetbaarheid
		Herstel
		Invloed appgroepen
		Invloed ervaring
		Invloed invalkrachten
		Invloed leeftijd
		Invloed persoonlijkheid
		Invloed werktelefoon
		Onderbezetting
		Probleem werkgever verschoven naar werknemers
		Rol werkgever
		Roostering
		Teamsfeer
		Type organisatie
		Verantwoordelijkheid werknemers
		Verantwoordelijkheidsgevoel
		Verplichting
		Verschil mail en app
		Verstoorde realtie werk en prive
		Werkdruk
		Ziekteverzuim
	Andere Cao's	Verschil
	Handhaafbaarheid	
	Praktische gevolgen	Feedback
		Melden schending recht
Steuntje in de rug		
Symbool		
Vakbond vraagstukken		