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The Right to Rest in the Workplace as a Human Right: A Comparative Analysis of India, the United Kingdom, and Japan

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Abstract: Rest is not a pause in production; it is a precondition of human dignity, health, and social participation. The right to rest and leisure is recognized in Article 24 of the Universal Declaration of Human Rights (UDHR) and Article 7(d) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), yet it is realized in practice only through domestic labour law. This paper examines how three structurally different legal orders India, the United Kingdom, and Japan translate that human-rights commitment into binding working-time rules, and evaluates the gap between formal entitlement and lived enjoyment. It argues that all three protect a minimum platform of rest, but diverge along three axes: the constitutional/human-rights status they accord to rest; the flexibility mechanisms (opt-outs, 36 Agreements, sectoral exemptions) that hollow out those floors; and the enforcement architecture. Legal recognition without an enforceable remedy and without a cultural right to disconnect leaves the right to rest largely nominal.

INTRODUCTION

The right to rest occupies an unusual position in international human-rights law. It is expressly recognised as a human right, yet its content, enforcement and justiciability remain largely dependent upon domestic legal systems. Article 24 of the Universal Declaration of Human Rights (UDHR) provides that "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay."[1] The International Covenant on Economic, Social and Cultural Rights (ICESCR) subsequently transformed this principle into a binding treaty obligation. Article 7 of the ICESCR requires States Parties to recognise the right of everyone to just and favourable conditions of work, including "rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays."[2] The recognition of rest therefore

[1]Universal Declaration of Human Rights 1948, art 24.
[2]International Covenant on Economic, Social and Cultural Rights 1966, art 7(d).

extends beyond an employment benefit. It forms part of the broader legal framework concerned with human dignity, health, family life and protection against excessive labour.

The international framework, however, deliberately leaves considerable space for domestic regulation. The ICESCR does not prescribe a universal number of working hours or establish a single model of rest applicable to every worker. Instead, it refers to the "reasonable limitation" of working hours. This formulation allows States to determine the precise content of working-time regulation according to their legal, economic and social circumstances, but it also creates an important problem of consistency. The absence of a single international threshold means that the practical enjoyment of the right to rest depends heavily upon the strength of domestic legislation, enforcement mechanisms, judicial interpretation and the ability of workers to assert their rights.[3] International labour standards nevertheless provide an important reference point. The International Labour Organization (ILO), beginning with the Hours of Work (Industry) Convention, 1919 (No. 1), established the principle of an eight-hour working day and a forty-eight-hour working week, while the Weekly Rest (Industry) Convention, 1921 (No. 14), recognised a minimum period of twenty-four consecutive hours of weekly rest.[4]

The distinction between the formal recognition of rest and its practical enjoyment is particularly important. A legal system may recognise maximum working hours, daily breaks, weekly holidays and paid annual leave while workers continue to experience excessive working time in practice. The existence of legislation, therefore, does not necessarily demonstrate that the right to rest is effectively protected. Effectiveness must also be assessed through the scope of legal coverage, the availability of remedies, enforcement mechanisms, permissible exemptions, institutional capacity and the social and economic conditions within which workers exercise their rights. The right to rest is consequently not merely a question of whether legislation exists; it is also a question of whether workers can realistically obtain and enjoy the rest that the law promises.[5]

This problem becomes more significant in contemporary labour markets, where working time is increasingly affected by flexible employment arrangements, digital communication, remote work, contractual autonomy and performance-based employment. The distinction between working and personal time may be blurred where workers are required to be available outside working hours. It follows that a simplistic definition of rest as simply a statutory break during working hours is unlikely to reflect the full human rights perspective. Rest also includes the protection of times when individuals are free from employment demands, in order to recuperate physically and mentally, to develop family and social relationships, and to participate in community and cultural activities.[6]

In this international context, there are important differences in the legal position of rest in India, the UK and Japan. India is an interesting example of a country where the

[3]UN Committee on Economic, Social and Cultural Rights, General Comment No 23 (2016) on the Right to Just and Favourable Conditions of Work (Article 7 of the International Covenant on Economic, Social and Cultural Rights), UN Doc E/C.12/GC/23 (2016).
[4]ILO, Hours of Work (Industry) Convention, 1919 (No 1), arts 2 and 8; ILO, Weekly Rest (Industry) Convention, 1921 (No 14), art 2. The ILO confirms that Convention No 1 established the eight-hour day and forty-eight-hour week, while Convention No 14 provides for at least 24 consecutive hours of weekly rest.
[5]LO, General Survey concerning the Hours of Work (Industry) Convention, 1919 (No 1), Weekly Rest (Industry) Convention, 1921 (No 14) and other working-time instruments (2018).
[6]ILO, 'ILO Helpdesk: Questions and answers on business and working time'. The ILO identifies adequate rest as including breaks during working hours, meal breaks, daily or nightly rest and weekly rest.

constitutional framework reflects the importance of humane working conditions and leisure time, leaving the detailed regulation of working time to legislation. Article 42 of the Constitution provides for "just and humane conditions of work", while Article 43 specifically mentions conditions allowing for a "decent standard of life" and "full enjoyment of leisure and social and cultural opportunities.[7] These provisions demonstrate that rest and humane working conditions have constitutional significance, although they are located within the Directive Principles of State Policy rather than the directly enforceable Fundamental Rights chapter. The statutory framework has historically provided more concrete protection through sector-specific working-time, rest-day and leave requirements. This raises an important question concerning the extent to which constitutional aspirations are translated into enforceable rights in practice.

The United Kingdom provides a contrasting model. The Working Time Regulations 1998 establish a detailed framework governing working hours and rest periods. Workers are generally entitled to a twenty-minute uninterrupted break where the working day exceeds six hours, eleven consecutive hours of daily rest, and a weekly rest period of either twenty-four uninterrupted hours in each seven-day period or forty-eight hours in each fourteen-day period.[8] The framework also establishes an average maximum working week of forty-eight hours. However, adult workers may voluntarily opt out of the forty-eight-hour average limit.[9] This creates an important tension between statutory protection and individual contractual autonomy. The UK framework therefore demonstrates that a formally strong system of working-time regulation can still permit substantial flexibility in the amount of work undertaken. The central issue is not simply whether a maximum exists, but whether exceptions and opt-outs weaken the protective purpose of the right to rest.

Japan provides a third and unique approach to regulating working time. The Labour Standards Act provides the general statutory framework setting out the limitations on working hours and the requirement for rest periods. Article 32 sets out the basic limits on working time, while Article 34 requires the employer to provide at least forty-five minutes rest where working hours exceed six hours and at least one hour where they exceed eight hours.[10] Japanese labour law therefore provides relatively clear statutory standards concerning working time and breaks. At the same time, Japan presents a particularly important case for examining the gap between formal legal protection and working-time practices. The existence of statutory limits does not by itself eliminate excessive working hours, and the Japanese experience demonstrates why the effectiveness of a right must be examined through implementation, enforcement and workplace practices rather than through legislation alone.

The selection of India, the United Kingdom and Japan is therefore deliberate. The three jurisdictions represent different constitutional, legislative and institutional approaches to the regulation of working time and rest. India allows examination of the relationship between constitutional principles and statutory labour protection; the UK

[7]Constitution of India 1950, arts 42 and 43. Article 43 expressly refers to the "full enjoyment of leisure and social and cultural opportunities".
[8]Working Time Regulations 1998, SI 1998/1833, regs 10–12. The current GOV.UK guidance confirms the 20-minute break, 11-hour daily rest and weekly-rest entitlements
[9]Working Time Regulations 1998, reg 5; GOV.UK, 'Maximum weekly working hours: Opting out of the 48 hour week'. The opt-out must be voluntary and in writing.
[10]Labor Standards Act (Japan), Act No 49 of 1947, arts 32 and 34. The Japanese Ministry of Health, Labour and Welfare confirms the eight-hour daily and forty-hour weekly framework and the statutory break requirements.

illustrates a comparatively detailed regulatory framework combined with significant flexibility and opt-out mechanisms; and Japan provides an example in which extensive statutory regulation must be considered alongside persistent concerns regarding excessive working time and the practical enforcement of labour standards. The comparison is not intended to suggest that one jurisdiction provides a universally superior model. Rather, it allows the study to identify how different legal structures respond to the same underlying human-rights concern.

The central argument of this paper is that the effectiveness of the right to rest cannot be measured solely by the presence of constitutional provisions or statutory working-time limits. A meaningful assessment requires consideration of four interconnected dimensions the legal recognition of the right, the substantive protection provided by working-time rules, the availability and effectiveness of enforcement mechanisms, and the extent to which workers can practically enjoy periods of rest without economic or institutional pressure undermining that entitlement. This approach moves the analysis from formal recognition towards substantive effectiveness.

Accordingly, this paper proceeds in four principal stages. Part 2 establishes the international human-rights and international labour-law framework governing rest, working hours and periodic holidays. Parts 3, 4 and 5 examine the legal and institutional frameworks of India, the United Kingdom and Japan respectively, with particular attention to maximum working hours, daily and weekly rest, paid leave, exemptions, enforcement and practical limitations. Part 6 develops a comparative matrix to identify similarities and differences across the three jurisdictions. Part 7 critically evaluates whether the existing legal frameworks provide effective protection of the right to rest and identifies the principal gaps between formal legal recognition and practical enjoyment. Finally, Part 8 proposes recommendations aimed at strengthening the legal and institutional protection of rest while recognising the need for flexibility within contemporary labour markets.

THE INTERNATIONAL FRAMEWORK

The Declaratory and Treaty Foundations

The right to rest is embedded in two principal layers of international human-rights law: the declaratory framework represented by the Universal Declaration of Human Rights (UDHR) and the treaty framework established by the International Covenant on Economic, Social and Cultural Rights (ICESCR). Although these instruments operate differently in terms of legal status, together they establish that rest is not merely an employment benefit but forms part of the international understanding of humane and dignified working conditions.

Article 24 of the UDHR provides that “Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay”.[11] The provision is significant because it connects three related elements: rest and leisure, limitations on working hours, and periodic paid holidays. The right therefore extends beyond the provision of a short break during a working day. It recognises that excessive working time can interfere with the individual's ability to recover from work and to participate in

[11]Universal Declaration of Human Rights 1948, art 24.

family, social and personal life. Article 24 consequently places limitations on working time within the broader human-rights objective of protecting individual dignity.

The UDHR itself is a declaration rather than a treaty. Its provisions therefore do not operate in the same manner as obligations contained in a ratified international covenant. Nevertheless, Article 24 has played an important role in establishing the international normative recognition of rest and reasonable working hours.[12] Its formulation also influenced the subsequent development of international labour and human-rights standards concerning working time.

The treaty framework is more specific. Article 7 of the ICESCR requires States Parties to recognise everyone's right to enjoy "just and favourable conditions of work". Article 7(d) specifically requires recognition of "rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays".[13]Unlike the UDHR, the ICESCR creates treaty obligations for States that have become parties to it. India, the United Kingdom and Japan are all States Parties to the Covenant and are therefore subject to its obligations.[14]

The wording of Article 7(d) is important because the Covenant does not prescribe a universal maximum number of working hours. Instead, it requires a "reasonable limitation" of working hours. This gives States a degree of discretion in determining the precise structure of working-time regulation, while simultaneously requiring them to maintain meaningful protection against excessive working hours. The Committee on Economic, Social and Cultural Rights has explained that the right to just and favourable conditions of work includes protection from physical and mental exhaustion and requires States to regulate working time in a manner consistent with the health and dignity of workers.[15]

The Committee's interpretation is particularly relevant to the present study because it moves the analysis beyond the simple existence of statutory limits. The protection of rest requires States to establish an appropriate legal framework and to ensure that workers can actually benefit from it. This includes regulation of working hours, rest periods, daily and weekly rest, and paid annual leave. The international framework therefore provides a useful benchmark against which domestic systems can be evaluated.

At the same time, the ICESCR does not require every State to adopt an identical regulatory model. Article 2(1) recognises that States Parties must take steps, to the maximum of their available resources, to progressively realise the rights recognised in the Covenant.[16] This means that the international framework establishes a minimum human-rights obligation while leaving substantial room for domestic implementation. The resulting variation between jurisdictions is therefore not necessarily evidence of non-compliance. The more relevant question is whether the domestic framework provides effective and progressively adequate protection of the underlying right.

The international framework also establishes an important connection between rest and other economic, social and cultural rights. Adequate rest is closely connected with the

[12]Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)) art 24.
[13]International Covenant on Economic, Social and Cultural Rights 1966, art 7(d).
[14]UN Treaty Collection, International Covenant on Economic, Social and Cultural Rights, status of ratification.
[15]UN Committee on Economic, Social and Cultural Rights, General Comment No 23 (2016) on the Right to Just and Favourable Conditions of Work (Article 7 of the International Covenant on Economic, Social and Cultural Rights), UN Doc E/C.12/GC/23 (2016).
[16]ICESCR, art 2(1).

right to health, family life, safe and healthy working conditions and an adequate standard of living. Excessive working hours can increase physical and psychological strain and can reduce the time available for family responsibilities and social participation.[17] The right to rest should therefore be understood as part of a broader system of labour protection rather than as an isolated entitlement.

ILO Standards

While the UN human-rights framework establishes the normative recognition of rest, the International Labour Organization (ILO) provides more detailed international labour standards concerning working time and periods of rest. The ILO's approach is particularly important because its conventions address specific aspects of working time, including daily working hours, weekly rest and annual paid leave.

One of the earliest international standards is the Hours of Work (Industry) Convention, 1919 (No. 1), which established the principle of an eight-hour working day and a forty-eight-hour working week for covered industrial undertakings.[18] Although the Convention was adopted more than a century ago and does not cover every category of modern employment, it established an important international principle: working time should be subject to legal limits rather than determined entirely by employer demands or contractual bargaining power.

The Weekly Rest (Industry) Convention, 1921 (No. 14), developed this principle further by requiring covered industrial undertakings to provide workers with a period of rest of at least twenty-four consecutive hours in every seven days, subject to specified conditions and exceptions.[19] The significance of weekly rest lies in its recognition that protection against excessive work cannot be achieved solely through limits on daily working hours. Workers also require a regular period away from employment over the course of each week.

Annual rest represents the third important dimension. The Holidays with Pay Convention (Revised), 1970 (No. 132), establishes an international standard for paid annual leave. Article 3 requires workers covered by the Convention to be entitled to an annual paid holiday of a specified minimum length, while the Convention also establishes rules concerning qualification periods and the enjoyment of leave.[20] The inclusion of paid annual leave is significant because a right to rest that is financially inaccessible may provide substantially weaker protection in practice. Workers may be formally entitled to leave but unable to take it if doing so results in a loss of income.

These ILO standards therefore demonstrate that "rest" has several distinct legal dimensions. Daily rest protects workers from continuous or excessively long periods of work and provides opportunities for recovery during or between working days. Weekly rest guarantees a recurring period in which workers are released from employment obligations. Annual paid leave provides a longer period of recovery and leisure while

[17]CESCR, General Comment No 23, particularly the Committee's discussion of rest, leisure, working hours and occupational health.
[18]ILO, Hours of Work (Industry) Convention, 1919 (No 1), arts 2-3.
[19]ILO, Weekly Rest (Industry) Convention, 1921 (No 14), art 2.
[20]ILO, Holidays with Pay Convention (Revised), 1970 (No 132), art 3.

protecting workers from the economic disadvantage that could otherwise discourage them from taking leave.[21]

The ILO framework also illustrates an important distinction between international standard-setting and domestic implementation. ILO conventions generally establish standards for States that ratify them, but their practical effect depends upon domestic legislation, administrative enforcement and access to remedies. In addition, not every ILO convention has been ratified by every State examined in this study. Consequently, the existence of an ILO standard should not automatically be treated as evidence that the corresponding rule is directly applicable within India, the United Kingdom or Japan. Ratification status must be considered separately for each jurisdiction.[22]

The international framework therefore provides two complementary benchmarks for the comparative analysis. The UN framework establishes rest as a human-rights entitlement, while the ILO framework provides more detailed standards concerning the regulation of working time and different forms of rest. Neither framework, however, completely resolves the question of effectiveness. International law establishes the normative and regulatory foundation, but the actual enjoyment of rest depends upon the domestic rules governing working hours, exemptions, enforcement, remedies and access to paid leave.

This distinction is central to the comparative analysis that follows. India, the United Kingdom and Japan have each developed domestic systems that recognise and regulate working time and rest, but they do so through different constitutional, legislative and institutional arrangements. The relevant question is therefore not simply whether these jurisdictions recognise a right to rest. It is whether their domestic frameworks translate the international commitment into effective, enforceable and practically accessible protection for workers.

INDIA

Constitutional Status

India provides a distinctive constitutional foundation for the protection of rest and humane working conditions. Unlike a purely statutory model, the Indian Constitution expressly addresses working conditions and leisure through the Directive Principles of State Policy. Article 42 directs the State to make provision for “just and humane conditions of work and for maternity relief”.[23] Article 43 further directs the State to endeavour to secure for all workers “a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities”.[24]

These provisions are important because they place working time and leisure within the constitutional conception of social and economic justice. The Constitution does not, however, create a directly enforceable fundamental right to rest through Articles 42 and 43. Article 37 expressly provides that the Directive Principles are not enforceable by any court, while also declaring that they are nevertheless fundamental in the governance of the

[21] ILO, Working Time and Work-Life Balance Around the World (2022).
[22] International Labour Organization, ‘Ratifications of C132 Holidays with Pay Convention (Revised), 1970 (No 132)’ (NORMLEX).
[23] Constitution of India 1950, art 42.
[24] Constitution of India 1950, art 43.

country and that it is the duty of the State to apply them in making laws.[25] Consequently, the constitutional protection of rest operates primarily through legislation and constitutional interpretation rather than through a standalone judicial remedy under Article 42 or Article 43.

The constitutional position nevertheless has interpretive significance. The Directive Principles have historically influenced the development and interpretation of labour legislation and have contributed to the constitutional understanding that employment must be regulated in a manner consistent with human dignity and social justice.[26] The protection of rest can also be considered alongside Article 21, which guarantees the right to life and personal liberty. The Supreme Court has interpreted Article 21 broadly to include conditions necessary for a dignified life, although this should not be treated as establishing an unlimited or independently defined constitutional right to rest.[27]

The Indian constitutional framework therefore creates an important distinction between recognition and enforceability. Rest, leisure and humane working conditions are constitutionally recognised objectives, but the precise legal entitlement of an individual worker depends substantially upon the applicable labour legislation. This makes the statutory framework particularly important when assessing the practical effectiveness of the right.

Statutory Floors

For much of the twentieth century, the Factories Act 1948 constituted one of the principal central legislative frameworks governing working time and rest in factories. Section 51 limited adult workers to forty-eight hours of work in a week, while section 54 generally limited daily working hours to nine.[28] Section 55 required an interval for rest where a worker had worked for more than five hours, and section 56 regulated the total spread-over of working time.[29]

The legislation also provided protection against continuous work without a weekly day of rest. Section 52 established the weekly holiday framework, subject to specified statutory exceptions and substitution arrangements.[30] Overtime was separately regulated under section 59, which required payment at twice the ordinary rate of wages where workers performed work beyond the prescribed limits.[31] These provisions demonstrate that the statutory conception of rest was not limited to a single break during the working day. It incorporated several layers of protection: limits on daily and weekly working hours, intervals during the working day, weekly rest and financial compensation for work performed beyond ordinary limits.

The importance of these provisions lies in the fact that they attempted to prevent employers from treating working time as a matter determined entirely by contractual

[25] Constitution of India 1950, art 37.
[26] Randhir Singh v Union of India (1982) 1 SCC 618.
[27] Constitution of India 1950, art 21. Avoid claiming that Article 21 expressly creates a separate “right to rest” unless you have a specific Supreme Court authority establishing that proposition.
[28] Factories Act 1948, ss 51 and 54.
[29] Factories Act 1948, ss 51 and 54.
[30] Factories Act 1948, ss 55-56
[31] Factories Act 1948, s 52.

bargaining. Statutory maximums establish a minimum protective standard irrespective of the individual worker's bargaining position. This is particularly relevant in employment relationships where the worker may have limited ability to negotiate working hours or refuse excessive overtime.

The traditional statutory framework was not, however, universal. The Factories Act primarily governed workers falling within the statutory definition of a "factory" and therefore did not provide a single comprehensive working-time regime for every category of worker in India. Other workers were regulated through sector-specific legislation, including the various State Shops and Establishments Acts and other employment-specific laws.[32] The resulting framework was consequently fragmented, with the precise protection available to a worker depending partly upon the nature of the workplace, sector and applicable legislation.

The 2019–2020 Consolidation

India subsequently undertook a major restructuring of its labour-law framework through four labour codes: the Code on Wages 2019, the Industrial Relations Code 2020, the Code on Social Security 2020 and the Occupational Safety, Health and Working Conditions Code 2020 (OSHWC Code). The OSHWC Code is particularly relevant to the present study because it consolidates and replaces a number of occupational safety and working-condition statutes, including the Factories Act 1948.[33]

The transition is significant because the legal analysis can no longer stop with the Factories Act. The OSHWC Code provides for regulation of working hours and overtime within the new consolidated framework. The Ministry of Labour and Employment has stated that the labour codes were brought into effect from 21 November 2025, replacing the previous central labour-law framework covered by the Codes.[34]

The new framework retains important elements of the earlier approach. The OSHWC Code provides for the fixation of a standard working day and working week and contains provisions concerning overtime and payment for work beyond the prescribed working time.[35] The Code therefore continues the basic regulatory principle that working time should be subject to statutory limits rather than left entirely to private agreement.

At the same time, the transition from the Factories Act to the OSHWC Code should not be treated merely as a change in statutory numbering. The Codes seek to create a more consolidated framework covering a broader range of establishments and workers, although the actual scope of coverage depends upon the definitions, thresholds and exclusions contained within the legislation and the rules made under it.[36] For a study concerned with effectiveness, this distinction is critical. A formally consolidated statute does not automatically produce broader practical protection unless workers are actually covered,

[32]Factories Act 1948, s 59.
[33]Code on Wages 2019; Industrial Relations Code 2020; Code on Social Security 2020; Occupational Safety, Health and Working Conditions Code 2020.
[34]Occupational Safety, Health and Working Conditions Code 2020, s 143 and the repeal/savings provisions.
[35]Ministry of Labour & Employment, Government of India, notification/information concerning implementation of the four Labour Codes from 21 November 2025.
[36]Occupational Safety, Health and Working Conditions Code 2020, provisions concerning working hours and overtime.

employers comply with the law, and enforcement institutions have sufficient capacity to detect and remedy violations.

The Enforcement Deficit

The principal difficulty in evaluating India's right to rest is therefore not the complete absence of legal standards. India has historically maintained statutory limits on working hours, daily rest intervals, weekly holidays and overtime compensation, and the current labour-code framework continues to regulate working time.[37] The more difficult question is how far these standards reach workers in practice.

India's labour market contains a very large informal and unorganised sector. Workers outside formal employment relationships may not benefit from the same degree of statutory protection, institutional representation or enforcement mechanisms available to workers in regulated establishments.[38] The problem is particularly significant where employment is casual, temporary, subcontracted or otherwise difficult to monitor. In such circumstances, a worker may have a nominal legal entitlement to rest but limited practical ability to insist upon it without risking loss of employment or income.

The enforcement issue is therefore closely connected with the economic reality of working time. Statutory overtime provisions can provide a financial deterrent against excessive work, but they are effective only where working hours are recorded, violations can be identified and workers can access an effective enforcement mechanism. Similarly, a weekly rest entitlement has limited practical value if workers are unable to take the day off because of economic dependence, informal employment arrangements or inadequate enforcement.

This produces an important distinction between formal protection and substantive enjoyment. The formal framework establishes maximum working hours and minimum periods of rest. Substantive protection requires those rules to operate effectively in workplaces. The existence of legislation therefore cannot by itself establish that the right to rest is being adequately protected.[39]

India consequently presents a useful case for testing the effectiveness of the international right to rest. At the constitutional level, rest and humane working conditions are recognised as elements of social and economic justice. At the statutory level, detailed rules regulate working hours, weekly rest and overtime. Yet significant questions remain concerning the coverage of workers, the fragmentation of regulatory protection, compliance and enforcement. The central issue is therefore not whether India recognises the importance of rest, but whether the legal framework is capable of converting that recognition into a realistic and enforceable entitlement across different categories of workers.

[37]Occupational Safety, Health and Working Conditions Code 2020, definitions and provisions concerning applicability.
[38]Occupational Safety, Health and Working Conditions Code 2020.
[39]ILO, India Employment Report 2024: Youth Employment, Education and Skills (ILO 2024), for the structure of India's labour market and the scale of informal employment.

THE UNITED KINGDOM

Origin and Content

The United Kingdom provides a comparatively detailed statutory framework for regulating working time and periods of rest. The principal instrument is the Working Time Regulations 1998 (WTR), which were introduced to implement the requirements of the EU Working Time Directive. Following the UK's withdrawal from the European Union, the WTR were retained within domestic law, although subsequent legislation has modified certain aspects of the framework.[40]

The WTR establish several distinct forms of protection. First, the average working week is generally limited to 48 hours, calculated over a reference period normally lasting 17 weeks.[41] The use of an averaging mechanism is significant because the rule does not necessarily prevent a worker from working more than 48 hours in an individual week. Instead, compliance is assessed by reference to the average over the applicable reference period. The reference period can also be extended in certain circumstances.[42]

Secondly, workers are generally entitled to a 20-minute uninterrupted rest break where their working day exceeds six hours.[43] The break is intended to provide a minimum period of recovery during the working day, although it does not necessarily have to be paid. Thirdly, workers are generally entitled to 11 consecutive hours of rest between working days.[44] In addition, workers are entitled to either 24 uninterrupted hours of weekly rest in each seven days or 48 uninterrupted hours in each fourteen days, subject to the statutory exceptions.[45]

The WTR also provide an entitlement to paid annual leave. The statutory minimum is 5.6 weeks' paid holiday per year for eligible workers.[46] This is important from a human-rights perspective because annual leave provides a form of rest that operates at a different temporal level from daily and weekly rest. Daily breaks protect workers from continuous work during the day, weekly rest provides recurring periods away from employment, while annual leave provides a longer period of recovery and leisure.

The framework also contains enhanced protections for young workers. Workers under 18 are generally subject to stricter working-time limits, including a maximum of eight hours per day and 40 hours per week.[47] The differentiation between adult and young workers demonstrates that the WTR are not based upon a single uniform conception of working time but incorporate additional protection where particular groups are considered to require it.

The UK framework therefore provides a relatively comprehensive statutory structure covering maximum working time, daily rest, weekly rest and annual leave. However, the existence of detailed statutory rights does not necessarily mean that the right to rest operates as an absolute and non-waivable entitlement.

[40]Working Time Regulations 1998, SI 1998/1833.
[41]Working Time Regulations 1998, SI 1998/1833, reg 4(1).
[42]ibid, reg 6.
[43]ibid, reg 12(1).
[44]ibid, reg 10(1).
[45]ibid, reg 11(1).
[46]ibid, regs 13 and 13A. The current statutory minimum is 5.6 weeks.
[47]Working Time Regulations 1998, SI 1998/1833, regs 5 and 11A.

The Opt-Out and Qualifications to the Working-Time Floor

The most distinctive feature of the UK system is the individual **opt-out from the 48-hour average working week**. An adult worker may voluntarily agree in writing to work more than an average of 48 hours per week.[48] The agreement may be made for a specified period or indefinitely, and the worker can subsequently withdraw from it subject to the applicable notice requirements.[49]

The opt-out creates an important tension within the concept of a statutory maximum. The 48-hour limit operates as the default legal position, but an individual worker can voluntarily remove that particular protection. The UK model therefore combines statutory protection with a significant degree of individual autonomy.

The opt-out does not, however, remove all working-time protections. A worker who has opted out of the 48-hour average limit remains subject to other applicable provisions concerning rest breaks, daily rest, weekly rest and annual leave.[50] The distinction is therefore between waiving the average weekly working-time limit and waiving the entire statutory framework.

The WTR also contain exceptions and special arrangements for particular categories of work. GOV.UK identifies situations involving 24-hour staffing, the armed forces, emergency services, security and surveillance work, domestic service and certain workers whose working time is not measured or predetermined and who exercise significant control over their own decisions.[51] These provisions demonstrate that the protection of rest is affected not only by individual choice but also by the nature of the work itself.

Where workers cannot take their ordinary rest entitlement because of the particular demands of their work, **compensatory rest** may be required in appropriate circumstances.[52] This mechanism attempts to preserve the underlying protective purpose of the legislation while recognising that certain occupations cannot always accommodate rest at the precise time contemplated by the ordinary rule.

The UK system therefore illustrates an important distinction between an absolute prohibition and a regulated entitlement. The law establishes minimum standards, but those standards operate alongside opt-outs, exceptions and compensatory mechanisms. For the purposes of evaluating the effectiveness of the right to rest, these qualifications are important because they determine how much protection workers actually receive in different employment situations.

Post-Brexit Recalibration

Brexit did not immediately remove the Working Time Regulations from the UK legal system. The regulations were retained as part of domestic law, and the basic framework governing maximum working time and rest periods continues to operate.[53] The more significant

[48]ibid, reg 5.
[49]ibid, reg 5(4).
[50]Department for Business and Trade, 'Maximum weekly working hours' (GOV.UK).
[51]Department for Business and Trade, 'Maximum weekly working hours' (GOV.UK).
[52]Working Time Regulations 1998, SI 1998/1833, reg 24.
[53]European Union (Withdrawal) Act 2018, as amended by the Retained EU Law (Revocation and Reform) Act 2023.

changes have concerned particular aspects of record-keeping and holiday entitlement rather than the complete abandonment of the existing working-time framework.

The **Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023** introduced changes that took effect principally from 1 January 2024. These reforms addressed areas including record-keeping requirements, holiday entitlement and holiday pay.[54] The Government also introduced changes concerning irregular-hours and part-year workers and permitted a form of rolled-up holiday pay for those categories of workers, subject to specified conditions.[55]

The post-Brexit reforms are therefore better understood as a **recalibration of particular elements of the working-time regime** rather than a wholesale dismantling of the WTR. The statutory 48-hour average working week, daily rest, weekly rest and basic annual-leave framework remain important elements of UK law.[56]

This distinction matters for the present research because the effectiveness of a right depends partly upon the mechanisms through which compliance can be demonstrated. Record-keeping requirements can assist workers, regulators and tribunals in identifying excessive working time. Changes to those requirements may therefore affect the practical enforcement environment even where the substantive entitlement itself remains unchanged. The relationship between substantive rights and monitoring mechanisms is consequently an important part of evaluating the UK's approach.

Enforcement

The UK framework also differs from a purely administrative model because individual workers have access to employment tribunals for certain breaches of working-time rights. A worker may bring a claim concerning statutory rest-break and working-time entitlements where the relevant legal requirements have not been observed.[57] Workers also have statutory protection against detriment for certain actions connected with asserting working-time rights, and dismissal for exercising specified statutory rights may give rise to an employment claim.[58]

Holiday entitlement is similarly supported through employment-law mechanisms. A worker who is denied the statutory minimum holiday entitlement or appropriate holiday pay may pursue a claim through the employment tribunal system, subject to the applicable procedural requirements and limitation periods.[59]

Enforcement is not exclusively judicial. The Health and Safety Executive (HSE) and local authorities have responsibilities for enforcing aspects of working-time legislation in appropriate circumstances, depending upon the workplace and activity concerned.[60] This creates a mixed enforcement structure in which individual workers, employment tribunals and public enforcement bodies can all play a role.

[54]Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023, SI 2023/1426.
[55]The Government specifically identified reforms to WTR record-keeping, annual leave and holiday pay.
[56]Department for Business and Trade, 'Holiday pay and entitlement reforms from 1 January 2024' (GOV.UK).
[57]Working Time Regulations 1998, SI 1998/1833, reg 30.
[58]Employment Rights Act 1996, ss 44 and 101A.
[59]Employment Rights Act 1996, s 23; Working Time Regulations 1998, SI 1998/1833, reg 30.
[60]Health and Safety Executive, Working Time Regulations (HSE guidance).

The existence of an individual tribunal mechanism is significant because it provides workers with a direct route for asserting particular statutory entitlements. However, access to a remedy does not automatically establish effective protection. Workers may face practical barriers such as lack of awareness, fear of workplace repercussions, evidential difficulties and the costs associated with pursuing a claim. The effectiveness of the UK model must therefore be assessed not only by asking whether a remedy exists, but also by considering whether workers can realistically use it.

Overall, the UK framework demonstrates the strengths and limitations of a detailed statutory approach to the right to rest. The WTR provide identifiable minimum standards covering maximum working time, daily and weekly rest and paid annual leave. At the same time, individual opt-outs, occupational exceptions, compensatory-rest arrangements, and post-Brexit modifications introduce flexibility. The UK therefore provides a useful example of how a formally strong statutory right to rest can coexist with mechanisms that qualify its application. The central question is whether this flexibility preserves the right's protective purpose or creates circumstances where workers may work for periods substantially beyond the statutory default.

JAPAN

The Labour Standards Act

Japan provides a particularly important case for examining the effectiveness of the right to rest because its statutory framework contains relatively clear limits on working time while simultaneously permitting regulated overtime. The principal legislation is the Labour Standards Act (LSA), which establishes the basic legal framework governing working hours, rest periods, holidays and wages.

Article 32 of the LSA establishes the ordinary statutory working-time limits at eight hours per day and forty hours per week.[61] These limits represent the basic legal position, rather than an absolute prohibition on all work beyond those hours. The Act separately provides mechanisms through which overtime and holiday work may be authorised, subject to statutory conditions.

The Act also contains specific protections concerning breaks. Article 34 requires an employer to provide at least 45 minutes of rest where working hours exceed six hours, and at least one hour where working hours exceed eight hours.[62] Article 35 further requires employers to provide at least one day of rest per week, subject to the alternative statutory arrangement of at least four days of rest over four weeks.[63] These provisions create a layered system similar to the international conception of rest: protection operates during the working day, across the working week and through limits on total working time.

Japan also provides statutory compensation for certain forms of additional work. Article 37 requires premium payment for overtime and holiday work, with the applicable rate depending upon the type and amount of additional work.[64] Ordinary statutory overtime attracts a premium of at least 25 per cent, while work exceeding 60 hours of overtime in a

[61]Labour Standards Act 1947 (Japan), art 32.
[62]Labour Standards Act 1947 (Japan), art 34.
[63]Labour Standards Act 1947 (Japan), art 35.
[64] Labour Standards Act 1947 (Japan), art 37.

month attracts a premium of at least 50 per cent. Night work attracts an additional premium of at least 25 per cent.[65] The financial regulation of overtime serves two functions. It compensates workers for additional labour and creates an economic cost for employers that require substantial overtime.

Annual leave provides another component of the Japanese system. Article 39 establishes paid annual leave for workers who satisfy the statutory requirements concerning continuous employment and attendance. A worker who has been continuously employed for six months and has attended at least 80 per cent of the scheduled working days is generally entitled to 10 days of paid annual leave, with the entitlement increasing according to length of service.[66] The annual-leave system therefore recognises that adequate rest cannot be achieved solely through limits on daily and weekly working hours.

The Japanese framework consequently contains most of the basic elements identified within international labour standards: limits on working time, intra-day rest, weekly rest, overtime regulation and paid annual leave. The central difficulty lies in determining how effectively these statutory protections constrain excessive working hours in practice.

The 36 Agreement: A Regulated Exception to the Working-Time Limit

The distinctive feature of the Japanese system is **Article 36 of the Labour Standards Act**, commonly associated with the *36 Agreement* (*saburoku kyōtei*). Where an employer intends to require workers to perform overtime or work on statutory holidays, the employer must conclude an agreement with a labour union representing a majority of workers or, where no such union exists, with a representative of a majority of workers, and submit the agreement to the relevant Labour Standards Inspection Office.[67]

The significance of the 36 Agreement is that it creates a statutory mechanism through which work beyond the ordinary limits of Article 32 can lawfully occur. The basic 40-hour week is therefore not an absolute ceiling. It operates as the ordinary statutory standard, while Article 36 provides a regulated mechanism for extending working time.

The original system was criticised because the pre-reform framework permitted considerable scope for overtime through agreements between employers and workers. The 2018 Work Style Reform legislation attempted to address this problem by placing legally enforceable ceilings on overtime.[68] The reform therefore changed the nature of Article 36 from a mechanism permitting broadly negotiated overtime towards a more structured system in which overtime remains permissible but is subject to statutory upper limits.

The present system establishes a general ceiling of 45 hours of overtime per month and 360 hours per year.[69] Where exceptional circumstances exist and the relevant special provisions are used, additional limits apply. Overtime and holiday work must remain below 100 hours in a single month, the combined overtime and holiday work must remain within an average of 80 hours per month over specified consecutive periods, and total overtime

[65]ibid, art 37.
[66]ibid, art 39.
[67] ibid, art 36.
[68]Act on the Arrangement of Related Acts to Promote Work Style Reform 2018 (Japan), Act No 71 of 2018.
[69]Labour Standards Act 1947 (Japan), art 36(4).

must not exceed 720 hours per year.[70] The 45-hour monthly threshold may also be exceeded only for a limited number of months in a year.[71]

The 36 Agreement therefore represents an important compromise between flexibility and protection. Employers retain the ability to respond to temporary increases in workload, but the law places outer limits on that flexibility. From the perspective of the right to rest, the critical question is whether these limits provide sufficient protection against excessive working time while still allowing employers to manage exceptional circumstances.

The 2018 Work Style Reform

The **Work Style Reform** represented a major change in Japan's approach to excessive working hours. The reform introduced statutory overtime ceilings where the earlier system had relied more heavily on administrative limits and negotiated arrangements.[72] The general ceiling of 45 hours per month and 360 hours per year became the central statutory benchmark, while exceptional circumstances were subjected to additional restrictions.[73]

The reform is particularly important because it recognised that excessive working time could not be addressed merely by requiring employers to pay overtime premiums. Financial compensation does not necessarily prevent excessive work. A worker may receive additional remuneration while still experiencing fatigue, inadequate recovery time and health risks associated with prolonged working hours. The reform therefore shifted part of the regulatory focus from compensation for overtime towards limitation of overtime itself.

The statutory framework also provides for penalties for violations of the overtime limits. The Ministry of Health, Labour and Welfare describes the new overtime ceilings as limits backed by penalties, distinguishing them from purely administrative guidance.[74] This strengthens the formal legal character of the working-time restrictions.

The reform nevertheless contains important qualifications. Certain sectors and occupations have been subject to transitional or special arrangements. In particular, construction work, motor-vehicle driving and medical services have been subject to specific rules concerning the application of overtime limits, with important changes taking effect from April 2024.[75] These sector-specific arrangements demonstrate that the effectiveness of a general working-time ceiling may depend upon the particular occupational context in which it is applied.

Karoshi and the Karoshi Prevention Act

Japan's approach to excessive working time is particularly significant because Japanese law explicitly recognises death and injury from overwork, commonly associated with the

[70]ibid, art 36(5)-(6).
[71]ibid, art 36(5).
[72]Ministry of Health, Labour and Welfare, 'Outline of the Act on the Arrangement of Related Acts to Promote Work Style Reform' (2018).
[73]Labour Standards Act 1947 (Japan), art 36(4)-(6).
[74]Ministry of Health, Labour and Welfare, 'Measures for Working Hours'.
[75]Ministry of Health, Labour and Welfare, 'Regulations on Upper Limits for Overtime Work for Construction, Drivers and Doctors'.

term *karoshi*. The Act Promoting Measures to Prevent Death and Injury from Overwork 2014 states that death and injury from overwork had become a significant social concern and establishes a national framework for research, information gathering and preventive measures.[76]

Article 2 defines "death and injury from overwork" to include death caused by cerebrovascular or heart disease resulting from work overload, as well as death by suicide associated with work-induced mental disorders and the underlying diseases and disorders themselves.[77] The legislation requires the government to undertake research, collect information and report annually to the Diet on measures concerning death and injury from overwork.[78] It also provides for the formulation of a national outline setting out measures for prevention.

The significance of the Act extends beyond its specific preventive mechanisms. It demonstrates that excessive working time is treated in Japan not merely as a contractual or labour-law issue but as a broader public-health and social-policy concern. This strengthens the connection between working-time regulation and the human-rights rationale underlying the right to rest.

At the same time, the existence of the Karoshi Prevention Act does not itself demonstrate that excessive work has been eliminated. Rather, it provides evidence that the Japanese legal system recognises overwork as a distinct social harm requiring governmental intervention. The effectiveness question therefore remains one of implementation: whether working-time limits, workplace practices, health protections and enforcement mechanisms collectively reduce exposure to excessive work.

The Missing Right to Disconnect

A further limitation concerns the boundary between working time and personal time. Japanese law regulates working hours, rest periods and overtime, but it does not establish a general statutory right to disconnect comparable to a distinct legal entitlement requiring employers to respect workers' availability outside working hours.

This issue has become increasingly significant with digital communication and flexible working arrangements. Email, messaging applications and remote-access systems can make it possible for work-related demands to continue beyond the formally recorded working day. The existence of statutory rest periods therefore does not necessarily guarantee that workers experience a complete separation from work.

Japanese policy has addressed aspects of this issue through guidance and encouragement of workplace measures, but this should not be confused with the existence of a comprehensive statutory right to disconnect. The absence of such a standalone right creates an additional question for evaluating substantive rest: whether a worker is genuinely free from work-related obligations during legally protected periods of rest.

[76]Act Promoting Measures to Prevent Death and Injury from Overwork 2014 (Japan), Act No 100 of 2014, art 1.
[77]ibid, art 2.
[78]ibid, arts 6-10.

Enforcement

Enforcement of Japan's working-time legislation is primarily associated with the Labour Standards Inspection Office, which operates within the administrative structure responsible for enforcing labour standards. The enforcement framework is significant because violations of statutory working-time requirements can attract criminal sanctions, giving the Japanese system a stronger formal public-law component than a model relying exclusively on individual civil claims.[79]

However, criminal sanctions do not automatically guarantee effective protection. Enforcement depends upon detection of violations, workplace inspections, accurate recording of working time and workers' willingness and ability to report unlawful practices. The Ministry of Health, Labour and Welfare continues to operate inspection and guidance mechanisms concerning excessive working hours and the appropriate management of working time.[80]

Japan thus offers a more complicated case. It has statutes containing definite restrictions on regular working hours, mandatory rests, holiday weekends, extra pay, and vacation days. The 2018 amendments then made such ceilings on overworking a compulsory requirement, while the Karoshi Prevention Act acknowledged the adverse effects of overworking both on the overall health of an employee and society in general. Nonetheless, the ongoing significance of overwork in regulation indicates that legal and practical enjoyment of rest differ.

Japan is especially valuable for comparison purposes precisely due to the fact that it proves the difference between the strength of law and its practical efficiency. The country could have very comprehensive laws along with criminal penalties for breaking them but still require further steps to deal with cases of excessive labour. This means that the efficiency of the right to rest cannot depend only on legislative restrictions but also on their implementation and ability to change the practices within the workplace.

COMPARATIVE ANALYSIS

Dimension	India	United Kingdom	Japan
Human-rights framing	Constitutional (DPSP, Arts 42–43), non-justiciable	Statutory health-and-safety floor; retained EU law	Statutory regulation; *karoshi* recognised by dedicated Act
Weekly hours	48 (Factories Act s. 51; Codes)	48 average over 17 weeks	40
Daily hours	9 (Factories Act s. 54)	No general daily cap (11h rest rule)	8
Rest breaks	30 min after 5 h (s. 55)	20 min after 6 h	45 min > 6 h; 60 min > 8 h
Weekly rest	One full day; <= 10 consecutive days (s. 52)	24 h/7 days or 48 h/14 days	>= 1 day/week (or 4/4 weeks)
Paid annual leave	Per Wages Code / state Acts	5.6 weeks	10 days at 6 months (rising with service)
Overtime premium	2x ordinary rate	Not fixed by WTR (contractual)	25–50%; >=50% beyond 60 h/month
Flexibility mechanism	Informal-sector gap; sectoral exemptions	Individual 48-hour opt-out; sectoral exemptions	36 Agreement filed with authorities

[79]Labour Standards Act 1947 (Japan), relevant penalty provisions, including art 119.
[80]Ministry of Health, Labour and Welfare, 'Working Hours and Holidays.

Dimension	India	United Kingdom	Japan
Absolute ceiling	None criminally enforced	Opt-out removes the ceiling	45 h/month, 360 h/year (2019 reform)
Enforcement	Inspectors; low coverage of informal economy	Employment tribunal claims; HSE/local authority	Labour Standards Inspection Office; criminal penalty
Right to disconnect	None	None (EU debate external)	None; bill shelved
Distinctive strength	Constitutional recognition of leisure	Court-accessible individual remedies	Named harm (*karoshi*) + criminal sanction
Distinctive weakness	Coverage gap (informality)	Waivable floor (opt-out)	Cultural non-compliance (36 Agreement abuse)

RECOMMENDATIONS

Indeed, as seen through the comparative analysis, effective protection of the right to rest is more than merely setting formal working hour limits. A legal system should also take into account factors hampering workers from enjoying the period of rest. The following proposals are made based on these findings.

Recognise Statutory Right to Disconnect

Countries of consideration may consider recognition of a statutory right to disconnect which prohibits workers from being subject to unreasonable expectations that workers will reply to work-related communication outside regular working hours. The right to disconnect should include a prohibition against adverse treatment or disciplinary action taken by an employer because of a refusal to engage in any kind of communication during the period of rest. This approach would enhance the connection between the regulation of working time and the enjoyment of the period of rest, especially at places where communication through the Internet has blurred the line between working time and private time.

Add Health-Based Standards to Numerical Limits

Working-hour limits cannot be considered as the only benchmark of protection. As seen in the case of Japan, this happens because the issue of working time may be caused not only by its volume but also by intensity, lack of recovery periods and pressure at the workplace. Therefore, it is necessary that, apart from labour limits, labour regulation includes health-based evaluation. It would mean the obligation for employers to identify the issues of excessive workload, recovery time and other organisational factors that can negatively affect the physical and psychological well-being of workers.

Ensure Better Safeguards for Flexibility Mechanisms

Flexibility mechanisms like working-time opt-outs and negotiated overtime are legitimate tools of management; however, it may not contradict the protective purpose of working time legislation. Workers should not be forced to agree to terms that undermine the statutory right. Consent of the workers should be voluntary. Moreover, it should be the case that workers will not have any obstacles in leaving the flexible mechanism. Regular revision and monitoring are also important for that purpose.

Extend Protection to Indian Informal Sector

The protection of the right to rest should cover not only the formal sector workers but also informal workers. A gradual extension of rest-related entitlements could therefore be linked to existing digital wage, employment and social-security systems. Portable entitlements could help workers retain protection when they move between employers or forms of employment. Such a framework would also need to account for the practical realities of informal work rather than simply reproducing the regulatory model applicable to formal establishments.

Strengthen Record-keeping and Monitoring in the UK

Effective enforcement depends upon reliable evidence of working time. The UK should therefore maintain strong employer record-keeping requirements capable of demonstrating actual working hours, rest periods and overtime. Better records would assist workers, tribunals and enforcement authorities in identifying breaches of working-time protections. Record-keeping should be understood not merely as an administrative requirement but as an essential component of making substantive working-time rights enforceable.

Strengthen the Justiciability of Rest in India

Indian constitutional law could give greater practical significance to the relationship between the right to life and personal liberty under Article 21 and the Directive Principles concerning humane working conditions and leisure under Articles 42 and 43. This would not necessarily require the creation of an unlimited constitutional right to rest. Rather, courts could use these provisions together when examining situations involving extreme working hours, denial of legally protected rest or working conditions that seriously undermine dignity and personal well-being. Such an approach could strengthen the constitutional dimension of labour protection while respecting the existing distinction between Fundamental Rights and Directive Principles.

Overall, the reforms proposed above seek to move the right to rest from a largely hours-based concept towards a broader framework based on recovery, health, dignity, enforceability and genuine freedom from work during protected periods of rest.

CONCLUSION

The right to rest is a recognised human-rights principle, but its practical value depends heavily on the details of domestic labour law. India, the UK and Japan demonstrate three different approaches to protecting working time and rest. India provides constitutional recognition through the principles of humane working conditions and leisure, supported by statutory working-time protections. The UK provides a relatively detailed regulatory framework governing working hours, daily and weekly rest and paid annual leave, while also allowing certain forms of flexibility. Japan combines detailed statutory limits with a specific regulatory response to excessive overtime and the social problem associated with *karoshi*.

The comparison nevertheless shows that formal recognition does not automatically translate into effective enjoyment of rest. While there is a legal limit, it does not mean that

workers do not still suffer from excessive workload, workplace pressure, insufficient recovery time, or problems in exercising their rights. In other words, the issue is not only about recognition of the right to rest by the legal system but also about the possibility to enjoy this right without any fear of any economic or professional consequences. The comparative study also reveals that different legal systems face different enforcement issues. India faces the issue of coverage related to informal workers. The UK shows the importance of proper monitoring and keeping records in the context of the regulatory model, with some flexibility allowed. Japan reveals the problem of adequacy of statutory working time limits in relation to the issue of excessive work intensity and overwork.

Thus, the future development of the right to rest should go beyond the question of the number of working hours. Proper protection should include not only proper recovery time both daily and weekly, protection against excessive work intensity, reliable records, remedies, and increasingly protection from work-related communications outside working hours. The right to rest can be considered real only in case when workers can really exercise it. Thus, the main comparative lesson is that recognition is just the first step in the process of protection; enforceability and monitoring are crucial, and, most importantly, it is necessary that workers can really be able to disengage from work. India, the UK, and Japan each provide different legal instruments to protect rest, but their experience proves that the existence of the statutory or constitutional norm does not ensure its enjoyment. The right to rest should be regarded not only as a restriction on working time but also as a condition of health, dignity, work-life balance and labour rights enjoyment.

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