

## **Abstract**

This diploma thesis deals with the topic of an employee's duty of confidentiality in a basic labour relationship. It seeks to find an answer to the question of whether there is some kind of a "general" employee's duty of confidentiality of certain facts, to which all the employees must oblige. The Czech Labour Code does not explicitly define this duty. If a general duty does not exist, it would have to be stipulated contractually. This diploma thesis is divided into four parts. The first part pays attention to the duty of confidentiality as such. It focuses on its content because it is essential to clarify what the "duty of confidentiality" means. Definitions of the duty of confidentiality created by different expert literature authors are covered in this part including the definition created by the author of this thesis. The second part represents the core of this diploma thesis since it deals with an employee's duty of confidentiality as it is stipulated by the Labour Code. The author addresses the so-called "special" duties of confidentiality which are explicitly stated in the Labour Code for certain groups of employees. Moreover, this part examines the general duty of confidentiality applicable to all employees who carry out work based on a concluded basic labour relationship. An employee's duty of loyalty is also explored in this part since it is closely connected to the duty of confidentiality. In the third part, the author analyses selected court rulings which relate to an employee's duty of confidentiality and the duty of loyalty. The collision of the two duties with an employee's right to the freedom of speech guaranteed by article 17 of the Charter of Fundamental Rights and Freedoms is analysed in this part as well. The fourth part looks into the topic of contractual layout of an employee's duty of confidentiality. It specifically focuses on several limitations of the autonomy of will which the contracting parties should take into account. The author also discusses some contractual provisions of an employee's duty of confidentiality which may be encountered in practice concerning an employer's trade secret and an employee's wage amount. In the conclusion of this diploma thesis, the author summarizes her opinion of the existence of general employee's duty of confidentiality and, at the same time, she introduces a proposal for potential and explicit enshrining of this duty in the Labour Code.