

# **Labour Law Aspects of Employee's Monitoring through a Camera System**

## **Abstract**

The diploma thesis deals with the legal regulation of camera systems (CCTVs) used by employers to control their employees. This topic is often discussed at the level of both professional and lay public. Nevertheless, the issue of the legitimate operation of CCTVs poses considerable difficulties for employers in practice, which can be deduced from the results of inspections made by supervisory authorities, who still find failures in this area.

The objective of this work is to discuss the issue of CCTVs used to control employees at the employer's workplaces and beyond. Within this objective, three sub-objectives are defined.

The first one is to define the legal regulations relating to the operation of CCTVs, including the conditions under which these regulations apply and the obligations that arise from these regulations to employers. In connection with this objective, the first chapter first introduces the concept of CCTVs and the sources of their legislation. In the second chapter, attention is focused on the conditions under which the CCTV is subject to the Civil Code, the Labour Code and/or the GDPR. In the third chapter, the thesis deals with specific obligations that arise from these regulations to employers.

CCTVs in the form of webcams are a possible means of controlling employees working remotely. Therefore, another objective of this thesis is to explore the possibilities of using webcams in the work facilities of employees working remotely for their control by the employer. For this purpose, in the fourth chapter of this thesis, a proportionality test is performed considering the possibility of intrusion into the privacy of the employee in order to control the fulfilment of working duties and obligations in the field of safety and health at work.

Furthermore, the thesis deals with selected problematic aspects of the employer's liability for breach of obligations arising from legislation. The objective of the thesis in this area is to examine the overlap of competencies of the Office for Personal Data Protection and the Labour Inspection Authorities, especially with respect to possible violations of the principle of *ne bis in idem*, and to deal with the issue of compensation for non-pecuniary damage under the Civil Code in comparison with damages under the GDPR. The last chapter of this thesis deals with these issues.

## **Key words:**

Control of employees, camera system (CCTV), employee's privacy protection, proportionality test