

Employee's duty of confidentiality regarding salary

Abstract

The diploma thesis focuses on the analysis of the employee's duty of confidentiality regarding salary, both from the perspective of the current legal framework and in light of the development of European legislation and its transposition into the Czech legislation. The author analyses the legal framework of employee confidentiality and evaluates the legitimacy of employers' demands for its observance, particularly with regard to salary-related information. The thesis is thematically divided into four chapters.

The first chapter briefly introduces the fundamental terms closely related to the topic of the thesis. Specifically, it addresses the following terms: confidentiality, basic duties of the employee, and salary.

The second chapter examines the general duty of confidentiality of employees alongside the explicit duty of confidentiality imposed on certain specific categories of employees. The author focuses in particular on the question of whether a general duty of confidentiality can be derived from the employee's duty of loyalty. Thus, the author focuses on the obligation of the employee not to act against the legitimate interests of the employer, as imposed by the Labour Code.

In the third chapter, the author analyses the employee's duty of confidentiality regarding their salary. In practice, this duty is often stipulated in employment contracts, non-disclosure agreements, or internal regulations issued by the employer. The analysis is primarily focused on the legitimacy of salary confidentiality clauses, which prohibit employees from sharing information about their own salary with other employees or, additionally, with third parties, and on the potential interference of such clauses with fundamental principles of labour law and the rights of the employee.

The fourth chapter discusses pay transparency and its legal regulation. It concentrates particularly on selected provisions of the new Pay Transparency Directive that relate to the prohibition of salary confidentiality clauses and also presents the method and implications of their transposition into the Czech legislation.