

Social Media and Labour Law

Abstract

This diploma thesis deals with the relatively new social phenomenon of social networks and its influence on various labour law institutes. The main aim of the work is to map out the most striking disputes that were judged both in the Czech Republic and in the world at national level, or at European level by European Court for Human Rights and Court of Justice of the European Union. I analysed their course, solution, justification, and pointed out the possible contradiction between them and add my point of view of the issue and the legal regulation and its shortcomings.

For the sake of clarity and systematicity, I have structured the text into two parts. In the first part, I focused on introducing the topic in which I mentioned the overlapping of the issue into constitutional law and the issue of conflict of two or more constitutional rights. Very often, in a legal dispute, we encounter a conflict of employee's right to freedom of speech and privacy and the rights of an employer to protect property. In this chapter, I also worked out the specifics of labour law disputes, as the disputes are crucial for the rest of this thesis.

In the second part I deal with individual aspects of the influence of social networks on labour law institutes. This crucial area of work was divided into three sub-chapters, according to the period of the problematic situation, depending on the stage of the employment relationship – before the employment relationship, during the employment relationship and after its termination.

The main elements of this work include the detection of information on both the employee and the employer, the publication of contributions on social networks commenting on the workplace in various ways, the use of social networks during working hours, and possibly damage to the reputation of the employer by contribution (whether true or false information) describing the employer's internal circumstances.

At the end of the thesis I summarize my knowledge gained from the writing of this thesis and draw attention to the potential shortcomings of the current legal regulation.