

Monitoring of employees

Abstract

The theme of this diploma thesis is, as the title suggests, the monitoring of employees. With the continuous development and progress of technologies and their increasing availability, the privacy of citizens is becoming increasingly more endangered. Even more concerning is the privacy of employees in the workplace, where an employer has inexhaustible possibilities to monitor activity at work - and sometimes outside of the workplace as well. On the other hand, the intention of the employer to protect its assets and the financial means invested in the operation of its business is appreciable and in some ways necessary to align with the employer's obligations to their shareholders.

Therefore, the chosen subject brings to the surface the conflict of two equal rights, as the right to protection of privacy collides with the right of protection of property. For this reason, the whole thesis takes into account both the labour law regulations and the regulations on the protection of personal data - since personal data of employees can be threatened by monitoring. With regard to the fact, that Regulation (EU) 2016/679 comes into effect soon, it is briefly mentioned in the relevant parts, especially when assessing whether it will impact the legal interpretation in the future or not.

The thesis is divided into six chapters, including the introduction and conclusion. The introductory chapter describes the scope of the subject and how the inherent tension between rights manifests itself. The second chapter is devoted to both the international and Czech legal frameworks on the protection of privacy, and then the further privacy of employees. The third chapter introduces (with the same approach) the general legal regulation on the protection of property, and then further the protection of employers' assets.

The fourth chapter is dedicated to the monitoring of employees itself. Firstly, the various forms of monitoring are discussed, followed by statutory reasons for legal monitoring. It will then address the relevant obligations and limitations the employer has to observe and respect when monitoring its employees, as well as investigating the specific selected monitoring methods seen. Here, the work closely analyses the courts' decisions,

since particular decisions demonstrate best which forms of monitoring might be still deemed legal and which are not. Included are decisions of the Czech courts and decisions of the European Court of Human Rights as well.

The fifth chapter aims to briefly introduce the reader to the subject through the legislation of the United Kingdom and subsequently draws attention to interesting differences when compared with Czech legislation. Of course, British case law is mentioned and discussed in this chapter as well.

The aim of the thesis is to summarize the relevant legal frameworks and legislation, and to explore the limits of legitimate and legal monitoring of employees.

Key words: monitoring of employees, protection of privacy, employer's assets