

A monitoring toward employees and the legal responsibility of employers

SUMMARY

Technological progress visible also within the area of electronics is increasingly influencing the availability of monitoring devices. Therefore, there is a significant problem of legal regulations referring to the acceptability of eavesdropping employees by employers. The article also identifies legal consequences of the above-mentioned actions within the context of labour law, civil law, constitutional law and law of the EU. Contrary to the understanding of what monitoring is, it does not only cover the question of closed-circuit television (CCTV), but it also refers to control of billings and e-mails, history of website search engines, geolocation of company cars and even tapping telephone lines.

The article presents vital regulations on the use of monitoring against the subordinates. The following applicable provisions were analyzed: the Constitution of the Republic of Poland (right to privacy, confidentiality of correspondence), the Civil Code (protection of personal interests), the Labour Code (worker's dignity), the Criminal Code (unlawful access to information) and the Personal Data Protection Act, as well as the acts of international and EU law. With reference to the above-mentioned acts, the standpoint of jurisprudence and judicature was depicted as well. In the conclusion, the author proposed *de lege ferenda* postulates of a comprehensive and standardised settlement of the issue in question regarding the labour law system because of a specificity of the employment relationship and in order to prevent from the abuses both on the side of the employees and employers.

KEYWORDS: monitoring, personal interests, employer, right to privacy, confidentiality of correspondence