

# **Employee Monitoring in the Light of the Convention for the Protection of Human Rights and Fundamental Freedoms**

## **Abstract**

The aim of this thesis is to map the issue of employee monitoring, in particular from the perspective of the Convention for the Protection of Human Rights and Fundamental Freedoms as well as the jurisprudence of the European Court of Human Rights, in order to establish the basic rules that must be observed both by the employer monitoring its employees and by the State, both as a legislator and as a representative of the judiciary in a given territory, or also from the position of the employer. To this end, the basic international law mechanisms of both universal and regional character are first introduced, as well as the European law norms fundamental for the European continent, relating to the field of employee monitoring. The key part of this thesis is devoted to the Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 8, which enshrines the right to respect for private and family life, home and correspondence, and the related jurisprudence of the European Court of Human Rights, which has laid down fundamental rules for the application of this provision in cases of employee monitoring. At the same time, the evolution of the interpretation of individual concepts is pointed out, which makes it possible to apply the above provision even in the current rapid development of modern technologies and monitoring means. In view of the fact that the decisions of the European Court of Human Rights are also reflected in national legislation, the legal regulation of employee monitoring in the Czech and Slovak legal systems is presented, followed by a comparison of their similarities and differences that national legislation may contain within the framework of the Convention for the Protection of Human Rights and Fundamental Freedoms. With regard to the COVID-19 pandemic, which has brought another perspective on the protection of the rights of employees and employers, the issue of monitoring employees during this period is not omitted. The thesis then concludes by summarizing the knowledge gained in the area of employee monitoring, outlining the rules that States must follow in the development of national employee monitoring standards, as well as in the adjudication of national courts, while also providing a summary of the basic rules that must be followed by employers in monitoring employees.

**Key words: Monitoring of employees, Convention for the Protection of Human Rights and Fundamental Freedoms, European Court of Human Rights**