

Mexico City – 2016
FOURTH STUDY COMMISSION
« Social networks and labour relations »

Preamble

The workplace is part of the public sphere which includes the right to privacy.

It is generally considered appropriate to balance between the worker's interest to the protection of his privacy and the competing interests of the employer and the society to disclosure of information and to preventive surveillance of workers. These competing interests are most often dictated by security and productivity concerns.

The technological innovations facilitate the employer's control over the worker's activities in the workplace and thus increase the risk of conflict between the interests of the enterprise and the worker's right to privacy. The border that separates professional life from privacy is therefore very fragile and it reveals that the two spheres (private and public) are not perfectly sealed anymore.

Therefore, the purpose of this study is the protection of privacy that a worker can expect both with regard to his future employer (recruitment phase) or his employer (during his employment period), when information about him circulate on social networks (Facebook, LinkedIn, etc ...) or on blogs depending on:

- whether the worker is circulating this information by himself or it is done by third parties;
- whether there is a direct and free access to the information (« open profile ») or not (« closed profile »);
- whether we are talking about collecting information or using this information;
- the fact that the gathering and use of information is done by the employer or the information is collected by a third party and then made available to the employer who will use it.

* * *

Questions

- [1] Does your country have laws or regulations that protect the confidentiality of electronic communications?**

- [2] If so, are these provisions applicable when the information are collected on social networks or blogs?**
- [3] If so, are these provisions protecting the information collected or used by an employer:**
- **during the recruitment phase?**
 - **In the course of the employment for disciplinary reasons or others?**
- [4] Are the employees allowed to use social networks during working hours? If so, in which way?**
- [5] Can the employer monitor the use of social networks by his employees during working hours? Outside of the working hours?**

*** * ***