

CONCLUSIONS OF THE 4TH COMMISSION

The Commission concludes

1) In the work relationship, which is characterized by legal subordination of the employee vis-a-vis the employer, the rights to protection of privacy and freedom of expression are not absolute.

2) During and outside working hours, the employee is required to comply with his duty of loyalty, discretion and confidentiality with regard to his employer.

Therefore, in case of posting on social networks of inappropriate information touching on the reputation of an employer or information constituting bullying or psychological harassment of another worker, the employee who has publicised the information cannot invoke the protection of his private life or his freedom of expression to avoid disciplinary sanctions.

3) Moreover, it is on the employer who wishes to avoid improper use of its Internet network by its workers to first establish clear and unequivocal guidelines on the use of its network. The employer should inform its workers, at the time of hiring, of the existence of these guidelines.

4) The employee should be aware of the risks of disseminating private information via social networks, to ensure the protection of his privacy when using social networks (1) by adjusting the conditions of confidentiality to access his accounts and (2) by understanding the risks involved when a large number of people have access to his sites.

Topic for next year : Flexible and emerging relationship